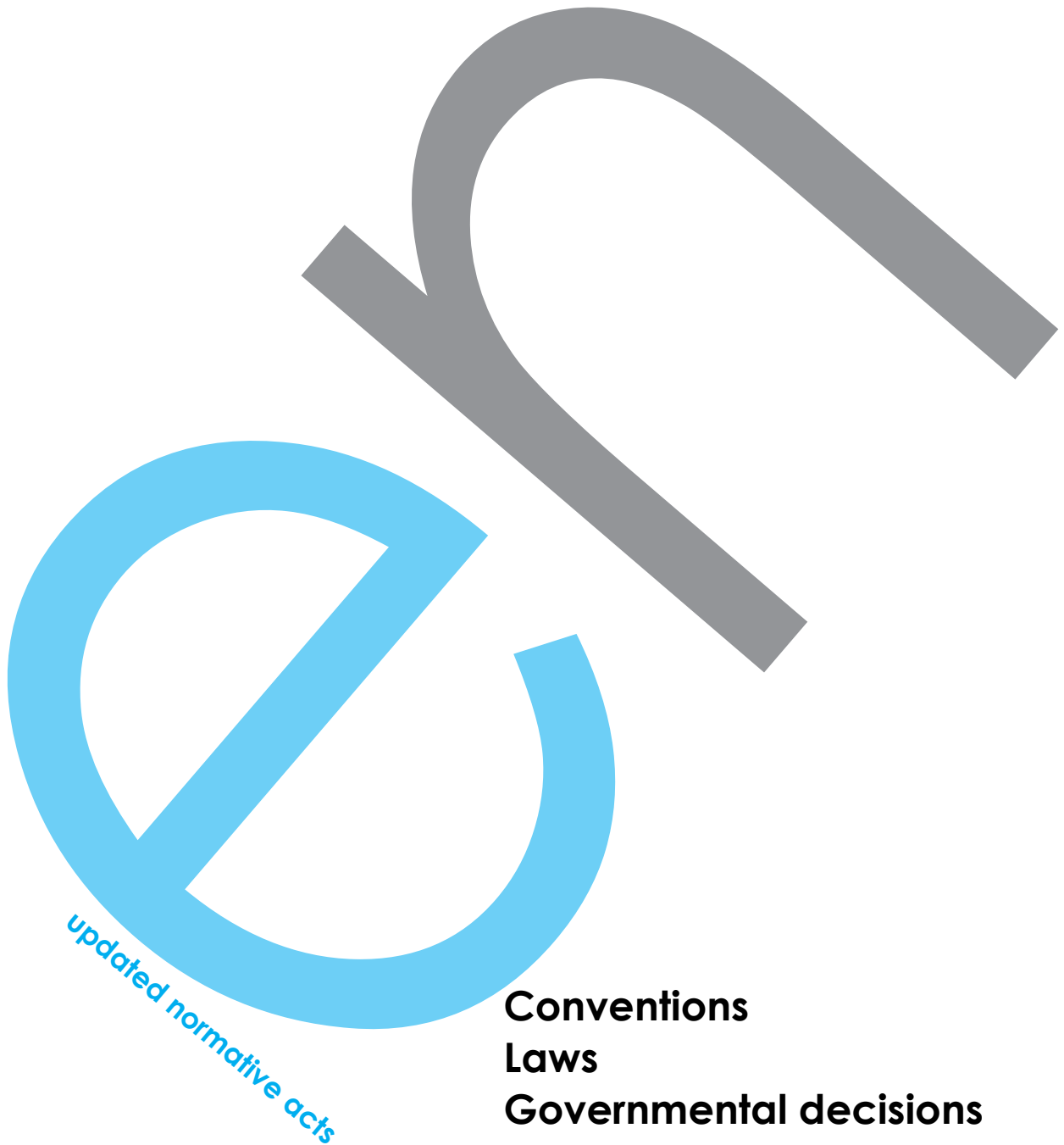


CONVENTIONS
LAWS
GOVERNMENTAL DECISIONS

Trafficking in human beings and gender equality in Moldova: updated normative acts

**Traficul de ființe umane și egalitatea genurilor
în Moldova: acte normative actualizate**

Trafficking in human beings and gender equality in Moldova:



Conventions
Laws
Governmental decisions

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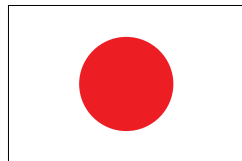
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Schweizerische Eidgenossenschaft
Confederation suisse
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Confederaziun svizra

**Swiss Agency for Development
and Cooperation SDC**

The published text includes amendments introduced until 31 December 2010.



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FOREWORD

Many studies have shown how concrete improvements in achieving gender equality in the public and private life of a country contribute to a faster and more sustainable economic and democratic development. Although domestic violence and human trafficking affect both men and women and all sectors of society, regardless of sex, age, ethnic or religious affiliation, they disproportionately affect women in Moldova. One fourth of Moldovan women are victims of domestic violence; 80 to 90% of these victims end up being trafficked, mostly for sexual exploitation. Both phenomena are recognized as criminal offences in domestic and international law.

In Moldova, the rights to life, physical and mental integrity, the freedom from torture or cruel, inhuman or degrading punishment or treatment, and other rights and obligations are guaranteed by the Constitution and other laws, including on combating trafficking, family violence, and the protection of victims and witnesses.

The Helsinki Final Act of 1975, the founding document of the OSCE (at the time the *Conference on Security and Co-operation in Europe*, or CSCE), was the first international document that recognized the protection of human rights as a matter of international concern. Human rights are the centerpiece of the OSCE comprehensive concept of security, which means that there cannot be security without respect for human rights and fundamental freedoms. The OSCE work in this area includes activities on anti-trafficking, democratization, elections, gender equality, media freedom, minority rights, rule of law and tolerance and non-discrimination.

As an OSCE participating State, in the field of anti-trafficking and gender equality Moldova is bound by many official documents, in particular the OSCE Permanent Council Decision 557 on the OSCE Action Plan To Combat Trafficking In Human Beings, the OSCE Ministerial Council Decision 14/04 on the OSCE Action Plan for the Promotion of Gender Equality, the Ministerial Council Decision 14/05 on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation, and the Ministerial Council Decision 15/05 on Preventing and Combating Violence Against women. These documents underscore that human trafficking is a threat to security, which cannot be ensured without achieving gender equality and respecting women's rights.

The OSCE has focused its work on best practices on the prevention, prosecution and protection aspects of trafficking and violence against women. Increasing focus is being devoted to effective investigation and prosecution, the safe and voluntary return of and compensation to victims of trafficking, and the role of men and boys in preventing and combating gender-based violence*.

Since 2008, the OSCE Mission to Moldova has supported the publication of a compilation of international documents and domestic normative acts on anti-trafficking, gender equality and domestic violence. The present compilation updates the previous ones with the laws and governmental decisions adopted until 31 December 2010. The Mission hopes that a broader availability and use of this publication will help further implement existing laws and improve the situation of those who seek justice.

Eugenia Benigni

Anti-Trafficking and Gender Officer

OSCE Mission to Moldova

Chişinău 2011

* **Useful OSCE websites (contain publications and documents on anti-trafficking and gender):** www.osce.org/ c.thb; www.osce.org/gender; www.osce.org/odihr; www.legislationline.org (the latter contains legislation and OSCE/ODIHR legal opinions on human rights laws of OSCE participating States.)

1. COUNCIL OF EUROPE CONVENTION

on Action against Trafficking in Human Beings

Preamble

The member States of the Council of Europe and the other Signatories hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering that trafficking in human beings constitutes a violation of human rights and an offence to the dignity and the integrity of the human being;

Considering that trafficking in human beings may result in slavery for victims;

Considering that respect for victims' rights, protection of victims and action to combat trafficking in human beings must be the paramount objectives;

Considering that all actions or initiatives against trafficking in human beings must be non-discriminatory, take gender equality into account as well as a child-rights approach;

Recalling the declarations by the Ministers for Foreign Affairs of the Member States at the 112th (14-15 May 2003) and the 114th (12-13 May 2004) Sessions of the Committee of Ministers calling for reinforced action by the Council of Europe on trafficking in human beings;

Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and its protocols;

Bearing in mind the following recommendations of the Committee of Ministers to member states of the Council of Europe: Recommendation No. R (91) 11 on sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults; Recommendation No. R (97) 13 concerning intimidation of witnesses and the rights of the defence; Recommendation No. R (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation and Recommendation Rec (2001) 16 on the protection of children against sexual exploitation; Recommendation Rec (2002) 5 on the protection of women against violence;

Bearing in mind the following recommendations of the Parliamentary Assembly of the Council of Europe: Recommendation 1325 (1997) on traffic in women and forced prostitution in Council of Europe member states; Recommendation 1450 (2000) on violence against women in Europe; Recommendation 1545 (2002) on a campaign against trafficking in women; Recommendation 1610 (2003) on migration connected with trafficking in women and prostitution; Recommendation 1611 (2003) on trafficking in organs in Europe; Recommendation 1663 (2004) Domestic slavery: servitude, au pairs and mail-order brides;

Bearing in mind the European Union Council Framework Decision of 19 July 2002 on combating trafficking in human beings, the European Union Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings and the European Union Council Directive of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;

Taking due account of the United Nations Convention against Transnational Organized Crime and the Protocol thereto to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children with a view to improving the protection which they afford and developing the standards established by them;

Taking due account of the other international legal instruments relevant in the field of action against trafficking in human beings;

Taking into account the need to prepare a comprehensive international legal instrument focusing on the human rights of victims of trafficking and setting up a specific monitoring mechanism,

Have agreed as follows:

Chapter I

PURPOSES, SCOPE, NON-DISCRIMINATION PRINCIPLE AND DEFINITIONS

Article 1. Purposes of the Convention

1. The purposes of this Convention are:
 - a. to prevent and combat trafficking in human beings, while guaranteeing gender equality;
 - b. to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
 - c. to promote international cooperation on action against trafficking in human beings.
2. In order to ensure effective implementation of its provisions by the Parties, this Convention sets up a specific monitoring mechanism.

Article 2. Scope

This Convention shall apply to all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime.

Article 3. Non-discrimination principle

The implementation of the provisions of this Convention by Parties, in particular the enjoyment of measures to protect and promote the rights of victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 4. Definitions

For the purposes of this Convention:

- a. "Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b. The consent of a victim of "trafficking in human beings" to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d. "Child" shall mean any person under eighteen years of age;
- e. "Victim" shall mean any natural person who is subject to trafficking in human beings as defined in this article.

Chapter II

PREVENTION, CO-OPERATION AND OTHER MEASURES

Article 5. Prevention of trafficking in human beings

1. Each Party shall take measures to establish or strengthen national co-ordination between the various bodies responsible for preventing and combating trafficking in human beings.
2. Each Party shall establish and/or strengthen effective policies and programmes to prevent trafficking in human beings, by such means as: research, information, awareness raising and education campaigns, social and economic initiatives and training programmes, in particular for persons vulnerable to trafficking and for professionals concerned with trafficking in human beings.
3. Each Party shall promote a Human Rights-based approach and shall use gender mainstreaming and a child-sensitive approach in the development, implementation and assessment of all the policies and programmes referred to in paragraph 2.

4. Each Party shall take appropriate measures, as may be necessary, to enable migration to take place legally, in particular through dissemination of accurate information by relevant offices, on the conditions enabling the legal entry in and stay on its territory.

5. Each Party shall take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them.

6. Measures established in accordance with this article shall involve, where appropriate, non-governmental organisations, other relevant organisations and other elements of civil society committed to the prevention of trafficking in human beings and victim protection or assistance.

Article 6. Measures to discourage the demand

To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures including:

- a. research on best practices, methods and strategies;
- b. raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings;
- c. target information campaigns involving, as appropriate, *inter alia*, public authorities and policy makers;
- d. preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.

Article 7. Border measures

1. Without prejudice to international commitments in relation to the free movement of persons, Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in human beings.

2. Each Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with this Convention.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each Party shall take the necessary measures, in accordance with its internal law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each Party shall adopt such legislative or other measures as may be necessary to permit, in accordance with its internal law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Convention.

6. Parties shall strengthen co-operation among border control agencies by, *inter alia*, establishing and maintaining direct channels of communication.

Article 8. Security and control of documents

Each Party shall adopt such measures as may be necessary:

- a. To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and
- b. To ensure the integrity and security of travel or identity documents issued by or on behalf of the Party and to prevent their unlawful creation and issuance.

Article 9. Legitimacy and validity of documents

At the request of another Party, a Party shall, in accordance with its internal law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in human beings.

Chapter III

MEASURES TO PROTECT AND PROMOTE THE RIGHTS OF VICTIMS, GUARANTEEING GENDER EQUALITY

Article 10. Identification of the victims

1. Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention.

2. Each Party shall adopt such legislative or other measures as may be necessary to identify victims as appropriate in collaboration with other Parties and relevant support organisations. Each Party shall ensure that, if the competent authorities have reasonable grounds to believe that a person has been victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as victim of an offence provided for in Article 18 of this Convention has been completed by the competent authorities and shall likewise ensure that that person receives the assistance provided for in Article 12, paragraphs 1 and 2.

3. When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age.

4. As soon as an unaccompanied child is identified as a victim, each Party shall:

a. provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child;

b. take the necessary steps to establish his/her identity and nationality;

c. make every effort to locate his/her family when this is in the best interests of the child.

Article 11. Protection of private life

1. Each Party shall protect the private life and identity of victims. Personal data regarding them shall be stored and used in conformity with the conditions provided for by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

2. Each Party shall adopt measures to ensure, in particular, that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known, through the media or by any other means, except, in exceptional circumstances, in order to facilitate the tracing of family members or otherwise secure the well-being and protection of the child.

3. Each Party shall consider adopting, in accordance with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms as interpreted by the European Court of Human Rights, measures aimed at encouraging the media to protect the private life and identity of victims through self-regulation or through regulatory or co-regulatory measures.

Article 12. Assistance to victims

Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least:

a. standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;

b. access to emergency medical treatment;

c. translation and interpretation services, when appropriate;

d. counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;

e. assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;

f. access to education for children.

2. Each Party shall take due account of the victim's safety and protection needs.

3. In addition, each Party shall provide necessary medical or other assistance to victims lawfully resident within its territory who do not have adequate resources and need such help.

4. Each Party shall adopt the rules under which victims lawfully resident within its territory shall be authorised to have access to the labour market, to vocational training and education.

5. Each Party shall take measures, where appropriate and under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

6. Each Party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness.

7. For the implementation of the provisions set out in this article, each Party shall ensure that services are provided on a consensual and informed basis, taking due account of the special needs of persons in a vulnerable position and the rights of children in terms of accommodation, education and appropriate health care.

Article 13. Recovery and reflection period

1. Each Party shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim. Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities. During this period it shall not be possible to enforce any expulsion order against him or her. This provision is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned. During this period, the Parties shall authorise the persons concerned to stay in their territory.

2. During this period, the persons referred to in paragraph 1 of this Article shall be entitled to the measures contained in Article 12, paragraphs 1 and 2.

3. The Parties are not bound to observe this period if grounds of public order prevent it or if it is found that victim status is being claimed improperly.

Article 14. Residence permit

1. Each Party shall issue a renewable residence permit to victims, in one or other of the two following situations or in both:

a. the competent authority considers that their stay is necessary owing to their personal situation;

b. the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

2. The residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.

3. The non-renewal or withdrawal of a residence permit is subject to the conditions provided for by the internal law of the Party.

4. If a victim submits an application for another kind of residence permit, the Party concerned shall take into account that he or she holds, or has held, a residence permit in conformity with paragraph 1.

5. Having regard to the obligations of Parties to which Article 40 of this Convention refers, each Party shall ensure that granting of a permit according to this provision shall be without prejudice to the right to seek and enjoy asylum.

Article 15. Compensation and legal redress

1. Each Party shall ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings in a language which they can understand.

2. Each Party shall provide, in its internal law, for the right to legal assistance and to free legal aid for victims under the conditions provided by its internal law.

3. Each Party shall provide, in its internal law, for the right of victims to compensation from the perpetrators.

4. Each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims in accordance with the conditions under its internal law, for instance through the establishment of a fund for victim compensation or measures or programmes aimed at social assistance and social integration of victims, which could be funded by the assets resulting from the application of measures provided in Article 23.

Article 16. Repatriation and return of victims

1. The Party of which a victim is a national or in which that person had the right of permanent residence at the time of entry into the territory of the receiving Party shall, with due regard for his or her rights, safety and dignity, facilitate and accept, his or her return without undue or unreasonable delay.

2. When a Party returns a victim to another State, such return shall be with due regard for the rights, safety and dignity of that person and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary.

3. At the request of a receiving Party, a requested Party shall verify whether a person is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving Party.

4. In order to facilitate the return of a victim who is without proper documentation, the Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving Party shall agree to issue, at the request of the receiving Party, such travel documents or other authorisation as may be necessary to enable the person to travel to and re-enter its territory.

5. Each Party shall adopt such legislative or other measures as may be necessary to establish repatriation programmes, involving relevant national or international institutions and non governmental organisations. These programmes aim at avoiding re-victimisation. Each Party should make its best effort to favour the re-integration of victims into the society of the State of return, including reintegration into the education system and the labour market, in particular through the acquisition and improvement of their professional skills. With regard to children, these programmes should include enjoyment of the right to education and measures to secure adequate care or receipt by the family or appropriate care structures.

6. Each Party shall adopt such legislative or other measures as may be necessary to make available to victims, where appropriate in co-operation with any other Party concerned, contact information of structures that can assist them in the country where they are returned or repatriated, such as law enforcement offices, non-governmental organisations, legal professions able to provide counselling and social welfare agencies.

7. Child victims shall not be returned to a State, if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child.

Article 17. Gender equality

Each Party shall, in applying measures referred to in this chapter, aim to promote gender equality and use gender mainstreaming in the development, implementation and assessment of the measures.

Chapter IV SUBSTANTIVE CRIMINAL LAW

Article 18. Criminalisation of trafficking in human beings

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct contained in article 4 of this Convention, when committed intentionally.

Article 19. Criminalisation of the use of services of a victim

Each Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences under its internal law, the use of services which are the object of exploitation as referred to in Article 4 paragraph a of this Convention, with the knowledge that the person is a victim of trafficking in human beings.

Article 20. Criminalisation of acts relating to travel or identity documents

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conducts, when committed intentionally and for the purpose of enabling the trafficking in human beings:

- a. forging a travel or identity document;
- b. procuring or providing such a document;
- c. retaining, removing, concealing, damaging or destroying a travel or identity document of another person.

Article 21. Attempt and aiding or abetting

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with Articles 18 and 20 of the present Convention.

2. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences when committed intentionally, an attempt to commit the offences established in accordance with Articles 18 and 20, paragraph a, of this Convention.

Article 22. Corporate liability

1. Each Party shall adopt such legislative and other measures as may be necessary to ensure that a legal person can be held liable for a criminal offence established in accordance with this Convention, committed for its benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

- a. a power of representation of the legal person;
- b. an authority to take decisions on behalf of the legal person;
- c. an authority to exercise control within the legal person.

2. Apart from the cases already provided for in paragraph 1, each Party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority.

3. Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.

4. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.

Article 23. Sanctions and measures

1. Each Party shall adopt such legislative and other measures as may be necessary to ensure that the criminal offences established in accordance with Articles 18 to 21 are punishable by effective, proportionate and dissuasive sanctions. These sanctions shall include, for criminal offences established in accordance with Article 18 when committed by natural persons, penalties involving deprivation of liberty which can give rise to extradition.

2. Each Party shall ensure that legal persons held liable in accordance with Article 22 shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions or measures, including monetary sanctions.

3. Each Party shall adopt such legislative and other measures as may be necessary to enable it to confiscate or otherwise deprive the instrumentalities and proceeds of criminal offences established in accordance with Articles 18 and 20, paragraph a, of this Convention, or property the value of which corresponds to such proceeds.

4. Each Party shall adopt such legislative or other measures as may be necessary to enable the temporary or permanent closure of any establishment which was used to carry out trafficking in human beings, without prejudice to the rights of *bona fide* third parties or to deny the perpetrator, temporary or permanently, the exercise of the activity in the course of which this offence was committed.

Article 24. Aggravating circumstances

Each Party shall ensure that the following circumstances are regarded as aggravating circumstances in the determination of the penalty for offences established in accordance with Article 18 of this Convention:

- a. the offence deliberately or by gross negligence endangered the life of the victim;
- b. the offence was committed against a child;
- c. the offence was committed by a public official in the performance of her/his duties;
- d. the offence was committed within the framework of a criminal organisation.

Article 25. Previous convictions

Each Party shall adopt such legislative and other measures providing for the possibility to take into account final sentences passed by another Party in relation to offences established in accordance with this Convention when determining the penalty.

Article 26. Non-punishment provision

Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.

Chapter V INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

Article 27. *Ex parte* and *ex officio* applications

1. Each Party shall ensure that investigations into or prosecution of offences established in accordance with this Convention shall not be dependent upon the report or accusation made by a victim, at least when the offence was committed in whole or in part on its territory.

2. Each Party shall ensure that victims of an offence in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence. The competent authority to which the complaint is made, insofar as it does not itself have competence in this respect, shall transmit it without delay to the competent authority of the Party in the territory in which the offence was committed. The complaint shall be dealt with in accordance with the internal law of the Party in which the offence was committed.

3. Each Party shall ensure, by means of legislative or other measures, in accordance with the conditions provided for by its internal law, to any group, foundation, association or non-governmental organisations which aims at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence established in accordance with Article 18 of this Convention.

Article 28. Protection of victims, witnesses and collaborators with the judicial authorities

1. Each Party shall adopt such legislative or other measures as may be necessary to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, for:

a. Victims;

b. As appropriate, those who report the criminal offences established in accordance with Article 18 of this Convention or otherwise co-operate with the investigating or prosecuting authorities;

c. witnesses who give testimony concerning criminal offences established in accordance with Article 18 of this Convention;

d. when necessary, members of the family of persons referred to in subparagraphs a and c.

2. Each Party shall adopt such legislative or other measures as may be necessary to ensure and to offer various kinds of protection. This may include physical protection, relocation, identity change and assistance in obtaining jobs.

3. A child victim shall be afforded special protection measures taking into account the best interests of the child.

4. Each Party shall adopt such legislative or other measures as may be necessary to provide, when necessary, appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, for members of groups, foundations, associations or non-governmental organisations which carry out the activities set out in Article 27, paragraph 3.

5. Each Party shall consider entering into agreements or arrangements with other States for the implementation of this article.

Article 29. Specialised authorities and co-ordinating bodies

1. Each Party shall adopt such measures as may be necessary to ensure that persons or entities are specialised in the fight against trafficking and the protection of victims. Such persons or entities shall have the necessary independence in accordance with the fundamental principles of the legal system of the Party, in order for them to be able to carry out their functions effectively and free from any undue pressure. Such persons or the staffs of such entities shall have adequate training and financial resources for their tasks.

2. Each Party shall adopt such measures as may be necessary to ensure co-ordination of the policies and actions of their governments' departments and other public agencies against trafficking in human beings, where appropriate, through setting up co-ordinating bodies.

3. Each Party shall provide or strengthen training for relevant officials in the prevention of and fight against trafficking in human beings, including Human Rights training. The training may be agency-specific and shall, as appropriate, focus on: methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers.

4. Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.

Article 30. Court proceedings

In accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 6, each Party shall adopt such legislative or other measures as may be necessary to ensure in the course of judicial proceedings:

- a. the protection of victims' private life and, where appropriate, identity;
- b. victims' safety and protection from intimidation,

in accordance with the conditions under its internal law and, in the case of child victims, by taking special care of children's needs and ensuring their right to special protection measures.

Article 31. Jurisdiction

1. Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:

- a. in its territory; or
- b. on board a ship flying the flag of that Party; or
- c. on board an aircraft registered under the laws of that Party; or

d. by one of its nationals or by a stateless person who has his or her habitual residence in its territory, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State;

- e. against one of its nationals.

2. Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1 (d) and (e) of this article or any part thereof.

3. Each Party shall adopt such measures as may be necessary to establish jurisdiction over the offences referred to in this Convention, in cases where an alleged offender is present in its territory and it does not extradite him/her to another Party, solely on the basis of his/her nationality, after a request for extradition.

4. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.

5. Without prejudice to the general norms of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with internal law.

Chapter VI

INTERNATIONAL CO-OPERATION AND CO-OPERATION WITH CIVIL SOCIETY

Article 32. General principles and measures for international co-operation

The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

- preventing and combating trafficking in human beings;
- protecting and providing assistance to victims;
- investigations or proceedings concerning criminal offences established in accordance with this Convention.

Article 33. Measures relating to endangered or missing persons

1. When a Party, on the basis of the information at its disposal has reasonable grounds to believe that the life, the freedom or the physical integrity of a person referred to in Article 28, paragraph 1, is in immediate danger on the territory of another Party, the Party that has the information shall, in such a case of emergency, transmit it without delay to the latter so as to take the appropriate protection measures.

2. The Parties to this Convention may consider reinforcing their co-operation in the search for missing people, in particular for missing children, if the information available leads them to believe that she/he is a victim of trafficking in human beings. To this end, the Parties may conclude bilateral or multilateral treaties with each other.

Article 34. Information

1. The requested Party shall promptly inform the requesting Party of the final result of the action taken under this chapter. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.

2. A Party may, within the limits of its internal law, without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for co-operation by that Party under this chapter.

3. Prior to providing such information, the providing Party may request that it be kept confidential or used subject to conditions. If the receiving Party cannot comply with such request, it shall notify the providing Party, which shall then determine whether the information should nevertheless be provided. If the receiving Party accepts the information subject to the conditions, it shall be bound by them.

4. All information requested concerning Articles 13, 14 and 16, necessary to provide the rights conferred by these Articles, shall be transmitted at the request of the Party concerned without delay with due respect to Article 11 of the present Convention.

Article 35. Co-operation with civil society

Each Party shall encourage state authorities and public officials, to co-operate with non-governmental organisations, other relevant organisations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of this Convention.

Chapter VII MONITORING MECHANISM

Article 36. Group of experts on action against trafficking in human beings

1. The Group of experts on action against trafficking in human beings (hereinafter referred to as “GRETA”), shall monitor the implementation of this Convention by the Parties.

2. GRETA shall be composed of a minimum of 10 members and a maximum of 15 members, taking into account a gender and geographical balance, as well as a multidisciplinary expertise. They shall be elected by the Committee of the Parties for a term of office of 4 years, renewable once, chosen from amongst nationals of the States Parties to this Convention.

3. The election of the members of GRETA shall be based on the following principles:

a. they shall be chosen from among persons of high moral character, known for their recognised competence in the fields of Human Rights, assistance and protection of victims and of action against trafficking in human beings or having professional experience in the areas covered by this Convention;

b. they shall sit in their individual capacity and shall be independent and impartial in the exercise of their functions and shall be available to carry out their duties in an effective manner;

c. no two members of GRETA may be nationals of the same State;

d. they should represent the main legal systems.

4. The election procedure of the members of GRETA shall be determined by the Committee of Ministers, after consulting with and obtaining the unanimous consent of the Parties to the Convention, within a period of one year following the entry into force of this Convention. GRETA shall adopt its own rules of procedure.

Article 37. Committee of the Parties

1. The Committee of the Parties shall be composed of the representatives on the Committee of Ministers of the Council of Europe of the member States Parties to the Convention and representatives of the Parties to the Convention, which are not members of the Council of Europe.

2. The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention in order to elect the members of GRETA. It shall subsequently meet whenever one-third of the Parties, the President of GRETA or the Secretary General so requests.

3. The Committee of the Parties shall adopt its own rules of procedure.

Article 38. Procedure

1. The evaluation procedure shall concern the Parties to the Convention and be divided in rounds, the length of which is determined by GRETA. At the beginning of each round GRETA shall select the specific provisions on which the evaluation procedure shall be based.

2. GRETA shall define the most appropriate means to carry out this evaluation. GRETA may in particular adopt a questionnaire for each evaluation round, which may serve as a basis for the evaluation of the implementation by the Parties of the present Convention. Such a questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GRETA.

3. GRETA may request information from civil society.

4. GRETA may subsidiarily organise, in co-operation with the national authorities and the “contact person” appointed by the latter, and, if necessary, with the assistance of independent national experts, country visits. During these visits, GRETA may be assisted by specialists in specific fields.

5. GRETA shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments are taken into account by GRETA when establishing its report.

6. On this basis, GRETA shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of the present Convention. This report and conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned.

7. Without prejudice to the procedure of paragraphs 1 to 6 of this article, the Committee of the Parties may adopt, on the basis of the report and conclusions of GRETA, recommendations addressed to this Party (a) concerning the measures to be taken to implement the conclusions of GRETA, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that Party for the proper implementation of the present Convention.

Chapter VIII

RELATIONSHIP WITH OTHER INTERNATIONAL INSTRUMENTS

Article 39. Relationship with the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime

This Convention shall not affect the rights and obligations derived from the provisions of the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime, and is intended to enhance the protection afforded by it and develop the standards contained therein.

Article 40. Relationship with other international instruments

1. This Convention shall not affect the rights and obligations derived from other international instruments to which Parties to the present Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention and which ensure greater protection and assistance for victims of trafficking.

2. The Parties to the Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

3. Parties which are members of the European Union shall, in their mutual relations, apply Community and European Union rules in so far as there are Community or European Union rules governing the particular subject concerned and applicable to the specific case, without prejudice to the object and purpose of the present Convention and without prejudice to its full application with other Parties.

4. Nothing in this Convention shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of *non-refoulement* as contained therein.

Chapter IX AMENDMENTS TO THE CONVENTION

Article 41. Amendments

1. Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by him or her to the member States of the Council of Europe, any signatory, any State Party, the European Community, to any State invited to sign this Convention in accordance with the provisions of Article 42 and to any State invited to accede to this Convention in accordance with the provisions of Article 43.

2. Any amendment proposed by a Party shall be communicated to GRETA, which shall submit to the Committee of Ministers its opinion on that proposed amendment.

3. The Committee of Ministers shall consider the proposed amendment and the opinion submitted by GRETA and, following consultation of the Parties to this Convention and after obtaining their unanimous consent, may adopt the amendment.

4. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 3 of this article shall be forwarded to the Parties for acceptance.

5. Any amendment adopted in accordance with paragraph 3 of this article shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General that they have accepted it.

Chapter X FINAL CLAUSES

Article 42. Signature and entry into force

1. This Convention shall be open for signature by the member States of the Council of Europe, the non member States which have participated in its elaboration and the European Community.

2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 10 Signatories, including at least 8 member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.

4. In respect of any State mentioned in paragraph 1 or the European Community, which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 43. Accession to the Convention

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to this Convention and obtaining their unanimous consent, invite any non-

member State of the Council of Europe, which has not participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20 *d.* of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.

2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 44. Territorial application

1. Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 45. Reservations

No reservation may be made in respect of any provision of this Convention, with the exception of the reservation of Article 31, paragraph 2.

Article 46. Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 47. Notification

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State signatory, any State Party, the European Community, to any State invited to sign this Convention in accordance with the provisions of Article 42 and to any State invited to accede to this Convention in accordance with the provisions of Article 43 of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 42 and 43;
- d. any amendment adopted in accordance with Article 41 and the date on which such an amendment enters into force;
- e. any denunciation made in pursuance of the provisions of Article 46;
- f. any other act, notification or communication relating to this Convention
- g. any reservation made under Article 45.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Warsaw, this 16th day of May 2005, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, to the European Community and to any State invited to accede to this Convention.

2. UNITED NATIONS CONVENTION

on the Elimination of Discrimination against Women

Final Commentaries of the Committee on the Elimination of Discrimination against Women: the Republic of Moldova

Concluding comment

1. The Committee considered the combined second and third periodic report of the Republic of Moldova (CEDAW/C/MDA/2-3) at its 749th and 750th meetings, on 16 August 2006 (see CEDAW/C/SR.749 and 750). The Committee's list of issues and questions is contained in CEDAW/C/MDA/Q/3, and the responses of the Republic of Moldova are contained in CEDAW/C/MDA/Q/3/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its combined second and third periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that the State party provided insufficient statistical data disaggregated by sex. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group.

3. The Committee expresses its appreciation to the State party for the constructive dialogue with its delegation, headed by the Chief of the Department for Social Protection in the Ministry of Health and Social Protection, and for the efforts made by the delegation to respond to the questions raised orally by the Committee.

4. The Committee commends the State party for acceding, in February 2006, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

5. The Committee notes that the transition from a centrally planned to a free market economy resulted in significant economic and social difficulties, the effects of which have placed a heavy burden on women.

Positive aspects

6. The Committee commends the State party for the legislative reform undertaken in support of the goal of gender equality, in particular for the enactment of the Law on Equal Opportunities for Men and Women and the Law on Preventing and Combating Trafficking in Human Beings; for the amendments to the Penal Code of 2002, the Labour Code of 2003 and the Civil Code of 2002; and for the ongoing debate on the draft law on preventing and combating domestic violence.

7. The Committee also commends the State party for adopting a range of national plans and programmes and establishing institutional monitoring mechanisms, which are relevant for the advancement of women and the promotion of their rights in various fields, including the national plan for promoting gender equality for the periods 2003-2005 and 2006-2009; the national plan for preventing and combating human trafficking, adopted in 2001 and amended in 2005; and the national system for protection and social assistance for victims of trafficking, launched in March 2006; the strategy for employment of the labour force; the national programme for assistance in reproductive health care and family planning, for the period 1999- 2003; Governmental Decision No. 288 of March 2005 on the Millennium Development Goals (2005-2015); and the strategy for assistance to small and medium enterprise development for the period 2006-2008.

8. The Committee welcomes the State party's continued collaboration with women's non-governmental organizations in the elaboration of laws, plans and other activities aimed at eliminating discrimination against women and promoting gender equality.

Factors and difficulties affecting the implementation of the Convention

Principal subjects of concern

Principal areas of concern and recommendations

9. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to parliament so as to ensure their full implementation.

10. The Committee is concerned that the State party lacks a comprehensive approach to policies and programmes aimed at implementation of the Convention and achieving women's equality with men, and stresses the need to address both direct and indirect discrimination against women.

11. The Committee recommends that the State party ensure a comprehensive approach to the implementation of the Convention encompassing all policies and programmes aimed at achieving formal and substantive equality between women and men. The Committee recommends that the use of the gender mainstreaming strategy be introduced in all public institutions, policies and programmes, supported by gender training and an adequate number of focal points at both national and local levels.

12. The Committee is concerned that the frequent modification of institutional structures and staff of the national machinery for the advancement of women hinders its effectiveness in the promotion of gender equality and the advancement of women. It is also concerned that the national machinery for the advancement of women continues to suffer from a lack of authority and adequate human and financial resources. The Committee is further concerned at the removal of gender focal points from the local administration.

13. The Committee recommends that the State party expeditiously strengthen the national machinery for the advancement of women by enhancing its visibility, decision-making power and human and financial resources so that it can effectively implement its mandate, become more effective at the national and local levels and enhance coordination among all relevant mechanisms and entities at the national and local levels. The Committee urges the State party to reinstate gender focal points in the local administration.

14. While welcoming the inclusion in the Law on Equal Opportunities for Men and Women of the concepts of gender mainstreaming, direct and indirect genderbased discrimination, affirmative action, gender equality and sexual harassment, as mentioned by the delegation, the Committee expresses concern that the Law lacks implementation mechanisms and does not provide for legal remedies in case of violations. It is also concerned that the State party has not allocated adequate financial resources for its implementation.

15. The Committee encourages the State party to ensure full implementation of the Law on Equal Opportunities for Men and Women, monitor results and ensure that sanctions are put in place in case of violations. It further recommends that the State party effectively implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation 25, in order to accelerate the realization of women's substantive equality with men in all areas, in particular with regard to women's participation in decision-making and access to employment and education.

16. The Committee is concerned that there is insufficient awareness of the Convention, its Optional Protocol and the procedures for their monitoring and use, and of women's human rights in general, including among the judiciary, law enforcement personnel and women themselves, as indicated by the absence of any court decisions that referred to the Convention.

17. The Committee urges the State party to introduce education and training programmes on the Convention and its Optional Protocol, in particular for parliamentarians, the judiciary, the legal professions, the police and other law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken to enhance women's awareness of their human rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights.

18. The Committee continues to be deeply concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society in the Republic of Moldova, which adversely affect women's situation particularly in the labour market and in respect of their participation in political and public life.

19. The Committee urges the State party to disseminate information on the content of the Convention through its educational system by mainstreaming a gender perspective into textbooks and curricula at all levels and by ensuring gender training for teachers, with a view to changing existing stereotypical views and attitudes regarding women's and men's roles in the family and society. It also recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.

20. The Committee is concerned about the impact of economic restructuring on women and the increased feminization of poverty, particularly among vulnerable groups of women such as rural women, single women heads of households, women belonging to ethnic groups, in particular Roma women, disabled women and elderly women. It regrets that the Development Objectives of the Republic of Moldova, whose main objective in relation to the first of the eight Millennium Development Goals is the eradication of extreme poverty and starvation, failed to include any gender perspectives.

21. The Committee requests the State party to study the impact of economic restructuring on women and to ensure that all poverty alleviation strategies and programmes are multidimensional as well as gender-sensitive and targeted at particular groups of women according to their specific needs and the multiple discrimination they face, and to provide in its next periodic report information on the measures taken and results achieved in improving the economic situation of women, particularly those belonging to vulnerable groups such as rural women, single women heads of households, women belonging to ethnic groups, in particular Roma women, disabled women and elderly women.

22. The Committee continues to be concerned about the prevalence of violence, including domestic violence, against women in the Republic of Moldova. It is concerned about the lack of availability of updated sex-disaggregated data on all forms of violence against women. While noting with appreciation that a draft law on preventing and combating domestic violence has been elaborated, the Committee is worried that the draft may not address adequately prosecution and punishment of perpetrators. The Committee is also concerned that domestic violence, including marital rape, is still considered a private matter.

23. The Committee, reiterating its recommendation made on the occasion of the consideration of the State party's initial report, [See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38)*, paras. 67-117.] urges the State party to give high priority to implementing comprehensive measures to address violence against women in the family and in society in accordance with its general recommendation 19. The Committee calls upon the State party to speedily adopt the draft law on preventing and combating domestic violence and to ensure that violence against women is prosecuted and punished with seriousness and speed. The Committee calls upon the State party to ensure that all women who are victims of domestic violence have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters and legal aid. It calls upon the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions and are sensitized to all forms of violence against women and adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention, and to include the results of such research in its next periodic report.

24. While commending the efforts undertaken to combat trafficking, including through the adoption of the law and national plan on preventing and combating trafficking in human beings, the establishment of the National Committee for combating human trafficking and the revision of the Criminal Code, the Committee expresses concern about the increasing trend of illegal trafficking in young women and girls for sexual purposes in the Republic of Moldova, which remains mainly a country of origin. The Committee is further concerned about the lack of enforcement of the legislation and the insufficient measures to prosecute traffickers and provide protection and assistance for victims.

25. The Committee calls on the State party to intensify its efforts to combat the trafficking and sexual exploitation of women and girls by addressing the root causes, in particular women's economic insecurity. It recommends that the State party enhance measures aimed at improving the social and economic situation of women, in particular in rural areas, so as to eliminate their vulnerability to traffickers, and put in place services for the rehabilitation and reintegration of victims of trafficking. It urges the State party to ensure that the national plan is adequately funded, that the responsibility for its implementation does not rely heavily on non-governmental organizations, and that those who traffic and sexually exploit women and girls are prosecuted and punished to the full extent of the law. The Committee also encourages the State party to intensify international, regional and bilateral cooperation with countries of transit and destination for trafficked women and girls to further

curb this phenomenon. It requests the State party to provide in its next report detailed information, including statistical data, on trends in trafficking and on court cases, prosecutions and victims assisted, as well as the results achieved in prevention.

26. While welcoming some recent progress, the Committee expresses concern about the fact that the number of women in decision-making positions in political and public life remains low, including in the parliament, the civil service and the judiciary. It is also concerned about the low representation of women in decision-making positions in the foreign service. The Committee is concerned that, despite its earlier recommendation, temporary special measures have not been used in this area.

27. The Committee encourages the State party to implement measures to increase the number of women in decision-making positions, in particular at the local level, in parliament, in political parties and in the judiciary and the civil service, including the foreign service. It recommends that the State party establish concrete goals and timetables to accelerate women's equal participation in public and political life at all levels. The State party should introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, on temporary special measures, and take into account the Committee's general recommendation 23, on women in political and public life. The Committee urges the State party to implement awareness-raising programmes to encourage women to participate in public life and create the social conditions for that participation, including through measures aimed at the reconciliation of responsibilities in the private and public spheres. It calls upon the State party to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.

28. The Committee expresses concern about the situation of women in the labour market, which is characterized, in spite of women's high level of education, by increasingly high female unemployment, the concentration of women in low-paid sectors of public employment such as health, social welfare and education, and the wage gap between women and men in both the public and private sectors. The Committee is concerned that the State party's labour legislation, which is overly protective, in particular of pregnant women, and restricts women's participation in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender-role stereotypes. The Committee is also concerned that important sectors viewed as traditionally male areas, such as defence and police, remain inaccessible to women.

29. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, on temporary special measures. The Committee urges the State party to intensify its efforts to ensure that all job generation and poverty alleviation programmes are gender-sensitive, and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men through, inter alia, additional wage increases in female-dominated sectors of public employment. The Committee recommends that the State party conduct regular reviews of its legislation in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers women face in the labour market. It calls upon the State party to monitor the impact of measures taken and results achieved, and to report thereon in the next periodic report.

30. The Committee expresses its concern about the health situation of women, especially women's reproductive health. While appreciating recent declines in the maternal mortality rate, it notes that this indicator is still high compared to other countries in the region, in particular for rural women. It is also concerned about the high abortion rates and the use of abortion as a means of fertility control, and especially about the situation of unsafe abortion, which increases the risk of maternal mortality. It is further concerned about the high percentage of women with anaemia and the increase in HIV/AIDS infection rates and in sexually transmitted diseases. The Committee expresses its concern about the increase of women's consumption of tobacco and narcotic drugs.

31. The Committee recommends that increased efforts be focused on improving women's reproductive health. In particular, it calls upon the Government to improve the availability, acceptability and use of modern means of birth control to eliminate the use of abortion as a method of family planning. It encourages the State party to provide sex education systematically in schools, including vocational training schools. The Committee urges the State party to undertake appropriate measures to ensure women's access to safe abortion, in accordance with domestic legislation. It also urges the State party to target high-risk groups for strategies to prevent HIV/AIDS and the spread of sexually transmitted diseases. It encourages the State party to increase its cooperation with non-governmental organizations and international organizations in order to improve the general

health situation of Moldovan women and girls. It requests that the State party provide in its next report detailed information on women's tobacco use and statistics on their alcohol, drug and other substance abuse.

32. The Committee remains concerned that the minimum legal age for marriage is 16 years for women and 18 years for men.

33. The Committee urges the State party to raise the minimum age of marriage for women to 18 years, in line with article 16 of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.

34. The Committee regrets the limited availability of statistical data disaggregated by sex, ethnicity and age, and by urban and rural areas, which makes it more difficult to assess progress and trends over time in the actual situation of women and their enjoyment of their human rights in regard to all areas covered by the Convention. The Committee is concerned that the lack or limited availability of such detailed data may also constitute an impediment to the State party itself in designing and implementing targeted policies and programmes, and in monitoring their effectiveness in regard to the implementation of the Convention.

35. The Committee calls upon the State party to enhance its data collection in all areas covered by the Convention so as to assess the actual situation of women, compared with that of men, and their enjoyment of their human rights, disaggregated by sex, ethnicity and age and by urban and rural areas as applicable, and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and to evaluate progress achieved towards the realization of women's de facto equality. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include in its next report such statistical data and analysis.

36. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

37. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

38. The Committee notes that States' adherence to the seven major international human rights instruments² enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Republic of Moldova to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

39. The Committee requests the wide dissemination in the Republic of Moldova of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, entitled „Women 2000: gender equality, development and peace for the twentyfirst century” (resolution S-23/3, annex).

40. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in July 2007, and its fifth periodic report, due in July 2011, in a combined report in July 2011.

² The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

OPTIONAL PROTOCOL TO THE CONVENTION

on the Elimination of All Forms of Discrimination against Women

The General Assembly,

Reaffirming the Vienna Declaration and Programme of Action* and the Beijing Declaration ** and Platform for Action,***

Recalling that the Beijing Platform for Action, pursuant to the Vienna Declaration and Programme of Action, supported the process initiated by the Commission on the Status of Women with a view to elaborating a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women**** that could enter into force as soon as possible on a right-to-petition procedure,

Noting that the Beijing Platform for Action also called on all States that have not yet ratified or acceded to the Convention to do so as soon as possible so that universal ratification of the Convention can be achieved by the year 2000,

1. *Adopts and opens for signature, ratification and accession* the Optional Protocol to the Convention, the text of which is annexed to the present resolution;

2. *Calls upon* all States that have signed, ratified or acceded to the Convention to sign and ratify or to accede to the Protocol as soon as possible;

3. *Stresses* that States parties to the Protocol should undertake to respect the rights and procedures provided by the Protocol and cooperate with the Committee on the Elimination of Discrimination against Women at all stages of its proceedings under the Protocol;

4. *Stresses* also that in the fulfilment of its mandate as well as its functions under the Protocol, the Committee should continue to be guided by the principles of non-selectivity, impartiality and objectivity;

5. *Requests* the Committee to hold meetings to exercise its functions under the Protocol after its entry into force, in addition to its meetings held under article 20 of the Convention; the duration of such meetings shall be determined and, if necessary, reviewed by a meeting of the States parties to the Protocol, subject to the approval of the General Assembly;

6. *Requests* the Secretary-General to provide the staff and facilities necessary for the effective performance of the functions of the Committee under the Protocol after its entry into force;

7. *Also requests* the Secretary-General to include information on the status of the Protocol in her or his regular reports submitted to the General Assembly on the status of the Convention.

*28th plenary meeting
6 October 1999*

ANNEX

OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to the present Protocol,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Also noting that the Universal Declaration of Human Rights***** proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

* A/CONF.157/24 (Part I), chap. III.

** Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

*** Ibid., annex II.

**** Resolution 34/180, annex. 99-77473 /...

***** Resolution 217 A (III).

Recalling that the International Covenants on Human Rights* and other international human rights instruments prohibit discrimination on the basis of sex,

Also recalling the Convention on the Elimination of All Forms of Discrimination against Women⁴ (“the Convention”), in which the States Parties thereto condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,

Reaffirming their determination to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms,

Have agreed as follows:

Article 1

A State Party to the present Protocol (“State Party”) recognizes the competence of the Committee on the Elimination of Discrimination against Women (“the Committee”) to receive and consider communications submitted in accordance with article 2.

Article 2

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 3

Communications shall be in writing and shall not be anonymous. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

Article 4

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief.

2. The Committee shall declare a communication inadmissible where:

- (a) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (b) It is incompatible with the provisions of the Convention;
- (c) It is manifestly ill-founded or not sufficiently substantiated;
- (b) It is an abuse of the right to submit a communication;
- (e) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

Article 5

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 6

1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, and provided that the individual or individuals consent to the disclosure of their identity to that State Party, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.

2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.

* Resolution 2200 A (XXI), annex.

Article 7

1. The Committee shall consider communications received under the present Protocol in the light of all information made available to it by or on behalf of individuals or groups of individuals and by the State Party concerned, provided that this information is transmitted to the parties concerned.

2. The Committee shall hold closed meetings when examining communications under the present Protocol.

3. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.

4. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.

5. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under article 18 of the Convention.

Article 8

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

Article 9

1. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol.

2. The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

Article 10

1. Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 8 and 9.

2. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

Article 11

A State Party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

Article 12

The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.

Article 13

Each State Party undertakes to make widely known and to give publicity to the Convention and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party.

Article 14

The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by the present Protocol.

Article 15

1. The present Protocol shall be open for signature by any State that has signed, ratified or acceded to the Convention.

2. The present Protocol shall be subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 16

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 17

No reservations to the present Protocol shall be permitted.

Article 18

1. Any State Party may propose an amendment to the present Protocol and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request that they notify her or him whether they favour a conference of States Parties for the purpose of considering and voting on the proposal. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

Article 19

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 or any inquiry initiated under article 8 before the effective date of denunciation.

Article 20

The Secretary-General of the United Nations shall inform all States of:

- (a) Signatures, ratifications and accessions under the present Protocol;
- (b) The date of entry into force of the present Protocol and of any amendment under article 18;
- (c) Any denunciation under article 19.

Article 21

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 25 of the Convention.

3. CONVENTION

on the Rights of the Child

*Adopted and opened for signature, ratification and accession by General Assembly
resolution 44/25 of 20 November 1989
entry into force 2 September 1990, in accordance with article 49*

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others; or
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of

two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

OPTIONAL PROTOCOL

to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

*Adopted and opened for signature, ratification and accession
by General Assembly resolution A/RES/54/263 of 25 May 2000
entered into force on 18 January 2002*

The States Parties to the present Protocol,

Considering that, in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Gravely concerned at the significant and increasing international traffic in children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography,

Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies, and recalling the International Conference on Combating Child Pornography on the Internet, held in Vienna in 1999, in particular its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between Governments and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children,

Believing also that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and believing further in the importance of strengthening global partnership among all actors and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996, and the other relevant decisions and recommendations of pertinent international bodies,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Have agreed as follows:

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Article 2

For the purposes of the present Protocol:

(a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;

(b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;

(c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2:

(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

- a. Sexual exploitation of the child;
- b. Transfer of organs of the child for profit;
- c. Engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;

(c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.

3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.

4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.

5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

(a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;

(b) When the victim is a national of that State.

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the aforementioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.

4. The present Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 5

1. The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in such treaties.

2. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider the present Protocol to be a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.

3. States Parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.

5. If an extradition request is made with respect to an offence described in article 3, paragraph 1, and the requested State Party does not or will not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

Article 6

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 7

States Parties shall, subject to the provisions of their national law:

(a) Take measures to provide for the seizure and confiscation, as appropriate, of:

(i) Goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;

(ii) Proceeds derived from such offences;

(b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a);

(c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

Article 8

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;

(b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;

(c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;

(d) Providing appropriate support services to child victims throughout the legal process;

(e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;

(f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.

5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.

6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

Article 9

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

Article 10

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.

2. States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.

4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

Article 11

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- (a) The law of a State Party;
- (b) International law in force for that State.

Article 12

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the present Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

Article 13

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State that is a party to the Convention or has signed it. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

Article 14

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 15

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any offence that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

Article 16

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one

third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

Article 17

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

4. CRIMINAL CODE

of the Republic of Moldova Nr. 985-XV of 18.04.2002 (Excerpts)

(published repeatedly in the Official Monitor of the Republic of Moldova, 2009, No. 72–74, art. 195)

Article 90. Condemnation with conditioned suspension of executing the punishment

(1) ...

(6) By applying the condemnation with conditioned suspension of executing the punishment, the court may oblige the condemned person:

- a) to not change his/her domicile without the consent of the competent body;
- b) to not visit certain places;
- c) to undergo treatment in case of alcoholism, drug abuse, abuse of toxic substances or sexual-transmitted disease;
- c¹) to participate in a special treatment or counseling program with a view to reducing violent behavior;
- d) to offer material support to the family of the victim;
- e) to repair the caused prejudice in the period established by the court.

(7) ...

[Art.90 completed by Law No. 167 from 09.07.2010, in force from 03.09.2010]

Article 133¹. Family member

A family member shall have the following meaning:

- a) in case of joint habitation: persons in relations of marriage, cohabitation, divorced persons, persons in relations of guardianship and trusteeship, their direct or collateral relatives, relatives' spouses;
- b) in case of separate habitation: persons in relations of marriage, their children, including adoptive children, children born out of wedlock and children under trusteeship.

Articolul 171. Rape

(1) Rape, meaning the sexual intercourse committed through physical or psychological coercion of the person or by taking advantage of his/her impossibility to defend herself/himself or to express his/her will, is punished with imprisonment of 3 to 5 years.

(2) Rape:

- a) committed by a person who previously committed rape provided for in para. (1);
- b) committed intentionally with a minor;
- b¹) committed intentionally with a pregnant woman;
- b²) committed with a family member;

...

is punished with imprisonment from 5 to 12 years.

(3) ...

[Art.171 completed by Law No.167 from 09.07.2010, in force from 03.09.2010]

Article 172. Violent actions with sexual character

(1) Homosexuality or satisfaction of the sexual desire in perverse forms, committed through physical or psychological coercion of the person or by taking advantage of her/his impossibility to defend herself/himself or to express his/her will,

are punished with imprisonment from 3 to 5 years.

(2) The same actions:

- a) committed by a person who has previously been condemned for an action provided for in para. (1);
- b) committed intentionally with a minor;

b¹) committed intentionally with a pregnant woman;

b²) committed with a family member;

...

are punished with imprisonment from 5 to 12 years.

(3) ...

[Art.171 completed by Law No.167 from 09.07.2010, in force from 03.09.2010]

Article 173. Sexual harassment

Sexual harassment, i.e. manifesting physical, verbal or nonverbal behavior, which infringes upon a person's dignity or creates an unpleasant, hostile, degrading, humiliating or insulting atmosphere, aimed at compelling a person to assent to sexual intercourse or other unwanted actions of sexual nature, committed by means of threat, constraint or blackmail, shall be punishable with a fine from 300 to 500 conventional units or with unpaid labor for the benefit of the community from 140 to 240 hours; or with up to 3 years imprisonment.

Article 201¹. Family violence

(1) Family violence, meaning deliberate action or inaction, manifested physically or verbally, committed by a family member against another family member, which provoked physical suffering following minor bodily or health injuries, mental suffering or material or moral damage shall be punished with unpaid labor for the benefit of the community from 150 to 180 hours or with up to 2 years imprisonment.

(2) The same deed:

a) committed against two or more family members;

b) which provoked bodily or health injuries of medium gravity

shall be punished with unpaid labor for the benefit of the community from 180 to 240 hours or with up to 5 years imprisonment.

(3) The same deed, which:

a) has caused grave bodily or health injuries;

b) has determined a person to commit suicide or suicide attempt;

c) has caused the victim's death

shall be punished with imprisonment from 5 to 15 years.

Article 208¹. Child pornography

The production, distribution, publication, import, export, offer, sale, exchange, use or possession of images or other representations of one or more children involved in explicit sexual activities, real or simulated, or of images or other representations of the sexual organs of a child, represented in an obscene or lusty way, including in an electronic form,

is punished with imprisonment from 1 to 3 years of term, fine applied to the legal person

from 2000 to 4000 conventional units, with deprivation of the right to exercise a certain activity.

5. CRIMINAL PROCEDURE CODE

of the Republic of Moldova No. 122-XV of March 14, 2003
(Excerpts)

(published repeatedly in the Official Monitor of the Republic of Moldova, 2003, No. 104–110, art. 447)

Article 58. The victim

(1) A victim is any physical or legal person, to whom, through a crime, moral physical or material damages have been caused.

(2) ...

(3) The victim also benefits from the following rights:

1) to receive from the criminal investigation body a certificate about the fact that she addressed a complaint or a copy from the minutes about the verbal complaint;

2) ...;

6) to submit a request in order to be recognized as a civil party in the criminal suit;

6¹) to submit a request for the application of protective measures in cases of family violence;

...

[Art.58 completed by Law No.167 from 09.07.2010, in force from 03.09.2010]

Article 165. Notion of apprehension

(1) Apprehension is the deprivation of liberty of a person, for a short period of time, but not more than 72 hours, in the places and conditions provided by law.

(2) The following persons can be apprehended:

1) ...;

2) the accused, the condemned person who violates the conditions of the preventive measures which do not imply deprivation of liberty, taken in his/her respect, as well as the protection order in the case of family violence;

3) ...

(3) ...

[Art.165 completed by Law No.167 from 09.07.2010, in force from 03.09.2010]

Article 185. Preventive arrest

(1) The preventive arrest means the detention of the suspect, accused, condemned person in arrest in the places and conditions provided by the law.

(2) The preventive arrest can be applied in cases and conditions provided by art. 176, and if:

1) the suspect, accused, condemned person do not have a permanent residence on the territory of the Republic of Moldova;

2) the suspect, accused, condemned person have not been identified;

3) the suspect, accused, condemned person have violated the conditions of other preventive measures applied towards them or have violated the protective order in the family violence case.

(3) ...

[Art.185 completed by Law No.167 from 09.07.2010, in force from 03.09.2010]

Article 215¹. Protective measures applied to victims of family violence

(1) The request of the victim of family violence submitted during the criminal trial to the criminal prosecution body, the prosecutor or the court, concerning threats of death, violence, deterioration or destruction of assets or other illegal acts shall be examined by the court, which is bound to order measures to ensure the protection of the victim against the suspect, the accused, the defendant, who is a family member, by issuing a protective ordinance.

(2) Where the request is submitted to the criminal prosecution body or the prosecutor, such shall immediately forward the request to court for examination, by way of a solicitation.

(3) Within 24 hours as of the receipt of the request the court shall issue, by way of court order, a protective ordinance, by which shall offer protection to the victim and shall apply to the suspect, the accused or the defendant one of the following measures:

- a) an order to temporarily move out of the common abode or to refrain from approaching the victim's abode, regardless of the right of ownership over the assets;
- b) an order to refrain from approaching the victim's whereabouts, less than a distance, which ensures the victim's safety;
- c) an order to refrain from contacting the victim, its children, other dependants of the victim;
- d) an interdiction to visit the victim's place of work and abode;
- e) a limitation of unilateral disposal of joint assets;
- f) an order to pass a medical exam of one's mental state and drug/alcohol addiction and, where the medical conclusion confirms drug/alcohol addiction, an order to apply forced medical treatment for drug/alcohol addiction;
- g) an order to participate in a special treatment or counseling program, where the court determines that this is necessary for the reduction or elimination of violence;
- h) an interdiction to keep and wear guns.

(4) Protective measures shall apply for up to three months. The duration of protective measures may be extended by the court at the repeated request addressed as a result of the committal of acts of family violence or as a result of nonobservance of the conditions established in the protective ordinance.

(5) The protective ordinance shall be immediately forwarded to the bodies of internal affairs and the social assistance body at the whereabouts of the suspect, the accused or the defendant.

(6) The court order for the application or extension of the protective ordinance is instantly enforceable and may be appealed in the court of higher instance.

Article 276. Starting the criminal investigation based on victim's complaint

(1) The criminal investigation is started only based on the preliminary complaint of the victim in case of crimes provided for in articles: 152 para.(1), 153, 155, 157, 161, 173, 177, 179 para.(1) and (2), 185², 193, 194, 197 para.(1), 198 para.(1), 200, 202, 203, 204 para.(1), 246¹, 274 from the Criminal Code, as well as in cases of theft of the property committed by a minor, husband, relatives, constituting the damage of the tutor, or by the person who lives together with the victim or is housed by her/him. When the injured party makes up with the suspect, accused, condemned person in cases mentioned in the present paragraph, the criminal investigation is stopped. The procedure in such cases is the general one.

(2) ...

(5) When the injured party makes up with the suspect, accused, condemned person in cases mentioned in para. (1), the criminal investigation is stopped. The making up is personal and produces effects only if it takes place until the sentence becomes final. In cases of family violence, the prosecutor or the court shall determine whether the victim's willingness to reconcile is expressed freely and shall ensure that the victim has had effective access to assistance and protection. (6) ...

[Art.276 completed by Law No.167 from 09.07.2010, in force from 03.09.2010]

Article 511. Procedure of conditional suspension of the criminal investigation

(1) In case when the prosecutor finds that towards the accused art. 510 has been applied, he, through an ordinance, suspends conditionally the criminal proceedings for a period of 1 year, by establishing one or more of the following obligations:

- 1) not to leave the place where he/she has the domicile only in the conditions established by the prosecutor;
- 2) ...
- 5) to participate in a special treatment or counseling program with a view to reducing violent behavior.

[Art.511 completed by Law No.167 from 09.07.2010, in force from 03.09.2010]

6. CIVIL PROCEDURE CODE

of the Republic of Moldova No. 225-XV of May 30 2003
(Excerpts)

(published in the Official Monitor of the Republic of Moldova, 2003, No. 111–115, art. 451)

Chapter XXX¹

APPLICATION OF PROTECTIVE MEASURES IN CASES OF FAMILY VIOLENCE

Article 318¹. Submittal of request

(1) The request for the application of protective measures shall be submitted to the court by the victim of family violence or by its legal representative, and in respect of minors – by the body of guardianship and trusteeship. In case of victim's inability to submit the request, it may be submitted, at the instruction of the victim, by the prosecutor, the social assistance body or the police.

(2) The request for the application of protective measures shall be submitted to the competent court at the victim's domicile or at the whereabouts of the victim or of the aggressor, at the place where the victim has solicited assistance or at the place where the act of violence occurred.

Article 318². Content of request

The request for the application of protective measures shall specify the circumstances of the act of violence, its duration, suffered consequences and other circumstances indicating that the application of protective measures is needed.

Article 318³. Examination of request

(1) Upon receiving the request, the court shall immediately contact the district police at the whereabouts of the aggressor and shall request aggressor's notification about the initiation of the proceedings.

(2) The court shall request from the social assistance body or the police, as the case may be, to present a report characterizing the relevant family and the aggressor. The court may also solicit other acts required for the examination of the request.

(3) Aggressor's failure to appear at the court meeting shall not prevent the court from examining the request.

Article 318⁴. Issuance of protective ordinance

(1) Within 24 hours from the receipt of the request for the application of protective measures, the court shall issue an order for the allowance or dismissal of the request.

(2) In case of allowance of request, the court shall issue a protective ordinance, applying to the aggressor one or several of the following measures:

a) an order to temporarily move out of the common abode or to refrain from approaching the victim's abode, without deciding on the ownership over the assets;

b) an order to refrain from approaching the victim's whereabouts, less than a distance, which ensures the victim's safety;

c) an order to refrain from contacting the victim, its children, other dependants of the victim;

d) an interdiction to visit the victim's place of work and abode;

e) an order to contribute to the maintenance of the common children of the aggressor and the victim, until the solving of the case;

f) an order to compensate expenses and damage caused by its acts of violence, including medical expenses and those for the replacement or repairs of destroyed or deteriorated assets;

g) a limitation of unilateral disposal of joint assets;

h) a temporary regime for visiting its minor children;

i) an interdiction to keep and wear guns.

(3) Protective measures shall be applied for a term of up to three months.

(4) The court shall immediately forward the protective ordinance to the police and the social assistance body for immediate execution.

(5) The ordinance disposing the protective measures specified in paragraph (2) sections e) and f) shall be forwarded for immediate execution to the executive office, in accordance with legislation on execution of civil judgments.

Article 318⁵. Extension and revocation of protective ordinance

(1) The duration of protective measures may be extended by the court at the repeated request addressed as a result of the committal of acts of family violence or as a result of nonobservance of the conditions established in the protective ordinance.

(2) At the grounded request of the victim, the court may revoke the protective measures, after ensuring that the victim's will has been expressed freely and that the victim has not been subject to pressure from the part of the aggressor.

Article 318⁶. Appeal against the order for the allowance or dismissal of the request for the application of protective measures and the appeal against the order for the application of the protective ordinance

(1) The court order for the allowance or dismissal of the request for the application of protective measures and the court order for the application of the protective ordinance may be appealed by order of reversal in accordance with this Code.

(2) The appeal against the court order for the application of the protective ordinance shall not suspend the execution of measures applied.

7. FAMILY CODE

No. 1316-XIV from 26.10.2000*

Article 53. The right of the child to be protected

- (1) The child is guaranteed the observance of his lawful rights and interests.
- (2) The observance of the lawful rights and interests of the child is ensured by the parents or by the persons who replace them, and in the cases provided by the law – by the prosecutors, tutorship authority or other entrusted bodies.
- (3) The minor who obtained the full exercise capacity until reaching the adult age defends his lawful rights and interests by him/herself.
- (4) The child has the right to protection against abuses; including against corporal punishment from the parents or of the persons that replace them.
- (5) In case of violating the lawful rights and interests of the child, including through the non-fulfillment or inadequate fulfillment by the parents (one of the parents) of the duties to bring up, raise and educate, or in case of abuse of the parents' rights, the child can address independently to the tutorship authority for the observance of his/her lawful rights and interests, and starting from 14 years old – to the court.
- (6) Persons with decision-making functions and other citizens who are aware of the existence of a danger for the life or health of the child, of violation of his/her lawful rights and interests are obliged to communicate this to the tutorship authority, by undertaking all possible efforts to protect the lawful rights and interests of the child.

Article 67. Deprivation of parental rights

Parents may be deprived of parental rights:

- a) are not willing to exercise the parental duties, including the payment of the alimony;
- b) refuse to take the child from the maternity house or from another medical, educational, social assistance or similar institution;
- c) abuse their parental rights;
- d) have a cruel behavior towards the child, by applying physical or psychological violence, violate the sexual inviolability of the child;
- e) through immoral behavior have a negative influence over the child;
- f) suffer from chronic alcoholism or drug abuse;
- g) have committed intentional crimes against the life and health of the children or spouse; as well as
- h) in other cases when this is required for the interest of the child.

Article 74. Obligation of the parents to raise their children

- (1) Parents are obliged to raise their minor children and adult children who are not able to work and who need material support.
- (2) The modality of paying the alimony is determined based on a contract concluded between the parents or between the parent and the adult child who is not able to work.
- (3) If such a contract is missing and the parents are not involved in raising the children, the alimony is paid through judicial proceedings, at the request of one of the parents, of the guardian of the child or of the tutorship authority.

* Official Monitor of the Republic of Moldova No.47-48/210 from 26.04.2001

Chapter 17

FINDING, KEEPING EVIDENCE AND PROTECTION OF THE CHILDREN LEFT WITHOUT PARENTAL CARE

Article 112. The observance of lawful rights and interests of the children left without parental care

(1) The observance of lawful rights and interests of children is the task of the tutorship authorities in cases of death of the parents, of their deprivation of parental rights, of abandonment, of declaring the parents incapable, of illness or prolonged absence, of refusal to raise the children and to observe their lawful rights and interests, including in case of refusal of the parents to take their children from the medical, educational and other institutions where the children are placed, as well as in other cases of lack of parental care. .

(2) The tutorship authorities identify the children left without parental care, keep their record and, in every single case, depending on the concrete circumstances due to which children were left without parental care, chose the adequate form of child protection, by ensuring the systematic control on the living conditions, their raising up and education. .

(3) Other bodies or physical and legal persons, except the tutorship authorities, are forbidden to choose the form of protection of the children left without parental care.

Article 112¹. Preventing the separation of the children from the parents

(1) The tutorship authority will take all necessary measures for the early identification of the risk situations that may determine the separation of children from the parents.

(2) The tutorship authority organizes the functioning of the services for maintaining, recuperation and development of the capacity of the children and parents to overcome the situations that could determine the separation of the children from the parents.

(3) The tutorship authority keeps evidence of the children and families that are at risk, monitor and evaluate, as the case may be, but not less often than once in 6 months, their situation.

Article 113. Tutorship authorities

(1) Tutorship authorities are:

- a) the central authority for child protection;
- b) the executive bodies of the local public administration authorities from the territorial-administration units of level II;
- c) deliberative authorities from territorial-administrative units of level I.

(2) The exercise of the function of tutorship authority is incumbent upon:

- a) district social assistance and family protection sections, Department of child care and protection of the Chisinau municipality – in territorial-administrative units of the second level;
- b) mayors of villages (communes), towns (municipalities), social assistance and family protection section of the Balti municipality – in the territorial-administrative units of first level.

Article 114. Identification and evidence of the children left without parental care

(1) Persons with decision-making functions from the education, medical, social assistance and similar institutions, as well as other persons who have information about the children mentioned in art. 112 par. (1) are obliged to communicate, in a period of 3 days, this information to the tutorship authorities that operate in the locality where the children are found.

(2) The tutorship authority which has been informed about the child left without parental care is required, in a period of 3 days, to check the living conditions of the child, and, if the lack of parental care is confirmed, to issue a decision regarding the taking the child under evidence, by ensuring the observance of his/her lawful rights and interests through temporary placement, allowed by the law, until the determination, as provided by the present code, of the adequate form of protection.

(3) In a period of 10 days from the moment that the child left without parental care has been taken under evidence, the tutorship authority is required to communicate the respective information to the central authority for child protection.

(4) The activity of tutorship authorities and of the central authority for child protection regarding the identification, evidence and choosing the form of protection of the children left without parental care is regulated by the present code and other normative acts.

Article 115. Forms of protection of the children left without parental care

(1) The tutorship authority ensures the maintenance or reintegration of the child left without parental care:

a) in the biological family – family in which he/she was born;

b) in the extended family – his/her relatives until degree IV including (in case when the placement in the biological family is not possible).

(2) In case of impossibility of applying the measures mentioned in par. (1), the child left without parental care will benefit from the following forms of protection, by giving priority to the family-type forms of protection compared to the residential ones:

a) adoption;

b) tutorship (guardianship);

c) professional parental assistance;

d) placement in family-type orphanage;

e) placement in residential institution of any type;

f) other forms of protection, as provided by the law.

(3) When choosing the form of protection, one shall take into account as a priority the superior interest of the child, also it is required to take into account the ethnic origin, cultural affiliation, religion, language, health status and development of the child, in order to be able to create living conditions that would ensure continuity in his/her education.

(4) The tutorship authority monitors and evaluates, not more rarely than once in 6 months, the situation of the child left without parental care, to whom a form of protection in the conditions of par. (1) and (2) has been applied.

(5) Until determining the adequate form of protection of the child left without parental care, the tutorship authority is responsible for the child.

Chapter 19 TUTORSHIP AND GUARDIANSHIP OF THE CHILDREN

Article 142. Instituting tutorship and guardianship

(1) Tutorship and guardianship are instituted over the children left without parental care with the aim to provide for their raising up and education, as well as for observing their lawful rights and interests.

(2) Tutorship is instituted over the children that have not reached 14 years old. When this child has reached 14 years old, tutorship is transformed in guardianship, and the tutorship authority does not issue a supplementary decision.

(3) The guardianship is instituted over the children aged 14 to 18 years old.

(4) Tutorship and guardianship is instituted by the local public administration authorities, in a period of at most one month from the moment of the receipt of the respective request, based on the written opinion of the tutorship authority.

Article 143. Persons that can be appointed tutors (guardians)

(1) A single physical person or spouses together may be appointed as tutors (guardians) if there is no incompatibility provided for in par. (4) and they have provided their express consent.

(2) When appointing the tutor (guardian) the moral and other personal qualities are taken into account, as well as the possibilities of the candidate to fulfill his/her obligations as tutor (guardian), his/her relations and relations of members of his/her family with the child.

(3) The appointment of the tutor for the child who has reached 10 years old is done only with the child's consent.

(4) The following persons cannot be appointed as tutors (guardians):

- a) minors;
- b) a person declared incapable or with limited capacity of exercise;
- c) a person deprived of parental rights;
- d) a person declared incapable of being tutor (guardian) due to the health situation;
- e) a person who was an adopter, and the adoption has been annulled due to non-adequate exercise of the adopter's obligations;
- f) a person to whom the exercise of certain political or civil rights has been limited, either based on the law, either through court decision, as well as a person with bad behavior;
- g) a persons whose interests conflict with the interests of the person placed under tutorship (guardianship);
- h) a person who was sent away, through an authentic act or through will, by the parent who exercised alone, until his death, the parental care;
- i) a person who, exercised tutorship (guardianship) and was taken away from it;
- j) a person who is a chronic alcoholic or drug addict;
- k) a person who has work relations with the institution in which the child is placed and over whom the tutorship (guardianship) is instituted;
- l) a person who does not reside on the territory of the Republic of Moldova.

Article 144. Tutorship (guardianship) over children who are raised and educated in state institutions

(1) In case when over the children raised and educated in state institutions tutorship (guardianship) is not instituted, the obligations of the tutor (guardian) are incumbent to the administration of the respective institution.

(2) The temporary placement of the child under tutorship (guardianship) in the state institution does not annul the rights and obligations of the tutor (guardian) towards the child.

(3) The observance of the rights of the children withdrawn from the state institutions is transferred to the tutorship authorities.

Article 145. The rights of the children under tutorship (guardianship)

Children placed under tutorship (guardianship) have the right:

- a) to live together with their tutor (guardian);
- b) to normal living, raising up and education conditions;
- c) to multilateral development and respect for human dignity;
- d) to alimony and other social benefits;
- e) to housing space detained previously by their parents or to allocation of housing, as provided;
- f) to observance of their rights as provided;
- g) to communication with parents and relatives;
- h) to expression of their own opinion in the proceedings related to solving the problems related to their lawful rights and interests.

Article 146. Rights and obligations of the tutor (guardian)

(1) The tutor (guardian) has the right and is obliged to take care of the education of the child placed under his/her tutorship (guardianship), to take care of the health and physical, psychological, spiritual and moral development of the child.

(2) The tutor (guardian) determines by him/herself the means of education of the child placed under tutorship (guardianship), by taking into account possible recommendations of the tutorship authority and by respecting the provisions of art. 62.

(3) The tutor (guardian), by taking into account the child's opinion, may choose the educational institution and form of studies that the child shall pursue, being required to ensure the attendance by the child of the school until the end of the education year when the child reaches the age of 16 years old.

(4) The tutor (guardian) is obliged to request from any person, including close relatives, the return of the child, if these persons keep him/her without legal basis or without an adequate court decision.

(5) The tutor (guardian) is not entitled to impede the child to maintain contacts with his/her relatives, except the cases when such relations are contrary to the interests of the child.

(6) The rights and obligations of the tutor (guardian) regarding the representation of the interests of the child under his/her tutorship (guardianship) are provided for in the civil legislation.

(7) The tutor (guardian) is required to live together with the child under his/her tutorship (guardianship). The guardian and the child under guardianship who reached the age of 14 years old may live separately only with the consent of the tutorship authority.

(8) The tutor (guardian) is required to communicate to the tutorship authority information regarding the health status, care and education of the child, as well as regarding the change of domicile.

Article 147. Exercise of the rights and fulfillment of the obligations by the tutor (guardian)

(1) The rights and obligations of the tutor (guardian) are exercised exclusively in the interest of the minor placed under tutorship (guardianship).

(2) The obligations of the tutor (guardian) are exercised free of charge, except for the cases provided by the law.

8. LAW

on the rights of the child No. 338-XIII of 15.12.94

The Official Monitor of the Republic of Moldova No.13/127 of 02.03.1995

* * *

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Chapter VI LIABILITY FOR NON-COMPLIANCE WITH THE LAW AND CONTROL OVER ITS IMPLEMENTATION

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Article 33. Control over the implementation of this law

Note: See Parliament Decision No.339-XIII of 15.12.94 "On the implementation of the Law on the rights of the child "

The Parliament adopts this law.

The protection of the child, family and maternity by the state and the society constitutes a primary political, social and economic concern in the Republic of Moldova.

This law determines the legal status of the child as independent subject of law, provides for ensuring the physical and mental health of the child, the emerging of the child's civic consciousness based on national and universal human values, ensures special care and social protection to children, who are temporarily or permanently deprived of family environment or find themselves in other unfavourable or extreme circumstances.

Chapter I GENERAL PRINCIPLES

Article 1. Legal framework

- (1) Rights and duties of the child are regulated by this law and by other legislative acts.
- (2) In accordance with this law, a person is considered a child from birth until he/she reaches 18 years.

Article 2. Bodies for protecting child's rights and interests

(1) The state guarantees to every child the right to a standard of life that is adequate for the child's physical, intellectual, spiritual and social development. The state takes action with a view to offering assistance to parents as well as to other persons responsible for the children's education and development.

- (2) The protection of child's rights is ensured by the respective competent bodies and by law enforcement bodies.
[Art.2 amended by Law No.1001-XV of 19.04.2002]

Article 3. Children's equality of rights

All children have equal rights, regardless of race, nationality, ethnical origin, sex, language, religion, views, assets or social origin.

Chapter II FUNDAMENTAL RIGHTS OF THE CHILD

Article 4. Right to life

- (1) A child's right to life and physical and mental inviolability is guaranteed.
- (2) No child may be subject to torture, cruel, inhumane or degrading punishments or treatment.
- (3) The state recognizes the child's right to the use of the best technologies for treatment, recovery and disease prevention.
- (4) Where the parents refuse medical assistance for the sick child, such shall be offered against their will, by decision of the medical council, taken in the presence of a public agent.
- (5) Under the law, in the pre-natal and post-natal periods, the state ensures to the mother the necessary conditions for the healthy development of the child, for his/her reasonable and safe nutrition, qualified and free medical assistance, measures to prevent diseases and to promote a healthy way of living.

Article 5. Child's right to a name and a citizenship

- (1) The child has a name from birth and is registered as provided by the Marriage and Family Code.
- (2) Every child is entitled to a citizenship. The grounds and conditions for acquiring and changing the child's citizenship are established by legislation.

Article 6. Right to personal inviolability and protection against physical and mental violence

The state protects the personal inviolability of the child against any form of exploitation, discrimination, physical and mental violence, prevents cruel, brutal, disparaging behaviour, insults and maltreatment, involvement in criminal activity, alcohol consumption, illegal use of drugs and psychotropic agents, practicing of gambling, panhandling, inciting to or forcing any illegal sexual activity, exploitation with a view to practicing prostitution or other illegal sexual practices, pornography and materials with pornographic character, also from the part of the parents, legal guardians or relatives.

Article 7. Right to protection of dignity and honour

Every child is entitled to protection of dignity and honour. Any encroachment upon the child's honour and dignity shall be punished in accordance with the legislation.

Article 8. Right to freedom of thought and conscience

- (1) Child's right to freedom of thought and opinion, as well as of religious denomination, may not be breached under any form.
 - (2) The state guarantees to the child, who is capable to express his/her opinions, the right to free expression of such opinions on any issues of relevance to the child. The opinion of the child, who has reached 10 years, shall be taken into account in a mandatory fashion, unless it is in conflict with his/her interests.
 - (3) In this regard, the child shall be offered the possibility to be heard in relevant court or administrative proceedings, either directly or by means of a representative or of an appropriate authority, as provided by law.
 - (4) No child shall be forced to share an opinion or to adhere to a religion against his/her views. The liberty of child conscience is guaranteed by the state and should manifest itself in the spirit of religious tolerance and mutual respect.
 - (5) Parents or legal guardians are entitled to educate the child in accordance with their own views.
- [Art.8 amended by LawNo.1001-XV of 19.04.2002]*

Article 9. Right to development of intellectual faculties

The state ensures to all children equal possibilities and conditions for assimilating cultural values; supports the creation of various state and public institutions contributing to the development of children's creative abilities; ensures children's access to such institutions; supports, in accordance with the law, the publication of newspapers, magazines and books for children, film-making and broadcasting and radio and television programs for children.

Article 10. Right to education

(1) Every child is entitled to free education in the state language or in other languages in general education schools and to continue education in technical schools, high-schools, colleges, higher education institutions, as provided by law.

(2) Children with physical or mental disabilities are entitled to education in special schools, which operate in accordance with the respective regulations.

(3) Orphan children and children deprived of parental care are entitled to free education and maintenance in all educational institutions.

Article 11. Right to work

(1) The child is entitled to independent work, according to his/her age, health and professional training abilities, remunerated in accordance with labour law.

(2) Subject to the consent of the parents or legal guardians, children are admitted to work according to their abilities, combining work with studies from 14 years of age. State bodies create reserve employment places for children and special child employment services.

(3) The state protects the child against economic exploitation and performance of any work posing a threat on the child's health, hindering the educational process or harming the child's physical, intellectual, spiritual and social development.

(4) The work of invalid children and children with physical or mental disabilities is accomplished by creating an adequate network of state enterprises and services.

(5) Forced involvement of the child into any form of labour is legally liable.

Article 12. Right to rest

(1) Every child is entitled to rest and leisure and to participate in games and recreational activities according to his/her age. The child may also partake in the cultural and artistic life.

(2) The state stimulates and offers material support for the creation of a large network of extracurricular institutions, sports installations, stadiums, clubs, holiday camps and other establishments that contribute to strengthening the child's health; provides facilities for attending cultural, educational, sports and sanitariums, as well as recreation centres during holidays.

Article 13. Right to association in public organizations

(1) Children are entitled to associate in public organizations, as provided by law.

(2) The state offers material assistance, ensures premises and grants tax incentives to public child organizations.

(3) Children's involvement in political activity and their association in political parties are prohibited.

Article 14. Child's duties

The child is bound to recognize and observe public order and norms of living together, to cherish both national and universal cultural traditions and values, to accumulate knowledge and prepare for useful activity, to take care of parents, the environment, public and private property.

Chapter III FAMILY AND CHILD

Article 15. Parent's duty to give birth to a healthy child

(1) Persons filing a request for marriage are bound to pass a medical examination with a view to revealing any diseases or pathogenic agents that may be passed to the children. The results of the examinations shall be made known to the youth that wishes to get married. The detection of any disease or pathogenic agent may not prevent marriage. In case of detecting genetic dysfunctions, which may lead to serious genetic diseases, giving birth to a child is not recommended.

(2) The pregnant woman shall unconditionally observe medical indications for ensuring the normal development of the foetus. It is recommended to abstain from alcohol, nicotine and drug consumption during pregnancy.

(3) Parents are bound to observe medical recommendations to ensure the normal development of the child in the pre-natal and post-natal period. The observance of all medical requirements is stimulated by the state.

(4) The state ensures necessary conditions for medical examination to marrying persons and to young families.

[Art.15 amended by Law No. 143-XVI of 02.06.06, in effect as of 30.06.06]

Article 16. Right to live in a family

Every child is entitled to live in a family, to know his parents, to benefit of their care and to live together with his/her parents, save for cases when the separation from one or both parents is necessary in the interest of the child.

Article 17. Rights of the child living separately from his/her parents

The child separated from one or both parents, who lives in the Republic of Moldova or in any other country, is entitled to maintain personal relations and direct regular contacts with the two parents, unless this is in conflict with his/her interests.

Article 18. Family responsibility for the child

(1) Both parents equally or the legal guardians bear the main responsibility for the physical, intellectual, spiritual and social development of the child, taking into account primarily his/her interests.

(2) Parents or legal substitutes are liable by law for the lack of permanent supervision of children of an early and preschool age.

(3) Where both or one parent, as well as legal guardians do not fulfil their duties regarding the child or abuse of their parental rights, the child is entitled to notify the guardianship and trusteeship bodies, as well as law enforcement bodies, in order to protect his/her rights and interests.

(4) Where the child is kept in state institutions for children, due to abandonment or falling ill for reasons of non-observance of medical recommendations, both parents shall compensate his/her maintenance expenses in conformity with the law.

Article 19. Right to dwelling space

(1) Children-members of tenant's family shall have the same rights as other members of the family as regards the use of the dwelling space, while children-members of the family of the owner of the dwelling premises have the same rights of use and inheritance of such.

(2) The authorities of local public administration shall ensure the maintenance and repairs of the dwelling premises of orphan children and those left without parental care, until they reach adulthood.

(3) Children returned from a state institution for children, from relatives or legal substitutes, shall be granted dwelling premises out of turn, where their return to the previously occupied premises is impossible.

Article 20. Right to property

Every child has a right to property. A child's right to property is guaranteed. The child benefits of the right to property within the limits and the order established by legislation.

Article 21. Family protection by the state

(1) The family and the child benefit of protection and special assistance in accomplishing their rights.

(2) The state supports the family in the maintenance and education of the children, guarantees the payment of allowances at child birth, and offers other aids and compensations provided by law.

Chapter IV

CHILD IN UNFAVOURABLE AND EXTREME CIRCUMSTANCES

Article 22. Protection of orphan children and children left without parental care

(1) Children, who are temporarily or permanently deprived of a family environment or who, in their own interest, may not be left in such environment, shall enjoy state protection and special assistance, as provided by law.

(2) Orphan children and children left without parental care shall be adopted or placed in another family or a state institution for children.

(3) Adoption by foreign citizens is performed in conformity with the legislation, where a proper solution may not be found in the Republic of Moldova. Upon choosing a solution, account shall be taken of the need to ensure continuity in the education of the child, his/her ethnic, religious, cultural and linguistic origins and child's wishes.

Article 23. Children's maintenance in state institutions for children

(1) Where it is impossible to place a child without family in another family, such child shall be institutionalized into a children's home or in another similar institution, at full state maintenance. The institutionalization shall be performed in accordance with the law.

(2) Institutionalized children shall be ensured all conditions for physical, intellectual and spiritual development, for preserving one's mother tongue, culture, national traditions and customs, and, at the same time, for developing abilities for an independent life.

Article 24. Rights of invalid children and children with physical and mental disabilities

(1) The state guarantees invalid children and children with physical and mental disabilities free medical assistance, special psychological help, general education and professional training, employment according to one's abilities, social reintegration, in order for one to enjoy decent life in conditions facilitating an active social participation.

(2) The state ensures invalidity pensions to invalid children.

Article 25. Rights of children in extraordinary situations

(1) The state offers to children in extraordinary situations (accidents, natural disasters, epidemics, war etc.) free emergency assistance and undertakes urgent measures for their evacuation from dangerous areas and for family reunification.

(2) In case of parent loss, the child shall benefit of state social protection, as well as of privileges provided by law.

Article 26. Interdiction to involve children in military actions

It is prohibited to involve children in military actions and to promote war and violence amongst children.

Article 27. Child's right to refugee status

(1) The state undertakes measures required to ensure necessary protection and humanitarian aid to the child, who wishes to obtain refugee status or who is considered a refugee, in accordance with the rules and procedures of international and national law, whether the child is accompanied or unaccompanied by parents or any other persons.

(2) Where necessary, the state shall offer support to organizations, whose functions include the protection of these categories of children.

Article 28. Protecting child's rights in case of his/her bringing to account

(1) The state protects the child's right to personal freedom.

(2) The detaining or arresting of a child shall apply only as exceptional measures and only in cases provided by law. In case of child's detaining or arrest, the parents or legal guardian shall be notified immediately.

(3) Detained or arrested children shall be kept separately from adults and convicted children.

(4) Capital punishment and life imprisonment may not be applied for crimes committed by persons less than 18 years.

(5) During court pleadings involving children, the defence lawyer and the educational specialist shall participate in a mandatory fashion. Upon examination by the court of a dispute regarding a child's education, the participation of the guardianship authority is mandatory.

[Art.28 supplemented by Law No.1001-XV of 19.04.2002]

Article 29. Protecting child's rights in special educational institutions

(1) A child's referral to special educational institutions shall take place only based on a court judgement, at the proposal of bodies of the local public administration authorities.

(2) The child held in a special educational institution is entitled to humane treatment, health protection, general or professional training, encounters with parents and other interested persons, vacation and correspondence.

(3) A mandatory condition concerning children held in special educational institutions is their re-education with a view to returning to a normal way of living.

Article 30. Child protection from kidnapping, sale and trafficking

The state takes all measures necessary to prevent kidnapping, sale and trafficking in children for any purpose and in any form.

Chapter V INTERNATIONAL COOPERATION

Article 31. International cooperation

(1) The state ensures international cooperation in the field of child's rights protection by means of state and non-state structures.

(2) Where an international agreement, to which the Republic of Moldova is party, provides rules different from those contained in this law, the provisions of the international agreement shall apply.

Chapter VI LIABILITY FOR NON-COMPLIANCE WITH THE LAW AND THE CONTROL OVER ITS IMPLEMENTATION

Article 32. Liability for non-compliance with this law

Natural and legal persons guilty of breaching this law shall be brought to account in conformity with the legislation.

Article 33. Control over the implementation of this law

The control over the implementation of this law is performed by state bodies, empowered to this end by legislation.

SPEAKER OF THE PARLIAMENT

Petru LUCINSCHI

**Chisinau, 15 December 1994.
No.338-XIII.**

9. LAW

on Preventing and Combating Family Violence Law Number 45-XVI of 1 March 2007

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Preventing and combating family violence is part of the national policy for the protection and support of the family and represents an important public health issue.

Parliament adopts this organic law to strengthen, protect and support the family and to ensure the observance of fundamental legislative principles regarding the family and the equality of opportunities between women and men regarding their human right to a violence-free life.

Chapter I GENERAL PROVISIONS

Article 1. Subject matter of the law

This law establishes the legal and organizational framework for preventing and combating family violence, the authorities and institutions responsible for preventing and combating family violence, and the mechanism for identifying and solving cases of violence.

Article 2. Principal terms

For the purpose of this law, the following terms shall mean:

Family violence – any deliberate action or inaction, except actions taken in self-defense or in defense of other persons, whether physical or verbal, that is manifested through physical, sexual, psychological, spiritual or economic abuse or by causing material or moral damage, committed by a family member against other family members, including against minors, or against common or personal property;

Physical violence – deliberate infliction of bodily injuries or damage to health by hitting, pushing, tossing, pulling by the hair, stinging, cutting, burning, strangling, biting, in any form and of any intensity; by poisoning, intoxicating, or other similar actions;

Sexual violence – any violence of a sexual character or any illegal sexual conduct within the family or within other interpersonal relationships, such as marital rape; prohibiting the use of contraception; sexual harassment; any unwanted, imposed sexual conduct; forced prostitution; any illegal sexual conduct with a minor family member, including fondling, kissing, setting the child into poses or other unwanted touching with sexual connotations; or other similar actions;

Psychological violence – imposing one's volition or personal control by causing tension and mental suffering including ridiculing, swearing, insulting, derogatory nicknaming; blackmailing; the intentional destruction of objects; verbal threats; the demonstrative showing of fire arms or hitting domestic animals; neglect; meddling in the personal lives of others; acts of jealousy; imposing isolation by detention, including detention in the family dwelling; isolation from the family, community, friends; prohibiting professional accomplishment, prohibiting attendance at educational institutions; seizure of identity documents; deprivation of access to information; or other similar actions;

Spiritual violence – the underestimation of, or demeaning the importance of, the need to satisfy moral and spiritual needs by prohibiting, limiting, ridiculing or punishing the aspirations of family members, by prohibiting, ridiculing or punishing access to cultural, ethnic, linguistic or religious values; by imposing a system of unacceptable personal values; or by other actions with similar effects or repercussions;

Economic violence – the deprivation of economic means, including the deprivation essentials such as food, medicine and living necessities; the abuse of a position of authority such as taking away personal property, prohibiting the possession, use or disposal of common property, unfair control over common property and resources; refusal to support the family; imposing hard or harmful labor or damaging health, including such actions affecting minor members of the family; or other similar actions;

Moral damage – causing suffering to a family member, including a minor child, within the family or in other interpersonal relationships, which leads to humiliation, fear, abasement, inability to defend oneself against physical violence, or feelings of frustration;

Material damage – damage that can be evaluated or estimated in financial/monetary terms, resulting from any act of violence in the family, or in a cohabitation relationship, and to include the costs for examination of the case of family violence;

Aggressor – person who commits acts of violence in the family or in a cohabitation relationship;

Victim – a person, adult or minor, subject to acts of violence within the family or within a cohabitation relationship;

Protective order – a legal act, by which the court applies victim protection measures.

Article 3. Applicability of this law

(1) This law applies to: the aggressor and the victim citizens of the Republic of Moldova and to foreign citizens and stateless persons who live in the Republic of Moldova.

(2) This law applies:

a. In cases of cohabitation – persons in relationship of marriage, divorce, intimate cohabitation, guardianship and tutorship, their direct or collateral relatives, relatives' spouses, or other persons who are maintained by the such persons;

b. In cases of separate habitation – persons in a relationship of marriage; their children, including adopted children; those born outside the marriage; those under guardianship or tutorship; or other persons who are maintained by such persons.

Article 4. Legal framework

(1) The legislation on preventing and combating family violence consists of the Constitution of the Republic of Moldova, this law, other normative acts, and international treaties to which the Republic of Moldova is a party.

(2) If the international treaty to which the Republic of Moldova is a party contains provisions different from those of this law, the provisions of the international treaty shall apply.

Article 5. Basic principles of preventing and combating family violence

(1) Preventing and combating family violence is based on the following principles:

- a. Legality;
- b. Equality;
- c. Confidentiality;
- d. Access to justice;
- e. Protection and security of the victim; and
- f. Cooperation of public administration authorities with civil society and international organizations.

Article 6. Scope of law

The provisions of this law are applicable in the same manner to the citizens of the Republic of Moldova, foreign citizens and stateless persons, who live on the territory of the Republic of Moldova.

Chapter II AUTHORITIES AND INSTITUTIONS RESPONSIBLE FOR PREVENTING AND COMBATING FAMILY VIOLENCE

Article 7. Authorities and institutions responsible for preventing and combating family violence

(1) The authorities and institutions responsible for the administration of this law are:

a. Central specialized public administration authorities such as (the Ministry of Labor, Social Protection and Family, the Ministry of Education, the Ministry of Healthcare, the Ministry of the Interior, the Ministry of Justice);

b. Specialized local public administration authorities, such as:

- The social assistance and family protection sections/departments;
- The general education, youth and sports departments;
- Healthcare organizations;
- Internal affairs' organizations;

c. Local public administration and social issue commissions;

- d. Centers/services for victim and aggressor rehabilitation;
- e. Other organizations with specialized activities in the field.

(2) The Ministry of Labor, Social Protection and Family is the central public authority responsible for the development and promotion of policies in the field of preventing and combating family violence and providing social assistance.

(3) A Coordinating Inter-Ministerial Council in the Field of Prevention and Combating of Family Violence shall be created by the Ministry of Labor, Social Protection and Family, consisting of one representative of each central authority specified in paragraph (1), representatives of civil society and other interested parties. The Coordinating Inter-Ministerial Council shall be responsible for ensuring the coordination and collaboration between ministries and other central administrative authorities with functions in the field of prevention and combating of family violence. The Regulation of the Coordinating Inter-Ministerial Council shall be approved by Government decision.

(4) The local public authority tasked with the implementation of family violence prevention policies and with social assistance of victims and aggressors is the rayon section/department for social assistance and family protection, within which a specialist responsible for the prevention and combating of family violence shall be appointed.

(5) Other local-level public services shall appoint persons tasked with prevention and combating of family violence, responsible for the coordination of specific activities within their institutions and for the collaboration upon carrying out joint activities at the level of the administrative-territorial unit, based on established collaboration procedures in the field of prevention and combating of family violence cases.

Article 8. The role of central and local public administration authorities

(1) Within the limits of their authority, central specialized public administration authorities such as (the Ministry of Labor, Social Protection and Family, the Ministry of Education, the Ministry of Healthcare, the Ministry of Interior and the Ministry of Justice) are to:

- a. Ensure the development and promotion of policies in the field of family support, in preventing family violence, and in offering protection and assistance to victims and aggressors;
- b. Coordinate the field activity of decentralized/deconcentrated structures;*
- c. Coordinate, assess and monitor the activity of centers/services for victim and aggressor rehabilitation;
- d. Establish procedures for identifying, recording and reporting cases of family violence according to gender statistic criteria;
- e. Strengthen the capacities of human resources in the field of preventing and combating family violence;
- f. Collaborate with non-governmental organizations and natural and legal persons involved in activity of preventing and combating violence.

(2) Local public administration authorities are to:

- a. Appoint commissions for social issues and organize their activities at the local level;
- b. Create multi-disciplinary teams in the field;
- c. Organize centers/services for victim and aggressor rehabilitation according to international standards;
- d. Organize awareness campaigns, studies and other actions in the field of family violence prevention;
- e. Develop social partnerships with non-governmental organizations including foundations, trade unions, employers' unions and with international organizations that work in the field of preventing and combating family violence;
- f. Ascertain, through a decision of the commission for social issues, whether the application of protective measures presents danger to the victim's life or health.

(3) Social assistance and family protection sections/departments, through the specialist responsible for the prevention and combating of family violence, are to:

- a. Collaborate with the administrative bodies of the interior to identify persons inclined to commit acts of family violence;
- b. Update the database concerning acts of family violence at the territorial level;

* Editor's Note: This term is from the Law on Local Public Administration and refers to a service that has more independence at the local level and does not report to the central authorities.

- c. If appropriate, place the victim into a rehabilitation center and offer the appropriate assistance;
- d. Conduct psychological and psycho-social counseling in order for victims to overcome the consequences of acts of family violence, by their own means or by referring the case to the specialists of rehabilitation centers;
- e. Facilitate the aggressor's access to rehabilitation programs, at the request of the law enforcement bodies;
- f. Protect the lawful rights and interests of victims, including minor victims;
- g. Carry out informational programs to prevent family violence, jointly with other empowered authorities and in collaboration with non-governmental organizations in the field;
- h. Determine the need to create centers/services for victim and aggressor rehabilitation, ensure that such centers/services have methodology and information support;
- i. Monitor and coordinate professional activities, to be carried out by social assistants within mayoralties; for preventing family violence, for supporting/counseling victims and for re-socializing aggressors;
- j. Present mid-year reports to the Ministry of Labor, Social Protection and Family regarding the activities of the sections/departments and social assistants according to established partnerships;
- k. Monitor victims and offer assistance after victims leave the rehabilitation centers.

(4) General education, youth and sports departments are to:

- a. Ensure that teachers are informed and trained: regarding the classification of acts of family violence; how to apply the methods and means to prevent such acts; and to notify the appropriate authorities;
- b. Jointly with other authorities with competence in the field and in collaboration with field non-governmental organizations, conduct educational programs for parents and children on preventing and combating family violence;
- c. Ensure counseling activities for the psychological and psycho-social rehabilitation for minor victims of family violence;
- d. Through teachers, report cases of family violence to the appropriate authorities, including cases of family violence against children; in such instances the guardianship authority and the police are to be appropriately and immediately notified.

(5) Medical institutions of all types and levels are to:

- a. Organize awareness campaigns;
- b. Report cases of family violence, through medical employees, to the guardianship authority and to the police;
- c. Ensure medical counseling and assistance for victims;
- d. Initiate and accomplish programs and services for aggressors; ensure completion of programs for treatment of alcoholism, detoxification, psycho-therapeutic treatment, as applicable, at the expense of the abuser or, as applicable, from the funds of mandatory medical insurance;
- e. Initiate permanent partnerships with all programs dealing with mother and child health;
- f. Contract for medical services to be provided by centers/services for victim and aggressor rehabilitation.

(6) The administrative bodies of the interior, at the specialized unit level are to:

- a. Identify, record and report cases of family violence;
- b. Ensure basic records of aggressors;
- c. Notify the guardianship and tutorship authorities in cases of minor victims of family violence;
- d. Examine requests and notifications submitted by citizens, medical institutions, forensic medicine centers and other institutions that deal with conflicts within families, acts of violence, death threats or the immediate danger of the same;
- e. Visit families whose members are on record, perform activities for preventing repeated acts of family violence;
- f. In emergencies, and contingent on the gravity of the case, ensure the administrative arrest of the aggressor;
- g. Obtain a protective order from the court in emergencies, based on the victim's request or on the notification of the case; ensure the enforcement of the protective order;
- h. In family violence cases, explain the victim's rights to the victim and, at the victim's request, assist them with placement in a rehabilitation center;
- i. Inform the victim of their right to free legal assistance;
- j. Ensure access to rehabilitation services for the aggressors, including those under administrative arrest;
- k. Ensure the security, safety and public order in victim rehabilitation centers;

l. Monitor and administrate, jointly with social assistants, cases of family violence in the serviced territory and update the field database;

m. Collaborate with the appropriate authorities in the field and with civil society to prevent and combat family violence.

Article 9. The role of the Penitentiary Institutions Department

The Penitentiary Institutions Department is responsible for:

- a. Organizing services and programs for the rehabilitation and the re-socialization of imprisoned aggressors;
- b. Collaboration with other appropriate authorities in the field.

Article 10. The role of the centers/services for victim and aggressor rehabilitation

(1) The center for rehabilitation of victims of family violence, hereinafter referred to as the Center, is a specialized institution that offers accommodation, food, legal, social, psychological and medical emergency assistance, safety and protection, and assistance in contacting relatives.

(2) Centers may be created:

- a. By the Government, at the proposal of the Ministry of Labor, Social Protection, and Family;
- b. By the local public administration authorities, at the proposal of the commission for social issues;
- c. By international organizations and non-governmental organizations, with the notification of the Ministry of Labor, Social Protection and Family;
- d. By public administration authorities and non-governmental or private organizations, based on an agreement of joint activity.

(3) A Center is to:

- a. Ensure protection and accommodation for the victim, until the resolution of the family situation, but for no more than 3 months;
- b. Offer psychological, pedagogical, social and legal assistance and medical care for the family members who are or might become victims;
- c. In emergency cases, when the isolation of the aggressor is necessary as a protective measure, undertake, at the victim's request, the placement of the victim and, with the consent of the legal representative or of the guardianship authority, the placement of the child;
- d. Prohibit aggressor access into the premises;
- e. Notify law enforcement bodies of the acts of family violence;
- f. Study and summarize the causes and circumstances of the acts of family violence.

(4) The founder shall approve regulations for the organization and operation of a Center, based on a framework regulation approved by Government decision.

(5) The costs of a Center's activity are to be covered from the founder's general budget.

(6) The organization and operation of the Center may be also materially and financially supported by economic agents and entrepreneurs as set out by the Law on Philanthropy and Sponsorship.

(7) To ensure the security of the premises where victims are accommodated, a Center shall benefit from free police assistance.

(8) The aggressor rehabilitation service is to:

- a. Offer specialized programs for treating alcoholism, detoxification and psycho-therapeutic treatment;
- b. Offer psychological and social assistance and vocational/career rehabilitation services to the aggressor;
- c. Collaborate with specialized territorial authorities to promote a healthy lifestyle, to prevent and treat alcohol and drug addiction and sexually transmitted diseases;
- d. Collaborate with institutions, enterprises and with non-governmental organizations to organize train and retrain aggressors for employment opportunities.
- e. Inform appropriate authorities about the termination of protective measures and the aggressor's reintegration back into the family;
- f. Study and summarize the causes and circumstances of the acts of family violence.

(9) The Government shall establish and monitor the operation standards for the Centers/services for victims' and aggressors' rehabilitation.

Chapter III

MECHANISM FOR THE RESOLUTION OF ACTS OF FAMILY VIOLENCE

Article 11. The victim's right to protection

(1) The victim is guaranteed the protection of his/her legitimate rights and interests.

(2) Responsible persons and other persons who are aware of a threat or danger to the life or health of a potential victim must notify the authorities responsible for preventing and combating family violence.

(21) The victim is entitled to assistance for physical, mental and social rehabilitation, through medical, psychological, legal and social actions. The rendering of protective services and assistance shall not be conditioned by the victim's willingness to testify and participate in the judicial prosecution of the aggressor. The right to privacy and the confidentiality of information regarding the victim is guaranteed.

(3) Bodies tasked with the prevention and combating of family violence shall be bound to react promptly to any request and to inform victims about their rights, about bodies and institutions tasked with the prevention and combating of family violence; about the types of services and organization that may be addressed for help; about assistance available to the victims; about where and how can they lodge a complaint; about the procedure to be followed after lodging the complaint and about their role in such proceedings; how protection can be obtained; to what extent and in what conditions can counseling or legal assistance be accessed; whether there are risks for their life or health in case of release of a an apprehended person or of a convict; whether the protective ordinance has been cancelled.

(4) Cases of family violence may be subject to mediation, at the request of the parties. Mediation shall be performed by certified mediators or, absent such mediators, by the commission for social issues, with the participation of the social assistant, as appropriate.

(5) The victim is entitled to free of charge primary and proficient legal assistance, in accordance with legislation on legal assistance guaranteed by the state.

(6) The victim shall be offered medical assistance in medical and sanitary institutions, in accordance with the Law on mandatory insurance for medical assistance.

(7) The victim's privacy and identity are protected. Recording, storage and use of the victim's personal data shall be performed in accordance with the provisions of the Law on protection of personal data.

Article 12. Persons who may submit claims of family violence

Persons entitled to submit claims of family violence are:

- a. the victim;
- b. in emergencies, family members;
- c. responsible persons and professionals who come into contact with the family;
- d. the guardianship authority;
- e. other persons who are aware of an imminent threat of or potential for acts of violence or of the occurrence of such acts.

Article 13. Submittal of claims

(1) A claim regarding acts of family violence shall be submitted:

- a. To the administrative bodies of the interior;
- b. To the court;
- c. To the department of social assistance and family and child protection;
- d. To the local public administration authority.

(2) The claim shall be submitted at the place:

- a. of victim's domicile;
- b. of the victim's temporary residence, if the victim has left his/her domicile to avoid the continuation of direct violence;
- c. of aggressor's residence;
- d. where the victim has sought assistance;
- e. where the act of violence took place.

(3) No state fee will be charged for the submission of claims to the court regarding acts of family violence.

Article 14. Examination of the claim

(1) The claim submitted to the administrative bodies of the interior shall be examined according to the applicable legislation.

(2) The claim submitted to the court shall be examined according to the Civil Procedure and Criminal Procedure Codes.

(3) The claim submitted to any authority responsible for preventing and combating family violence shall be referred within one workday to the appropriate authority.

Article 15. Protective measures

(1) The court shall, within 24 hours of receipt of the claim, issue a protective order, to assist the victim, by applying the following measures against the aggressor:

- a. Oblige the aggressor temporarily to leave the joint dwelling or to keep away from the victim's dwelling, without making any determination as to ownership of property or assets;
- b. Oblige the aggressor to keep away from the victim's person;
- c. Oblige the aggressor to refrain from contacting the victim, the victim's children or other dependants of the victim;
- d. Prohibit the aggressor from visiting the victim's place of work or residence.
- e. Oblige the aggressor, until the case is resolved, to contribute to the maintenance of his/her and the victim's children;
- f. Oblige the aggressor to cover the costs and damages caused by the aggressor's acts of violence, including medical expenses and the cost of replacing or repairing destroyed or damaged assets;
- g. Restrict the unilateral disposal of common assets;
- h. Oblige the aggressor to partake in a special treatment or counseling program, if the court determines this is necessary to reduce or eliminate violence;
- i. Establish a temporary visitation schedule for the aggressor's underage children;
- j. Prohibit the aggressor from keeping or handling fire arms.

(2) The sector inspector, in collaboration with the social assistant, is responsible for notifying the aggressor of the protective order and its application.

(3) The protective measures specified in paragraph 1 will be applied for up to three months, may be cancelled upon the elimination of the threat or danger that caused the application of such measures, and may be extended in case of a repeated claim or if the conditions set in the protective order have not been observed.

(4) The application of protective measures does not prevent the commencement of divorce procedures, division of property, annulment of parental rights, seizure of a child without annulment of parental rights or other actions provided by applicable legislation.

(5) The supervision of the execution of the protective measures established by the court is the task of the administrative bodies of interior, the administrative bodies of social assistance and other administrative bodies, as appropriate.

(6) If warranted, the court may lift the protective measures at the victim's request. If the victims are children or infirm persons, the court is obligated to examine the case.

(7) An appeal of the protective order may be made according to applicable legislation.

Article 16. Funding

(1) The implementation of this law shall be funded from the state budget, the budgets of territorial-administrative units, within the limits of annually established funds, and from other sources that are not prohibited by law.

(2) Centers/services for the rehabilitation of victims and aggressors are to be funded from allotments provided from the budgets of territorial-administrative units, from donations, grants, and from other sources, according to applicable legislation.

Article 17. Sanctions

(1) Non-observance by the aggressor of the provisions of Article 15 paragraph 1 shall be sanctioned as provided in the applicable legislation.

(2) When acts of family violence contain elements of an administrative offence or of a criminal offence, applicable legislation shall apply, notwithstanding any applicable protective measures.

(3) Non-observance of this law by responsible persons or by professionals in the field is a breach of work discipline and requires disciplinary liability as established by law.

Chapter IV FINAL PROVISIONS

Article 18

(1) This law shall take effect six months from the publication date.

(2) Within 3 months, the Government:

- a. Shall submit to the Parliament proposals for bringing existing legislation in conformity with this law; and
- b. Shall bring its normative acts in conformity with this law.

SPEAKER OF THE PARLIAMENT
#45-XVI, March 1, 2007

Marian LUPU

10. LAW

on Preventing and Combating Trafficking in Human Beings No. 241-XVI of 20 October 2005

Official Monitor of the Republic of Moldova no. 164-167/812 of 9 December 2005

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The Parliament hereby adopts the present organic law.

Chapter I
GENERAL PROVISIONS

Article 1. Scope of the Law

The present Law regulates legal relationships concerning:

- a) preventing and combating trafficking in human beings;
- b) assistance framework for preventing and combating trafficking in human beings, for protection, and for granting assistance to victims of such trafficking;
- c) cooperation of public administration authorities with non-governmental organizations and other representatives of civil society in preventing and combating trafficking in human beings;
- d) cooperation with other states and international and regional organizations competent in the field.

Article 2. Main Terms

In the present law, the following main terms will be used:

1) trafficking in human beings – recruitment, transportation, transfer, harbouring or receipt of a person, by means of threat of force or use of force or other forms of coercion, of abduction, fraud, deception, of abuse of authority or a situation of vulnerability, or by means of offering or receiving payments or benefits of any kind in order to obtain the consent of a person who has control over another person for the purpose of exploitation of the latter;

2) trafficking in children – recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, even if these actions were not accomplished through any of the means provided in sub-paragraph 1);

3) exploitation of a person – abuse of a person in order to obtain profit, namely:

a) compelling to perform work or services, by use of force, threats or other forms of coercion, in violation of the legal provisions connected to labour conditions, remuneration, health and security;

b) slavery, use of certain practices similar to slavery, or resorting to other ways of deprivation of liberty;

c) compelling to engage in prostitution, to participate in pornographic performances, with a view to the production, distribution and any introduction into circulation of such performances, the acquisition, sale or possession of pornographic material, or practicing other forms of sexual exploitation;

d) compelling harvesting of organs or tissues for transplantation or collection of other component parts of the human body;

e) using a woman as a surrogate mother or for reproductive purposes;

f) abuse of child's rights with a view to illegal adoption;

g) use in armed conflicts or in illegal military formations;

h) use in criminal activities;

i) compelling to engage in begging;

j) sale to another person;

k) compelling to engage in other activities that violate fundamental human rights and freedoms.

The consent of a victim of trafficking in human beings to the intentional exploitation, stipulated in sub-paragraph 3), is irrelevant when any of the means of coercion specified in sub-paragraph 1) are employed;

4) child – any person under 18 years of age;

5) document – passport or identity card or any kind of travel documents of the person subject to exploitation;

6) seizure of documents – depriving by any means the person subject to exploitation of the documents mentioned in sub-paragraph 5);

7) debt bondage – the state of a person deprived of freedom, including the freedom of movement or holding hostage until he/she or a third party reimburses a legally or illegally established debt;

8) slavery – state or condition of a person over whom one or all entitlements flowing from a right of ownership are exercised;

9) slavery-like practices – state of a person who is kept or forced in a situation in which another person exercises mastery over him/her or forces him/her through deception or threats of violence, violence or other means of coercion to offer certain services, including to enter into or to remain as a concubine (*i.e.*, co-habitation, n.a.) or in a marital relationship;

10) state of vulnerability – special state in which a person is found such that he/she is inclined to be abused or exploited, especially due to:

a) his/her precarious situation from the standpoint of social survival;

b) situation conditioned upon age, pregnancy, illness, infirmity, physical or mental deficiency;

c) his/her precarious situation due to illegal entry or stay in a country of transit or destination;

11) victim of trafficking in human beings – a natural person presumed or found to be subjected to acts of trafficking as provided for in sub-paragraphs 1) and 2).

12) trafficker in human beings – a person who participates in the organizing and carrying out of activities of trafficking in human beings;

13) identification of victims of trafficking in human beings – the process of verification of persons presumed to be victims of trafficking in human beings.

Article 3. Legal Framework

The legal framework for the activity of preventing and combating trafficking in human beings and for protection of victims of trafficking is constituted by the Constitution of the Republic of Moldova, the international treaties to which the Republic of Moldova is a party, the present law, and other normative acts that regulate relationships in this field.

Article 4. Basic Principles of Combating Trafficking in Human Beings

Combating trafficking in human beings shall be carried out on the basis of the following principles:

- a) observance of human rights and fundamental freedoms;
- b) acknowledgment of trafficking in human beings as a crime affecting the fundamental human rights, dignity, liberty and integrity of human beings;
- c) inevitability of punishment for traffickers in human beings;
- d) legality;
- e) free access to justice;
- f) ensuring security and a fair attitude towards victims of trafficking in human beings;
- g) holistic use of preventive measures: legal, political, socio-economic and informational;
- h) social partnership, collaboration of public administration authorities with international organizations, non-governmental organizations, and other representatives of civil society;
- i) proportionality between the observance of fundamental rights of victims of trafficking in human beings and the conditions of criminal prosecution, in a manner that is not harmful to the rights of the defendant;
- j) equal treatment of all forms and types of national and transnational trafficking in human beings, whether or not related to organized crime, *etc.*;
- k) collaboration of competent public administration authorities and organizations of other states with international organizations in order to achieve the objectives of combating trafficking in human beings.

Article 5. Non-Discrimination

Implementation of the provisions of the present Law, especially measures for the protection of the rights of victims of trafficking in human beings, shall be ensured without discrimination on any criteria, such as: sex, race, language, religion, political or other opinion, social or national origin, citizenship, association with an ethnic minority, *etc.*.

Chapter II INSTITUTIONAL FRAMEWORK. PREVENTING AND COMBATING TRAFFICKING IN HUMAN BEINGS

Article 6. Authorities Competent to Prevent and Combat Trafficking in Human Beings

(1) In order to increase the efficiency of activities to prevent and combat trafficking in human beings, especially in women and children, public administration authorities listed in the present chapter, non-governmental organizations and other representatives of civil society shall engage, separately or in combination, in such activity.

(2) While performing activities to prevent and combat trafficking in human beings, public administration authorities listed in the present chapter shall collaborate among themselves through exchange of information, sharing experts, carrying out joint activities of victim examination and identification, personnel training, conducting socio-economic initiatives, as well as through other activities in the field.

(3) Non-governmental organizations and international organizations with activities in the field and represented in the Republic of Moldova shall be provided free rein when contributing to shaping the institutional framework and to activity to prevent and combat trafficking in human beings.

Article 7. National Plan for Preventing and Combating Trafficking in Human Beings

(1) For the purpose of preventing and combating trafficking in human beings, as well as for the protection of victims of such trafficking, the Government shall approve the National Plan for Preventing and Combating Trafficking in Human Beings (hereinafter referred to as the National Plan).

(2) The National Plan shall be approved periodically for a two-year term. It shall regulate the implementation of holistic measures and the realization of socio-economic initiatives aimed at preventing and combating trafficking in human beings as well as at protecting victims of such trafficking, including collaboration with international organizations, non-governmental organizations, other institutions and representatives of civil society.

(3) Central and local public administration authorities empowered in the field of preventing and combating trafficking in human beings shall adopt their own action plans for realization of the National Plan in their fields of activity.

Article 8. National Committee for Combating Trafficking in Human Beings

(1) Coordination of activity to prevent and combat trafficking in human beings and cooperation of public administration authorities with international organizations, non-governmental organizations, other institutions and representatives of civil society [in such activities], shall be carried out by the National Committee for Combating Trafficking in Human Beings (hereinafter referred to as the National Committee).

(2) The National Committee is a consultative body of the Government.

(3) The nominal composition of the National Committee and its Regulation shall be approved by the Government. The procedure for appointment and revocation of the members of the National Committee shall be regulated by the Regulation of the National Committee.

(4) The National Committee shall have the following powers:

a) to submit to the Government proposals on the fundamental elements of state policy in the field of preventing and combating trafficking in human beings and recommendations aimed at improving the activity of detection and elimination of the causes and conditions facilitating the appearance of trafficking in human beings and activities of trafficking in human beings;

b) to regulate implementation of the National Plan and observance of legislation on preventing and combating trafficking in human beings by state institutions and organizations, and to report to the Government on the means of implementation of the National Plan;

c) to collect and analyse information about the scope, conditions and trends of trafficking in human beings at the national level;

d) to submit proposals for legislative improvements in the field of preventing and combating trafficking in human beings and protection of victims of such trafficking;

e) to organize public awareness raising campaigns on issues of trafficking in human beings and social dangers of this phenomenon;

f) to coordinate the activity of territorial commissions for combating trafficking in human beings and specialized institutions with respect to realization of the National Plan and performance of actions to prevent and combat trafficking in human beings;

g) periodically to assess and monitor the process of realization of the National Plan and to inform the Government and civil society about the results obtained.

(5) The National Committee is comprised by representatives of public administration authorities, including law enforcement bodies, and organizations carrying out activities to prevent and combat trafficking in human beings.

(6) Representatives of non-governmental organizations and international organizations that have their representation offices in the Republic of Moldova and are involved in activities to combat trafficking in human beings and grant assistance to victims of such trafficking, may attend the meetings of the National Committee, with the right to a consultative vote, and they shall be included in the composition of the National Committee and the territorial commissions for combating trafficking in human beings.

(7) Organizational matters of the National Committee are ensured by a secretary, appointed by its Chairman.

(8) The National Committee shall submit to the Government periodically, but not less frequently than once per year, by February^{1st}, as well as upon request, a report on its activity. At any other time central public administration authorities may request information from the National Committee on the state of observance of legislation on preventing and combating trafficking in human beings.

Article 9. Territorial Commissions for Combating Trafficking in Human Beings

(1) For the purpose of coordination of activities to prevent and combat trafficking in human beings in districts, municipalities, and the autonomous territorial unit of Gagauzia, territorial commissions for combating trafficking in human beings shall be created within the executive bodies of the respective representative authorities. In the Chisinau Municipality, such commissions shall also be created within sectors.

(2) The territorial commissions for combating trafficking in human beings shall have the following functions:

a) to organize and coordinate activity to prevent and combat trafficking in human beings, protection and assistance to victims of such trafficking, and collaboration between local public administration authorities, law enforcement authorities, non-governmental organizations, institutions and other representatives of civil society working in this field;

b) to implement the measures set out in the National Plan at the local level;

c) periodically to assess and monitor on-site activities to prevent and combat trafficking in human beings carried out by state bodies and to inform and submit proposals regarding improvement of the effectiveness of these activities to the respective representative authorities and the National Committee;

d) to grant assistance in drafting research programs and assessments and collecting statistical data regarding trafficking in human beings;

e) to implement training programmes regarding preventing and combating trafficking in human beings for vulnerable persons and civil servants involved in such activities.

(3) The Regulation of the territorial commissions for combating trafficking in human beings shall be approved, respectively, by district councils, municipal councils, and the General Assembly of the autonomous territorial unit of Gagauzia on the basis of the Framework Regulation approved by Government decision.

(4) The territorial commission shall submit to the respective representative authority and the National Committee a periodic activity report not less frequently than once per year, by the 15th of January.

Article 10. Functions of Public Administration Authorities in the Field of Preventing and Combating Trafficking in Human Beings

(1) In conformity with their functions:

1) The Ministry of Interior, Ministry of Foreign Affairs and European Integration, Intelligence and Security Service, and National Migration Bureau shall develop a list of states that pose an increased risk of trafficking in human beings and shall bring such list to the attention of interested bodies;

2) The Ministry of Foreign Affairs and European Integration, Intelligence and Security Service, Ministry of Interior, Frontier Guard Service, and National Migration Bureau shall take necessary actions to forbid [presence] on the territory of the Republic of Moldova by foreign citizens and stateless persons, where there is accurate information that they are traffickers in human beings;

3) The Frontier Guard Service shall undertake measures to prevent and combat trafficking in human beings through prevention, detection, and deterrence of attempted border crossings of the state border by traffickers in human beings, as well as illegal border crossings of the state border by victims of trafficking in human beings;

4) The Ministry of Health and Social Protection:

a) shall, with the assistance of the National Employment Agency, implement information activities on topics related to the situation in the labour market, vocational training programmes, or incentives for employment, by offering labour mediation services, professional information and counselling, vocational orientation and training, as well as consultations and assistance in starting a business activity;

b) shall, through social assistance bodies, ensure to victims of trafficking in human beings information and counselling and extend to them the facilities provided by law for socially marginalised persons;

c) shall develop medical assistance programs, including psychiatric assistance, and designate the medical institutions that will offer such assistance to victims of trafficking in human beings;

5) The Ministry of Education, Youth and Sports shall, in cooperation with other interested ministries, local public administration authorities, and non-governmental organizations working in this field, develop educational and training programmes for teachers, parents, children, and at-risk groups aimed at eliminating all the causes and conditions that encourage trafficking in human beings, especially in women and children;

6) The National Migration Bureau shall issue, as provided by law, immigrant certificates valid for a certain period to foreign citizens and stateless persons who are victims of trafficking in human beings;

7) The Ministry of Foreign Affairs and European Integration shall contribute to preventing and combating trafficking in human beings, especially through organizing and participating in negotiations in order to conclude international treaties with other states and international organizations in the field of trafficking in human beings, as well as through granting assistance and protection to trafficked persons abroad, within the limits of international legal provisions;

8) The Ministry of Information Development shall ensure the identification of victims of trafficking in human beings and shall issue residence permits or, as the case may be, identity cards to victims of trafficking in human beings who are foreign citizens or stateless persons, where their stay [in Moldova] is necessary due to their personal circumstances or due to their participation in criminal proceedings against the trafficker, under the conditions stipulated in paragraph (6) of Article 24;

9) The Ministry of Economy and Commerce, together with other interested ministries and departments, shall develop and implement socio-economic programmes aimed at the removal of the economic causes and conditions encouraging illegal migration, including trafficking in human beings;

10) The Ministry of Justice shall submit every 6 months the list of non-governmental organizations engaged in activities to prevent and combat the trafficking phenomenon and to assist and protect victims of trafficking. The Ministry of Justice, jointly with other central public administration authorities specified in this Article, shall prepare draft normative acts to regulate relations in the sphere of preventing and combating trafficking in human beings, as well as granting protection and assistance to victims;

11) The centres for assistance and protection of victims of trafficking in human beings shall issue provisional identity documents for the period of accommodation, with the possibility of extension as provided in Article 17.

(2) The central public administration authorities competent in preventing and combating trafficking in human beings, the local public administration authorities, and the territorial commissions for combating trafficking in human beings shall systematically organize informational awareness-raising campaigns for the population and shall develop and distribute publicity materials on the risks that potential victims of trafficking in human beings can be exposed to, in active collaboration with mass-media.

(3) The public administration authorities mentioned in the present Article shall periodically inform the National Committee about the actions undertaken to prevent and combat trafficking in human beings, by presenting proposals to increase the efficacy of these activities.

Article 11. Functions of Law Enforcement Bodies in the Field of Preventing and Combating Trafficking in Human Beings

(1) The Ministry of Interior and its central and territorial subdivisions shall:

a) carry out activities to prevent and combat trafficking in human beings through prevention, detection, and deterrence of crimes related to trafficking in human beings in accordance with effective legislation by conducting criminal prosecution in criminal cases of trafficking and other related actions;

b) ensure, upon request, the physical protection of victims of trafficking in human beings throughout criminal proceedings and grant other assistance and protection according to this Law and other normative acts in this field.

(2) The Ministry of Interior, through its organizations specialized in preventing and combating trafficking in human beings, shall carry out operative investigative activities, criminal prosecution, international cooperation for the identification and protection of victims of trafficking in human beings, analysis and intelligence and shall facilitate the creation of regional centres for preventing and combating trafficking in human beings.

(3) The Ministry of Interior, supported by other ministries and departments, shall develop, administer and maintain an updated database regarding the phenomenon of trafficking in human beings, whilst respecting the confidentiality of the personal data of victims of trafficking in accordance with Article 21 of the present Law.

(4) The Ministry of Interior, jointly with the General Prosecutor's Office, shall carry out studies aimed at detecting and eliminating the causes and conditions encouraging trafficking in human beings and shall publish each semester in the mass media the statistical information and analytical reports on preventing and combating trafficking in human beings and protecting victims.

(5) The General Prosecutor's Office, within the scope of its competence, shall carry out activities to prevent and combat trafficking in human beings in compliance with effective legislation, shall coordinate, conduct, and perform criminal prosecution in cases related to such trafficking, shall represent the state prosecution in

courts, shall supervise the observance of human rights, including of victims of trafficking, and shall take other necessary measures in this field. Within the General Prosecutor's Office, a specialized subdivision for preventing and combating trafficking in human beings shall be established.

(6) The Intelligence and Security Service and its territorial bodies shall carry out activities to prevent and combat trafficking in human beings through detection of connections of international organizations and organized criminal groups with traffickers in human beings, as well as through other activities carried out within its terms of reference.

(7) A coordinating council of law enforcement bodies with functions in the field of combating of trafficking in human beings shall be created by the General Prosecutor.

(8) The law enforcement bodies shall submit annually, not later than the 10th of January, to the coordinating council of the General Prosecutor, reports on the observance within the country of legislation on preventing and combating trafficking in human beings; also the General Prosecutor shall submit these respective reports to the National Committee by the 20th of January.

Article 12. Activity of Non-Governmental Organizations in the Field of Preventing and Combating Trafficking in Human Beings

(1) In order to prevent and combat trafficking in human beings, to provide protection and assistance to victims, and to coordinate current activities, international organizations represented in the Republic of Moldova and non-governmental organizations active in this field may cooperate with public administration authorities and competent bodies, in compliance with their statutes and regulations, and may organize information campaigns on trafficking in human beings and the risks to which victims of such trafficking are exposed.

(2) Non-governmental organizations may establish centres for the protection and assistance of victims of trafficking in human beings.

(3) Non-governmental organizations shall carry out activities of identification of victims of trafficking in human beings, grant legal and other kinds of protection and assistance to victims, and take other measures and actions to prevent and combat such trafficking in accordance with their statute.

Article 13. Special Provisions in the Field of International Transportation

The respective agencies and structures in the field of international transportation are obliged to verify whether all passengers possess the documents necessary to enter the country of destination.

Article 14. Vocational Training and Education of Personnel

(1) The state shall guarantee vocational training and education of employees in law enforcement authorities, migration bodies, and other authorities in the field of preventing and combating trafficking in human beings.

(2) Such vocational training and education of personnel shall be based on the methods of preventing and combating trafficking in human beings, the most advanced techniques for conducting criminal investigation in cases of trafficking in human beings, including trafficking in children, the observance of the rights and interests of victims of trafficking and on the most advanced forms of their protection.

(3) The vocational training and education of personnel shall comprise methods and forms of collaboration of public administration authorities with representations of international and regional organizations in the Republic of Moldova, non-governmental organizations, other institutions and representatives of civil society, as well as methods and forms of cooperation and collaboration of public administration authorities, organizations and institutions of the Republic of Moldova with interested authorities, organizations and institutions of other states and with international and regional organizations.

Chapter III PROTECTION AND ASSISTANCE OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS

Article 15. Identification of Victims of Trafficking in Human Beings

Identification of victims of trafficking in human beings shall be carried out by the competent public authorities with the support of non-governmental organizations or by non-governmental organizations that have reasonable grounds to believe that a person is a victim of such trafficking.

Article 16. Social Rehabilitation of Victims of Trafficking in Human Beings

Social rehabilitation of victims of trafficking in human beings shall be carried out in order to reintegrate them back into a normal way of life and shall include the provision of legal and material assistance, psychological, medical and professional rehabilitation, employment, and a dwelling space.

Article 17. Centres for Protection and Assistance of Victims of Trafficking in Human Beings

(1) The centres for protection and assistance of victims of trafficking in human beings (hereinafter referred to as centres) shall be specialized institutions providing civilized conditions of accommodation and personal hygiene, nutrition, emergency legal, social, psychological and medical care, security and protection, as well as assistance with contacting relatives.

(2) The centres may be established by:

- a) the Government, on the proposal of the National Committee;
- b) local public administration authorities, on the proposal of the territorial commission mentioned in Article 9;
- c) international and non-governmental organizations, with notification to the National Committee;
- d) public administration authorities and non-governmental or private organizations, on the basis of an agreement on joint activities.

(3) The centres shall provide accommodation to victims of trafficking in human beings upon their personal request for a period of up to thirty days.

(4) The duration of accommodation specified in paragraph (3) may be prolonged:

- a) upon the recommendation of the physician during the period of treatment, but not longer than 6 months;
- b) upon the request of the criminal prosecution bodies or courts during the period of criminal proceedings, and when the life and health of the victim are threatened by real danger, the duration of accommodation may be prolonged even after the termination of criminal proceedings for a period deemed necessary for the protection of the victim, based upon the prosecutor's request;
- c) upon the request of the victim of trafficking in human beings, with an indication of the reasoned justification, for a maximum period of 30 days.

(5) Pregnant women, who are victims of trafficking in human beings, shall be entitled to accommodation in the centre for a period of up to one year.

(6) The regulation of organization and operation of the centres shall be approved by the founders, based upon the Framework Regulation approved by Government decision.

(7) The costs related to the centres' activity shall be covered from the founders' joint budgets.

(8) The organization and operation of the centres may be supported materially and financially by economic agents and entrepreneurs, according to the Law of Philanthropy and Sponsorship;

(9) In order to ensure the security of the premises where victims of trafficking in human beings are accommodated, the centres may seek free of charge assistance from the police.

Article 18. Professional Integration of Victims of Trafficking in Human Beings

(1) Professional integration of victims of trafficking in human beings shall be carried out with the support of employment agencies under the terms of the legislation in force.

(2) Employment agencies shall offer victims of trafficking in human beings priority free of charge services in the field of labour mediation, information and professional counselling, professional orientation and vocational training, as well as consultancy and assistance in starting up a business.

(3) Victims of trafficking in human beings are entitled to undergo a vocational training course financed from the unemployment fund.

(4) Beneficiaries of the services provided in paragraphs (2) and (3) shall be victims over the age of 16 years.

Article 19. Repatriation of Victims of Trafficking in Human Beings

(1) The Republic of Moldova shall contribute without undue delay to the repatriation and reception of victims of trafficking in human beings, who are its citizens, or stateless persons, who were entitled to permanent residence in the territory of the Republic of Moldova upon entry into the territory of another state, taking into account the need to ensure their security.

(2) Upon request of a country of destination, the competent authorities of the Republic of Moldova shall verify, without undue delay, whether a victim of trafficking in human beings is a citizen of the Republic of Moldova or whether he/she was entitled to permanent residence in its territory upon entry into the country of destination, and shall so inform the soliciting state and simultaneously undertake measures for the victim's repatriation.

(3) For the purpose of facilitating repatriation of a victim of trafficking in human beings who is a citizen of the Republic of Moldova or who was entitled to permanent residence in the Republic of Moldova upon entry into the country of destination and who does not possess the necessary documents, the competent authorities of the Republic of Moldova, upon request of the country of destination, shall issue travel documents or any other authorization needed for the repatriation.

(4) The provisions of this Article shall apply without prejudice to any right granted to the victim of trafficking in human beings by any law of the country of destination.

(5) The regulation on the procedure of repatriation of victims of trafficking in human beings who are citizens of the Republic of Moldova or who were entitled to permanent residence in the Republic of Moldova upon entry into the country of destination, shall be approved by the Ministry of Foreign Affairs and European Integration, together with the Ministry of Interior and the Ministry of Information Development.

Article 20. Protection and Assistance of Victims of Trafficking in Human Beings

(1) Victims of trafficking in human beings shall be offered assistance in physical, psychological, and social recovery through specialized medical, psychological, legal, and social measures.

(2) A person who is presumed to be a victim of trafficking in human beings shall be deemed a vulnerable person and shall benefit from the minimum package of social and medical assistance provided by the institutions of the Ministry of Health and Social Protection. Persons who are recognized as victims of trafficking must be provided free assistance in the medical institutions defined by the Ministry of Health and Social Protection.

(3) The state, through its competent bodies and organizations, shall take prompt adequate measures for the identification and referral of victims of trafficking in human beings to protection and assistance services, offering them a reflection period of 30 days. During this period of time, the implementation of any expulsion order issued against this person shall be prohibited.

(4) Providing protection and assistance services shall not be conditioned upon the willingness of victims to make statements and to participate in the prosecution of traffickers.

(5) The competent public administration authorities shall inform victims of trafficking in human beings of their rights and about the authorities, institutions, and organizations that are competent in the field of preventing and combating trafficking in human beings and protecting and assisting victims of trafficking.

(6) Victims of trafficking in human beings shall be provided protection and assistance by the public administration authorities, the National Committee, and the territorial commissions for combating trafficking in human beings, within the scope of their competencies and in accordance with this Law and other normative acts.

(7) Non-governmental organizations active in the field are entitled to grant protection and assistance to victims of trafficking in human beings, including the protection of their interests in a criminal or civil suit.

(8) Each time when a competent authority or an international or non-governmental organization active in the field has reasonable grounds to believe that a person is a victim of trafficking in human beings, such person shall be offered all the protection and assistance measures provided for in the present Law.

Article 21. Confidentiality of Private Life of Victims of Trafficking in Human Beings

(1) The private life and identity of a victim of trafficking in human beings shall be protected. The registration, maintenance, and use of personal information regarding a victim of trafficking shall be done by taking into account the special rules of confidentiality, with the aim of administration of justice and protection of victims only during criminal proceedings.

(2) Disclosure of information on the private life and identity of victims of trafficking in human beings and the conditions of these persons' trafficking is prohibited.

(3) It shall be prohibited to disclose information about state protection measures for victims of trafficking in human beings, about the persons who provide such protection, as well as about the persons who provide assistance in combating trafficking in human beings.

(4) Observance of the confidentiality of the information provided in paragraphs (1) to (3) shall be the duty of all persons, including those involved in activities to prevent and combat trafficking in human beings and to

protect and assist victims, law enforcement bodies, courts, centres provided for in Article 17, as well as social workers.

(5) In case the life and health of a victim of trafficking in human beings are threatened by real danger, then she is offered, upon her request, based upon a court ruling, at the request of the prosecutor, of the criminal investigation body, the possibility to change his/her name, surname, date and place of birth, under the terms of the Law on Civil Status Acts and the Law on State Protection of an Injured Party, Witnesses and Other Persons Providing Assistance in Criminal Proceedings.

(6) The disclosure of information about safety measures and confidential data regarding victims of trafficking in human beings, as well as disclosure of information about criminal prosecution and measures provided to ensure the safety of the participants at criminal proceedings, shall be punished in compliance with legislation on criminal and administrative offences.

Article 22. Duties of Diplomatic Missions and Consular Offices of the Republic of Moldova for Providing Assistance and Protection to Victims of Trafficking in Human Beings

(1) The diplomatic missions and consular offices of the Republic of Moldova shall have the following duties:

a) to carry out activities to protect the rights and interests of citizens of the Republic of Moldova who have become victims of trafficking in human beings in the country of residence or, in countries where they have accredited missions, to contribute to their repatriation in compliance with the legislation of the Republic of Moldova and the legislation of the country of residence;

b) in case of loss or impossibility of recovery of identity documents from the traffickers in human beings, to issue free of charge and in a prompt manner, jointly with the subdivisions of the Ministry of Information Development, documents or any other acts needed for repatriation in the Republic of Moldova by citizens of the Republic of Moldova who have become victims of trafficking in human beings;

c) to distribute to those interested informative materials regarding the rights of victims of trafficking in human beings, according to the legislation of the Republic of Moldova and the legislation of the state of residence;

d) to provide to public administration authorities and judicial bodies of the state of residence or in countries where they have accredited missions information regarding the legislation of the Republic of Moldova in the field of preventing and combating trafficking in human beings, regarding the rights of victims and their protection and assistance, including addresses for the Centres for the Protection and Assistance of Victims of Trafficking in Human Beings.

(2) The chiefs of diplomatic missions and consular offices shall appoint a diplomat from their missions to be in charge of the application of repatriation procedures for Moldovan citizens who are victims of trafficking in human beings, for their protection and assistance during their stay in the country of transit or destination, as well as for cooperation in this field with the authorities and bodies from the Republic of Moldova.

Article 23. State Guarantees Granted to Victims of Trafficking in Human Beings

(1) Courts and criminal prosecution bodies shall grant to victims of trafficking in human beings measures to safeguard their physical safety and rights, as regulated by the Criminal Procedure Code and the Law on State Protection of an Injured Party, Witnesses and Other Persons Providing Assistance in Criminal Proceedings.

(2) Victims of trafficking in human beings are entitled to compensation for damages, as provided by the law.

Article 24. Protection and Assistance to Foreign Citizens and Stateless Persons who are Victims of Trafficking in Human Beings

(1) The Republic of Moldova shall grant assistance to foreign citizens and stateless persons who are victims of trafficking in human beings upon their voluntary repatriation to their country of origin on an emergency basis and shall ensure their transportation in completely safe conditions to the state border of the Republic of Moldova, unless otherwise provided in international treaties. The victim of trafficking in human beings may not be repatriated or expelled to his/her country of origin or to a third state if, upon estimating the risk and safety, reasons are found to presume that his/her personal safety or the safety of his/her family will be endangered.

(2) In order to guarantee protection and assistance to foreign citizens and stateless persons who are victims of trafficking in human beings, they may be referred to the centres provided for in Article 17.

(3) Foreign citizens and stateless persons who are victims of trafficking in human beings, as specified in paragraphs (1) and (2), shall be informed in a language they can understand of the judicial and administrative procedures enforced in the Republic of Moldova and in the countries of residence.

(4) Foreign citizens and stateless persons who are victims of trafficking in human beings mentioned in paragraph (1) are entitled to a reflection period of 30 days, to psychiatric and psychological counselling, and to medical and social assistance. These persons may also enjoy free of charge legal assistance for the exercise of their rights at all stages of the criminal proceedings and to pursue their civil claims and lawsuits against the persons who perpetrated the crimes connected to trafficking in human beings, as provided by the Criminal Code. In this period of time, the implementation of any expulsion order issued against these persons is forbidden.

(5) If foreign citizens and stateless persons who are victims of trafficking in human beings have no identification documents due to their loss, theft, or destruction, the Ministry of Foreign Affairs and European Integration shall grant, upon the request of the foreign state, assistance in receiving such documents or permits necessary for return to their country of residence.

(6) When foreign citizens and stateless persons who are victims of trafficking in human beings, due to their status as a victim, are placed in the centres provided for in Article 17 or when they participate in criminal proceedings against the trafficker, irrespective of their placement in these centres, they shall benefit from temporary residence permits, which may be prolonged, as the case may be.

Chapter IV

PREVENTING AND COMBATING TRAFFICKING IN CHILDREN. ASSISTANCE AND PROTECTION OF CHILD VICTIMS OF TRAFFICKING IN HUMAN BEINGS

Article 25. Preventing and Combating Trafficking in Children

(1) Preventing and combating trafficking in children and assisting and protecting child victims of trafficking in human beings constitute a political, social, and economic concern of primary importance in the Republic of Moldova.

(2) The activity of public administration authorities, bodies, and organizations with duties in the field of preventing and combating trafficking in human beings shall focus on the best interests of the child.

(3) Public administration authorities, social agencies for healthcare and education, as well as non-governmental organizations, other institutions, and representatives of civil society shall, without delay, contact law enforcement bodies when it is known or suspected that a child has been exploited or trafficked or has been exposed to the risk of being exploited or trafficked.

Article 26. Special Principles for Combating Trafficking in Children

Besides the basic principles enshrined in Article 4, the following special principles shall be taken into account in the activity of preventing and combating trafficking in children and protecting and assisting child victims of such trafficking:

- a) strict observance of the rights of the child provided in the UN Convention on the Rights of the Child and the Law on the Rights of the Child of the Republic of Moldova;
- b) undertaking special protection and assistance measures to a child victim of trafficking in human beings;
- c) respecting the opinion of a child victim of trafficking in human beings over 10 years old regarding all actions affecting him/her, taking into account the age, degree of maturity, and his/her best interests;
- d) informing the child victim of trafficking in human beings about his/her situation and rights, protection and assistance measures, available services, repatriation procedure, and family reunification process;
- e) ensuring that both the identity, as well as any details that may allow for the identification of the child victim of trafficking in human beings, are not made public in any case.

Article 27. Presumption of Age

When the age of the victim of trafficking in human beings is not known but there are reasons to believe that the victim has not yet reached 18 years old, it shall be presumed that the victim is a child, and, until final verification of age, the victim shall be treated as a child, by granting him/her all special protection measures provided for in the present Law and other normative acts.

Article 28. Repatriation of a Child Victim of Trafficking in Human Beings

(1) A child victim of trafficking in human beings shall be repatriated to his/her country of origin provided, prior to his/her return, a parent, relative, or legal guardian has given consent to receiving the child into his/her care, or a governmental agency or child protection agency from the country of origin has given consent and is able to undertake responsibility for the child and to grant him/her adequate assistance and protection.

(2) Taking a statement regarding a situation of trafficking from children by the criminal prosecution body or the court shall not prevent or delay the family reunification or return of the child victim to his/her country of origin, provided this is in the best interests of the child.

(3) When it is not possible to return a child to his/her country of origin or to integrate him/her into the country of destination, or when these solutions are not in the best interests of the child, the authorities of both countries shall secure the relocation of the child victim to a third country, with the approval of the latter.

(4) The opinion of the child victim of trafficking in human beings over the age of 10 years shall be taken into consideration when deciding on his/her repatriation or relocation to a third country.

(5) The child victim of trafficking in human beings cannot be returned to his/her country of origin or transferred to a third country, if, following the evaluation of the risks and security, there are reasons to believe that the security of the child or his/her family is in danger.

(6) Children victims of trafficking in human beings who are foreign citizens or stateless persons are entitled to a temporary visa that ensures their right to legal residence in the territory of the Republic of Moldova until finding a sustainable solution regarding their return to the country of origin.

Article 29. Granting Assistance and Protection to Child Victims of Trafficking in Human Beings

(1) The state shall secure the protection and assistance of children victims of trafficking in human beings from the moment when grounds arise to believe that the child is a victim of trafficking until the child's identification, integration, and his/her complete recovery, irrespectively of their cooperation with the authorities, as provided by Article 20, paragraph (4).

(2) After identification as a victim of trafficking in human beings, the child shall be urgently referred to the competent services for child protection, assistance, and rehabilitation.

(3) The National Committee, public administration authorities including law enforcement bodies, territorial commissions for the combating of trafficking in human beings, centres, non-governmental organizations, and other competent organizations shall be obliged to inform the tutorship and guardianship bodies immediately if they have any information about a child victim of trafficking in human beings in order to secure the protection of the child's rights.

(4) Where the child victim of trafficking in human beings is deprived of parental care, the tutorship and guardianship bodies shall appoint, as provided by law, a legal guardian, who will ensure that all decisions are taken in the interests of the child, who will make statements on behalf of the child, and who shall participate with the child in all criminal procedure and judicial actions, until a solution is reached in accordance with the best interests of the child.

(5) A child identified as victim of trafficking in human beings shall be granted a reflection period of 30 days in order for him/her to decide personally, through his legal representative or guardian, if he/she will testify against the trafficker.

(6) In case of accommodating children victims of trafficking in human beings in centres, they must be accommodated separately from adults.

(7) Children victims of trafficking in human beings shall be entitled to accommodation within the centre for a period of up to 6 months or for the duration of the legal proceedings.

(8) All the agencies and institutions whose activity is related to children victims of trafficking in human beings shall establish special practices and programmes for their identification, referral, protection and assistance, while at the same time observing the confidentiality of the information regarding the personal data and the victim status of the child.

(9) Children victims of trafficking in human beings shall be ensured the right to attend state educational institutions under the terms of the Law on Education.

(10) When children victims of trafficking in human beings are left without parental care or do not know their parents' whereabouts, they shall be ensured the possibility of an emergency search for their family or of instituting tutorship or guardianship, as provided by law.

(11) Children who have suffered from trafficking in human beings are entitled to long-term care and protection until complete recovery. Children deprived of a family environment are entitled to alternative family-type or community-type care.

Chapter V

LIABILITY FOR TRAFFICKING IN HUMAN BEINGS

Article 30. Liability for Trafficking in Human Beings

(1) Persons participating in the organization and commission of trafficking in human beings activities shall be brought to criminal liability as provided for by the Criminal Code.

(2) Crimes of trafficking in human beings have both a national and transnational character. In the latter case, the forms and techniques of investigation and criminal prosecution provided for such crimes by international and national legislation shall be applied.

(3) If any of the methods specified in sub-paragraph 1) of Article 2 have been used, the consent of the victim of trafficking in human beings to the intentional exploitation shall be irrelevant to bring the traffickers to criminal liability,

(4) Foreign citizens or stateless persons involved in trafficking of human beings shall be refused entrance to the territory of the Republic of Moldova or their entry visas shall be revoked.

Article 31. Liability of Legal Entity for Trafficking in Human Beings

(1) If activities of trafficking in human beings are performed through a legal entity that has a license to conduct business activities, and it is established that these business activities served as a disguise for the commission of the above-mentioned illegal actions, then the license shall be withdrawn and the legal entity shall be liquidated based upon a court judgement.

(2) The legal entity bears civil liability to the victims of trafficking for the damage inflicted upon them as a result of the actions mentioned in paragraph (1).

(3) Bringing a legal entity to justice shall not exclude personal liability of the natural persons who committed the crime of trafficking in human beings.

Article 32. Exemption for Victim of Trafficking in Human Beings for Liability for Crimes Committed in Relation to Such Status

A victim of trafficking in human beings shall be exempt from criminal, administrative, and civil liability for actions committed by him/her in relation to his/her status as a victim, if these actions fall under the jurisdiction of the Criminal Code, Code of Administrative Contraventions, or Civil Code.

Chapter VI

INTERNATIONAL COOPERATION

Article 33. International Cooperation

International cooperation in the field of preventing and combating trafficking in human beings and granting protection and assistance to victims of such trafficking, including their repatriation, shall be performed on the basis of international treaties to which the Republic of Moldova is a party.

Article 34. Liaison Officers

(1) The present Law establishes liaison officers within the Ministry of Interior, as well as liaison prosecutors within the Prosecutor's General Office, who shall ensure mutual consultations with liaison officers or, respectively, liaison prosecutors operating in other countries, in order to coordinate joint activities during the detection, discovery, and criminal prosecution of cases of trafficking in human beings, as well as during protection and assistance of victims of trafficking in the course of criminal prosecution.

(2) With respect to data exchange about investigation and criminal prosecution of crimes stipulated in this Law, liaison officers and liaison prosecutors shall be the contact persons of the respective bodies for their counterpart organizations and institutions abroad.

Chapter VII

FINAL AND TRANSITORY PROVISIONS

Article 35

(1) The Government, within the period of three months, shall:
submit proposals to the Parliament regarding harmonizing current legislation with the provisions of this Law;
adopt normative acts for implementation of this Law;
bring its normative acts in accordance with the present Law;
ensure the revision and abrogation by ministries and other authorities of their normative acts that contradict the present Law.

(2) Upon the proposal of authorities responsible for implementing this Law, the budget law shall annually provide necessary funds.

SPEAKER OF THE PARLIAMENT

Marian LUPU

Chisinau, October 20, 2005.

No. 241-XVI.

11. LAW

on ensuring equal opportunities for women and men No. 5-XVI of 9 February 2006

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The Parliament adopts this organic law.

Chapter I GENERAL PROVISIONS

Article 1. Scope of law

The scope of this Law pertains to ensuring the exercise by women and men of their equal rights in the political, economic, social, cultural, and other spheres of life, rights guaranteed by the Constitution of the Republic of Moldova, with a view to preventing and eliminating all forms of discrimination based on the criterion of sex.

Article 2. Basic terms

In the meaning of this Law, the following basic terms shall mean:

complex approach to equality between women and men – integration of the principle of equality between women and men into policies and programs from all spheres and at all levels of adoption and implementation of decisions;

affirmative actions – special temporary actions to speed up the attainment of real equality between women and men, intended to eliminate and prevent discrimination or disadvantages that emanate from existent attitudes, behaviors and structures;

discrimination on the criterion of sex – any distinction, exception, limitation, or preference that is aimed at or followed by a limitation or impediment of recognition, exercise, and/or implementation of fundamental human rights and freedoms, based on equality between men and women;

direct discrimination on the criterion of sex – any action that in similar situations discriminates against a person in comparison to another person of another sex, also by reason of pregnancy, maternity, or paternity;

indirect discrimination on the criterion of sex – any action, rule, criterion, or practice, identical for women and men but that has an effect or result that is unequal for one of the sexes, except for affirmative actions;

equal opportunities – absence of barriers in participation in activities from the political, economic, social, cultural, or other spheres of life, based on equality between women and men;

equality between women and men – equality in rights, equal opportunities in exercising one's rights, equal participation in all spheres of life, equal treatment of women and men;

gender – social aspect of relations between women and men, which is manifested in all spheres of life;

sexual harassment – any form of physical, verbal, or nonverbal behavior, of sexual nature, which abases a person or creates an unpleasant, hostile, degrading, humiliating, or insulting environment;

sex – the aggregate of anatomic and physiological characteristics that differentiates human beings as women and men;

gender unit – a specialist vested with duties to promote equality between women and men in the institution where he/she is employed.

Article 3. Subjects of legal relations in the sphere of equality between women and men

The subjects of legal relations aimed at ensuring equality between women and men are: the state, legal persons, and natural persons (regardless of age).

Article 4. Legal framework

(1) Legal relations in the sphere of equality between women and men shall be regulated by the Constitution of the Republic of Moldova, by this Law, and by other normative acts, as well as by international treaties to which the Republic of Moldova is a party.

(2) In case of a discrepancy between the provisions of this Law and those of international treaties to which the Republic of Moldova is a party, the international treaties shall prevail.

Article 5. Prohibition of discrimination on the criterion of sex

(1) In the Republic of Moldova, women and men enjoy equal rights and freedoms and are guaranteed equal opportunities to exercise these rights and freedoms.

(2) The promotion of a policy or the performance of actions that do not ensure equal opportunities between women and men shall be deemed discriminatory and shall be removed by the competent public authorities, in accordance with the legislation.

(3) Discrimination may be direct or indirect.

(4) Actions that restrict or exclude in any aspect the equal treatment of women and men shall be deemed discriminatory and are prohibited.

(5) Any legal act containing discriminatory provisions, based on the criterion of sex, shall be declared null by the competent bodies.

(6) The following shall not be deemed discriminatory:

a) measures to ensure certain special conditions for women during the period of pregnancy, recuperation, and/or breast-feeding;

b) qualification requirements for activities in which special characteristics based on sex constitute a decisive factor, given the specific conditions and way of carrying out the respective activities;

c) special advertisements for employment of persons of a certain sex in the work place where, given the nature or special conditions of performing the job, as provided by law, special characteristics based on sex are decisive;

d) affirmative actions.

Chapter II **ENSURING EQUAL OPPORTUNITIES BETWEEN WOMEN AND MEN** **IN THE PUBLIC DOMAIN**

Article 6. Equal access to public office

(1) When establishing conditions for holding central and local public office, it is necessary to ensure equal opportunities for participation of women and men in the competition for employment.

(2) The establishment of direct or indirect restrictions based on the criterion of sex when announcing, organizing, or admitting entry to a competition for public office shall be prohibited, except as provided by this Law.

(3) The heads of central and local public administration authorities and other officials must ensure equal access to public office in conformity with professional requirements, without differentiation on the criterion of the sex of the applicants.

(4) The announcement and organization of competitions exclusively for persons of a certain sex is not allowed.

Article 7. Equal opportunities in the electoral sphere, in the activity of political parties and other socio-political organizations

(1) The Central Election Commission, election councils and district bureaus shall ensure the observance of the principle of equality between men and women in the electoral sphere.

(2) Parties and other socio-political organizations must contribute to ensuring equal rights and opportunities between their members, women and men, by means of:

- a) ensuring representation of women and men in the composition of their management bodies;
- b) ensuring representation in the lists of candidates of women and men, without discrimination on the criterion of sex.

Article 8. Equal opportunities in mass-media

(1) Mass-media shall contribute to the promotion of the principle of equality between women and men within society by developing programs and materials to overcome gender stereotypes.

(2) Any public discourse or materials that present the image of women or men in a manner that abases them shall be deemed unacceptable and shall be counteracted in accordance with this Law.

Chapter III

ENSURING EQUAL OPPORTUNITIES BETWEEN WOMEN AND MEN IN THE SOCIO-ECONOMIC SPHERE

Article 9. Equal access to employment

(1) The state guarantees equal rights and opportunities, as well as equal treatment of women and men, in employment.

(2) The employer shall perform hiring through methods that ensure equal access of women and men to a position, including through affirmative actions.

Article 10. Employer's cooperation with employees and trade union representatives

(1) The employer shall cooperate with employees and trade union representatives with a view to establishing internal regulations that will prevent and exclude cases of discrimination based on the criterion of sex during work.

(2) Procedures necessary to ensure equality between women and men may be included as duties of the employer and the employee in individual labor contracts, in collective bargaining contracts and in collective agreements.

(3) In order to ensure equality between women and men, the employer shall:

- a) ensure equal opportunities and treatment to all persons, corresponding to the profession and without any discrimination on the criterion of sex, upon hiring, upon enhancement of professional skills, and upon promotion;
- b) apply the same evaluation criteria as regards quality of work, sanctioning, and dismissal;
- c) ensure equal remuneration for labor of equal value;
- d) undertake measures to prevent sexual harassment of women and men at their place of work, as well as to prevent persecution for submitting complaints against discrimination to the competent body;
- e) ensure equal conditions for women and men as regards combining service duties with family obligations;
- f) introduce provisions prohibiting discrimination based on the criterion of sex into the regulations for organization and operation of the unit.

Article 11. Discriminatory actions by an employer

(1) The following actions by an employer shall be deemed discriminatory:

- a) placing advertisements for employment with requirements and criteria that imply priorities given to one of the sexes, except for cases specified in Article 5, paragraph 6, subparagraph c;
- b) refusing, without basis, to employ persons of a certain sex;
- c) establishing a more favorable work schedule for employees, on the basis of their sex, except for cases provided by legislation;

d) refusing, without basis, to admit a person into a program for enhancement of professional skills based on reasons of his/her sex, or altering or canceling a labor contract or terms of employment based on the same reasons;

e) applying different conditions of remuneration for work of equal value, based on the criterion of sex;

f) distributing differently labor tasks, based on the criterion of sex, which result in a less favorable status;

g) creating impediments or adverse conditions for a person who submitted a complaint of discrimination based on the criterion of sex to the competent body;

h) requesting, without basis, information concerning civil status of candidates.

(2) Despite compliance with the conditions, the refusal of employment, enhancement of professional skills, or promotion of persons of a certain sex shall be deemed ungrounded if made under the following pretexts:

a) requiring the submission of additional documents not specified in the advertisement;

b) failing to comply with criteria elaborated at the given moment;

c) existence of family obligations;

d) nonconformity with other conditions that do not have anything in common with the professional skills required for performing the solicited job, except for cases specified in Article 5, paragraph 6, subparagraph c;

e) any other conditions with similar consequences.

(3) The employer bears the obligation to prove lack of intention of direct or indirect discrimination of a person who considers himself/herself to have been discriminated against.

(4) A person who considers himself/herself to have been discriminated against due to the fact that the employer hired, promoted or granted another person privileges based on the criterion of sex or committed other discriminatory actions, is entitled to request the written submission of the reasons for the decision.

(5) The employer is required to answer a person who considers himself/herself to have been discriminated against within 30 days after submission of such request. Otherwise, the person is entitled to initiate a lawsuit, in accordance with the legislation.

Article 12. Equal access to entrepreneurial activity

The state shall ensure equal opportunities to women and men to perform entrepreneurial activity.

Chapter IV

ENSURING EQUAL OPPORTUNITIES BETWEEN WOMEN AND MEN IN EDUCATION AND HEALTHCARE

Article 13. Equal access to education

(1) Educational and training institutions shall ensure equality between women and men:

a) by means of access to education and/or training;

b) in the educational and/or training process, also through evaluation of accumulated knowledge;

c) in didactic and scientific-didactic activity;

d) through developing didactic materials and curricula, in conformity with the principle of equality between women and men;

e) by including gender education as a component part of the educational system;

f) by educating girls and boys in the spirit of partnership and mutual respect.

(2) Educational and training institutions may not establish admission principles based upon direct or indirect restrictions based on the criterion of sex, except for cases provided for in this Law.

(3) In derogation to paragraph 2 above, the state, through educational and training institutions, shall undertake affirmative actions to promote balanced participation of women and men in exercising specific professions, where over-representation of persons of a certain sex has been ascertained.

(4) This article shall apply as well to the educational and training institutions of force bodies [Translation Note: *i.e.*, institutions of defence, law enforcement, military, security, intelligence].

Article 14. Equal access to healthcare

Any form of discrimination based on the criterion of sex is prohibited as regards access of women and men to all levels of medical assistance and all programs for prevention of diseases and promotion of health.

Chapter V

INSTITUTIONAL FRAMEWORK FOR ENSURING EQUAL OPPORTUNITIES BETWEEN WOMEN AND MEN

Article 15. Authorities vested with duties in the field of ensuring equality between women and men

The following shall be vested with duties in the sphere of equality between women and men:

- a) Parliament;
- b) Government;
- c) Governmental Committee for equality between women and men;
- d) Ministry of Health and Social Protection (specialized body);
- e) ministries and other central administrative authorities (gender units);
- f) local public administration authorities (gender units).

Article 16. Competence of Parliament

The Parliament shall be competent to:

- a) adopt a legislative framework that ensures equality between women and men in all spheres;
- b) monitor the implementation of the principle of equality between women and men in all directions and at all levels of state policy;
- c) examine reports of the Government and ombudsmen as regards the situation in the field, in accordance with the legislation.

Article 17. Competence of Government

In order to take a complex approach to equality between women and men, the Government shall:

- a) ensure integration of the principle of equality between women and men into policies, strategies, programs, normative acts, and financial investments;
- b) approve national plans and programs regarding equality between women and men and monitor their implementation;
- c) submit periodically to the Parliament reports on the situation and activity in the field, in accordance with the legislation.

Article 18. Governmental Committee for equality between women and men

The Governmental Committee for equality between women and men is a consultative body, created by the Government, which operates based upon regulations approved by the latter, with the following duties:

- a) promoting equality between women and men, with a complex approach;
- b) coordinating the activity of central and local public administration authorities as regards issues of equality between women and men;
- c) developing cooperation between state structures and civil society on issues of equality between women and men.

Article 19. Competence of central specialized public authorities

(1) The Ministry of Health and Social Protection is the central public authority vested with the duty to develop and promote policies in the field of equality between women and men.

(2) Within the Ministry of Health and Social Protection, duties specified in paragraph 1 shall be assigned to a specialized body, with the following functions:

- a) development and coordination of draft normative acts based on the principle of equality between women and men, proposition of amendments to normative acts in order to bring them into conformity with this Law;
- b) coordination and monitoring of the implementation of international instruments at the national level;
- c) submission of proposals to integrate the principle of equality between women and men into strategies, programs, and financial investments, as well as reports in the field;
- d) elaboration and coordination of program implementation, organization of media campaigns, and research and other actions as regards equality between women and men;

- e) coordination of activity of gender units;
 - f) collaboration with non-governmental organizations, foundations, trade unions, employers' unions, and international bodies that contribute to the implementation of equality between women and men;
 - g) performance of other duties in the field, in accordance with the legislation.
- (3) Gender units shall operate within central public administration authorities.
- (4) The gender unit shall:
- a) monitor the observance of legislation in the field of equality between women and men within central public administration authorities;
 - b) submit proposals to integrate the principle of equality between women and men into the policies and activity plans of central public authorities;
 - c) examine petitions of legal entities and natural persons as regards cases of discrimination based on the criterion of sex;
 - d) submit periodically to specialized bodies reports on activity on issues of equality between women and men;
 - e) perform other duties in the field, in accordance with the legislation.

Article 20. Competence of local public administration authorities

- (1) Local public administration authorities shall be competent to:
- a) ensure integration of the principle of equality between women and men into policies, programs, normative acts, and financial investments at the local level;
 - b) monitor the implementation of programs, organize awareness campaigns, and perform research and other actions concerning equality between women and men at the local level;
 - c) collaborate with nongovernmental organizations, foundations, trade unions, employers' unions, and international organisms that contribute to the implementation of equality between women and men;
 - d) other duties in the field, in accordance with the legislation.
- (2) Gender units shall operate within the framework of local public administration authorities (bodies of social assistance).
- (3) The gender unit shall:
- a) submit proposals to integrate the principle of equality between women and men into policies, programs, and normative acts of local public administration, as well as into the budgets of territorial-administrative units;
 - b) collaborate with nongovernmental organizations and other organizations as regards the problem of equality between women and men;
 - c) examine petitions of legal entities and natural persons as regards cases of discrimination based on the criterion of sex;
 - d) monitor the activity of local public administration authorities in the field;
 - e) submit periodically reports on work performed to local public administration authorities;
 - f) perform other duties in the field, in accordance with the legislation.

Article 21. Ombudsmen

The Ombudsmen shall ensure the guaranty and observance of equality between women and men as an integral part of constitutional human rights and liberties, in accordance with the legislation.

Article 22. Gender statistics

- (1) The National Bureau of Statistics shall collect, process, and summarize statistical data separately by sexes.
- (2) Central and local public administration authorities, parties, other socio-political organizations, and legal and natural persons that carry out entrepreneurial activity shall submit to the National Bureau of Statistics necessary information separately by sexes.

Article 23. Financing

- (1) Public authorities vested with implementation of this Law shall be funded from the state budget and from the budgets of territorial-administrative units within the limits of financial means established on a yearly basis.
- (2) Activities in the field may be also funded from other sources that are not legally prohibited.

Chapter VI LIABILITY

Article 24. Liability for discrimination based on the criterion of sex

(1) Persons subject to forms of discrimination based on the criterion of sex, as set out in this Law, are entitled to reparation of damage according to the conditions established by legislation.

(2) The subjects of legal relations who commit actions of discrimination based on the criterion of sex shall bear liability established by law for the breach of legislation in the field of equality between women and men.

Chapter VII FINAL PROVISIONS

Article 25

Within 6 months, the Government:

- a) shall submit to the Parliament proposals for bringing effective legislation into conformity with this Law;
- b) shall draw up and approve all normative acts necessary to implement this Law.

SPEAKER
OF THE PARLIAMENT

Marian LUPU

Chisinau, 9 February 2006.
No. 5-XVI

12. LAW

on the transplant of human organs, tissues and cells No. 42 -XVI from 06.03.2008

Parliament adopts this organic law to protect the rights of potential donors and beneficiaries of organ, tissue and cell transplants; to facilitate the transplant of organs, tissues and cells, thus to contribute to saving and improving human life; to prevent the sale of human body parts, acting based on the Article 36 of the Constitution of the Republic of Moldova,

The Parliament adopts the present organic law.

Chapter I GENERAL PROVISIONS

Article 1. Scope and Purpose of law

(1) This law forms the legal regulatory framework for the transplant of all human organs, tissues and cells; except reproductive organs, embryonic or fetal tissues, cells and organs; or blood or blood derivatives.

Article 2. Principal terms

For the purpose of this law, the following terms shall have the following meanings:

organ – is a vital and differentiated part of the human body, consisting of various tissues, which has specialized physiological functions and its own structure with an important level of autonomy.

tissues – are all parts (anatomical formations) of the human body that are formed of cells;

cells – are individual cells or a conglomerate of cells, which are not connected in any way to adjacent tissues;

extraction of human organ, tissue or cell – is a procedure where donated organs, tissues or cells become accessible for transplant;

transplant – is medical activity aimed at restoring the function of the human body by the transfer of compatible organs, tissues and cells from a donor to a recipient. The transplant may be from one person to another (an allogeneous transplant) or from different parts of the same person (an autologous transplant);

donor – is a live or deceased person from whom human organs, tissues or cells are extracted for therapeutic purposes; and

recipient – is a person benefiting from the transplant of human organs, tissues or cells.

tissue bank – a specialized hospital unit or an institution dealing with processing, preservation, storage and distribution of human tissues and cells.

Article 3. Basic transplant principles

Basic transplant principles are:

a) protecting the dignity and character of a human being and guaranteeing to every person, without discrimination, respect for their integrity and for other fundamental rights and liberties concerning the transplant of human organs, tissues and cells;

b) performing transplants of human organs, tissues and cells from a live or a deceased donor exclusively for the therapeutic benefit of the recipient when there are no comparatively efficient alternative therapeutic methods available;

c) observing professional standards and duties in any intervention in the field of transplanting human organs, tissues and cells;

d) Traceability via guarantee of identification of organs, tissues and cells meant for transplant within the process of extracting, stocking and distribution from a donor to a recipient and vice versa.

e) protecting personal rights and freedoms and preventing the sale of human body parts; and

f) giving patients fair access to transplant services.

Chapter II

ORGANIZATION OF TRANSPLANT ACTIVITY

Article 4. Transplant Agency

(1) The Transplant Agency (hereinafter “Agency”) is a public institution with legal status, subordinated to the Ministry of Healthcare, that is to carry out national policies and programs regarding the transplant of human organs, tissues and cells and to ensure patients’ equal access to transplant services. The Agency is responsible for organizing and supervising all transplant activities at national level, including:

- a) The donation and extraction of organs, tissues and cells;
- b) The preparation and retention of recipient waiting lists;
- c) The preparation and retention of the Organ Donors’ Roster
- d) The distribution of organs, tissues and cells;
- e) The exchange and transportation of organs, tissues and cells, at the national and international level;
- f) The selection of transplant institutions and teams;
- g) The implementation of quality and protection standards regarding organs, tissues and cells;
- h) The ability to trace all organs, tissues and cells;
- i) The monitoring and verification of the results of transplant procedures;
- j) The training of medical employees and informing the public at large about transplant issues;

(2) Regulation of the organization, functions, structure and staffing schedule of the Agency is to be established by the Government.

Article 5. Procedure for the distribution of organs, tissues and cells

(1) Organs, tissues and cells shall be distributed to the patients according to the waiting lists, based on distribution rules approved by order of the Minister of Healthcare.

(2) When there is no compatible recipient on the list, the Agency may authorize the distribution of the organs, tissues, cells to a reputed transplant organization, recognized at national or international level, with which the Agency has signed bilateral agreements.

(3) The Agency is exclusively entitled to authorize the import of organs, tissues or cells meant for transplant and will undertake all measures to comply them with the quality and safety standards.

Article 6. Quality control

(1) The Agency shall establish and maintain a quality control and testing system for all donation, extraction, preservation, testing, storage and distribution activities, to ensure the quality and security of organs, tissues and cells for use in transplants. Measures of control and procedures of inspection shall be approved by the Agency.

(2) To ensure the quality and safety of the organs, tissues and cells, which are to be sampled and transplanted, the Agency shall be entitled to organize inspections and apply adequate control measures in the following:

- a) the activity of tissue banks, including the procedures and activities implemented within such banks in compliance with the present Law;
- b) documents or any other registrations in compliance with the present Law;
- c) reaction cases and serious medically adverse effects.

(3) Inspections will be carried out as many times as necessary, but not less than once a year.

Article 7. Identifying, reporting and investigating medically adverse transplant cases

(1) The Agency shall establish a system for identifying, reporting and investigating serious medically adverse cases pertaining to transplant activity. All specialized doctors involved in the transplant, as well as other transplant organizations are to receive information about such cases.

(2) Persons or institutions authorized in the field of transplant shall immediately report to the Agency about the cases of identifying any medically adverse transplant cases.

Chapter III

AUTHORIZING TRANSPLANT ACTIVITIES

Article 8. Transplant activity

Any activity in the field of transplants must be performed at the highest professional level and be in conformity with ethical standards.

Article 9. Authorization of organs extraction and transplant

(1) Extraction and storage of organs, tissues and cells in transplant aims are permitted only in medical-sanitary institutions authorized by the Ministry of Healthcare, at the proposal of the Agency. Authorization criteria are to be approved by the Government.

(2) The right of organ, tissues and cells transplant shall be granted only to the doctors authorized by the Ministry of Healthcare based on the proposal of the Agency and in accordance with the criteria approved by the Government.

(3) Transplants of organs, tissues and cells are permitted only in medical-sanitary institutions authorized by the Ministry of Healthcare, at the proposal of the Agency. Authorization criteria shall be approved by the Government.

(4) The healthcare institutions authorized to extract and transplant organs, tissues and cells shall submit reports on this activity in accordance with the procedure established by the Ministry of Healthcare.

Chapter IV

EXTRACTION OF ORGANS, TISSUES AND CELLS FROM A DECEASED BODY

Article 10. Conditions of extraction from a deceased body

Organs, tissues and cells may be extracted from a deceased person only if the death has been confirmed according to the criteria established by the Ministry of Healthcare.

Article 11. Methods of confirming Death

When a potential donor is available, it is necessary to confirm the death of the donor before initiating any donation procedure allowed by law. The death must be confirmed by one of the following procedures:

a) After an irreversible cardiac/respiratory arrest, not susceptible of resuscitation, occurring to a person of normal or nearly normal temperature, the death must be confirmed within at least 5 minutes after the performance of all resuscitation measures, during which all tests must prove without a doubt that there is no blood circulation to the brain and to vital organs; and

b) In the case of persons with irreversible changes in the vital centers of the brain, the death must be confirmed by specific tests (criteria) approved by the Ministry of Healthcare, while the cardiac and respiratory function is maintained artificially.

Article 12. Confirmation of death by authorized medical personnel

The doctors that confirm the death of a potential donor must be different from those directly participating in the extraction of an organ, tissue or cell; from those participating in subsequent transplant procedures; or from those responsible for the care of a potential recipient.

Article 13. Consent for donation

(1) Extraction is possible only based on the consent of the person before dying, as set forth in compliance with the Law.

(2) Extraction is prohibited in any form, where, during their lifetime, the deceased opted against donation, by an act of refusal in holograph or in legal form.

(3) Where consent is absent, donation is possible only where the first degree relatives, the spouse or the legal representative of the deceased have not expressed a written refusal regarding donation.

(4) Donation is possible without the consent of close relatives or of the legal representatives, where no relative or legal representative, who could express the option regarding the donation, has presented themselves the legal declaration on the death and data on close relatives or legal representatives of the person are unavailable.

(5) Organ, tissues and cells extracting from a deceased donor in medical and legal cases shall be made upon the consent of the jurist forensic/medical expert.

Article 14. Respect for the human body

Specialists that extract organs, tissues and cells from a deceased donor are responsible for the physical reconstruction of the body's exterior by specific means and treatments, including surgical ones, in the event of necessity, in order to ensure worthy appearance of the defunct body.

Chapter V

EXTRACTION OF ORGANS, TISSUES AND CELLS FROM A LIVE DONOR. POWERS OF THE INDEPENDENT APPROVAL COMMISSION

Article 15. Conditions of extraction from a living donor

(1) Extraction of organs, tissues and cells from a live donor is allowed only when there are no compatible organs, tissues and cells from a deceased donor.

(2) Organs, tissues and cells of human origin may be extracted from adult living persons, with full legal capability, only when they have given their written, free, prior and expressed consent and only when the independent Approval Commission has granted authorization.

(3) The consent shall be signed only after the doctor has informed the donor on possible risks and the physical, mental, family and professional consequences of the act of extraction.

(4) The consent for extraction shall be express, as set out in the legislation on the rights and duties of the patient, and shall be drafted as an informed consent, in a template approved by the Government.

Article 16. Transplant conditions

(1) The transplant shall be made only in therapeutic purposes provided that there is no any alternative therapeutic procedure of the comparative efficacy. The transplant shall be made upon the consent in writing of the recipient after the latter has been informed of the eventual risks and consequences.

(2) In the event of minors or disabled persons the consent shall be given by their parents or their legal representative.

(3) If the recipient is not able to express his/her consent in writing due to some objective circumstances and connection with his/her family is not possible in due time, while delay would inevitably lead to the patient's death, the transplant shall be made without the recipient's consent.

Article 17. Independent Approval Commission

(1) Extraction of organs, tissues and cells from a live donor is to be performed with the mandatory authorization of the independent Approval Commission.

(2) The independent Approval Commission is an independent authority, without formal legal status, established by the Ministry of Healthcare, based on the regulation approved by the Government.

(3) The Commission shall consist of members, who are not involved in Agency activities, with the following composition: a representative from the Expert Council of the Ministry of Healthcare; a psychologist; a psychiatrist; a representative from the Ethics Committee; and a representative from the Ministry of Interior, specialized in issues of combating trafficking in human beings and representative of the General Prosecutor's Office. The actual Commission members shall be approved by the Government.

Article 18. Powers of the independent Approval Commission

(1) The independent Approval Commission is to verify the observance of patients' rights, ascertain the effectiveness of the extraction procedure, and evaluate the legality and the motivation of the donation procedure, ensuring that the donor:

- a) Has been informed of the nature, impact and possible risks of the procedure;

- b) Is informed of the procedure and eventual risks;
 - c) Has been informed of the illegality of accepting financial benefit for donation and of the right to compensation of any loss (damage) that may result from the donation procedure, taking into account certain expenses and losses that must be reimbursed;
 - d) Is not forced in any way to donate organs, tissues or cells; and
 - e) Is aware that he may withdraw his consent freely until the start of the donation procedure.
- (2) The independent Approval Commission is to examine and ascertain whether the recipient:
- b) Is aware of the nature and risks of both the procedure of extraction from the donor and the transplant procedure;
 - c) Has been informed that offering incentives for compelling a donation or forcing by violence or threat to apply it for the organ, tissues or cells donation for transplant purposes or any other purposes is illegal; and
 - d) Has been informed that the donor may withdraw his consent for donation freely anytime.
- (3) The independent Approval Commission is to verify that the donation is for humanitarian purposes, has an altruistic character and is not the object of a pecuniary transaction.

Article 19. Protection of minors and incapable persons regarding the expression of consent to extraction of organs, tissues or cells

- (1) There may be no extraction of organs, tissues or cells from a person who is not capable of expressing their consent, except the extraction of regenerative tissues or cells. In such cases, the extraction shall be authorized by the independent Approval Commission; with the consent of the legal representative of the donor or of the guardianship authority if the donation process is performed in the interests of a person who is a close relative of first degree with the donor (for an underage donor – a brother or sister); and said procedure poses minimal risk to the donor.
- (2) Extraction of regenerative tissues or cells from minors may be performed only with the consent of the guardianship authority or of each of the minor's legal representatives.
- (3) The written or verbal refusal of the minor donor shall prevent any extraction.

Article 20. Authorizing the donation procedure from a live donor

The independent Approval Commission shall authorize the donation procedure from a live donor where the proposed donation fulfills legal conditions and is acceptable from an ethical viewpoint.

Chapter VI SELECTION OF DONORS AND STORAGE OF TISSUES AND CELLS

Article 21. Selection and examination of donors

- (1) All donors selected for extraction must be tested for clinical and laboratory control, which would exclude any infectious disease, an eventual contamination or a risk for the recipient.
- (2) Extraction of organs, tissues and cells is allowed only where the donors have been examined and tested for transmittable diseases, in conformity with international standards in the field.

Article 22. Storage and allocation of tissues and cells

- (1) When extracted tissues and cells are not used immediately for transplant, they may be stored, processed, deposited and distributed only to tissue and cell banks, authorized by the Agency. The tissue bank shall be liable for the legality of origin and for the control of tissues and cells.
- (2) Tissues and cells may be imported and exported only by the tissue banks authorized by the Agency.
- (3) All authorized tissue and cell banks will act according to international standards and be subject to inspection every two years.
- (4) Tissues and cells obtained from the authorized tissue banks, including the imported ones, may be used for the transplant purposes.

Chapter VII

INFORMATION CODING AND TRACEABILITY.

ENSURING RIGHTS OF DONORS AND RECIPIENTS TO INFORMATION

Article 23. Information coding and traceability.

(1) To ensure traceability of all tissues and cells, the Agency shall establish a unique coding system, which will provide data pertaining to basic characteristics and properties of tissues and cells. The traceability requirement shall be applied to all data pertaining to the products and materials, which are in contact with such tissues and cells.

(2) The Agency shall set up a system of donor identification, whereby each donation and each product associated to this, will be assigned a unique code.

(3) Tissues and cells will be identified by means of a label, which would contain data or references allowing for an establishment of a link with data on the procedures of obtaining tissues and/or cells, takeovers by the tissue banks, as well as on processing, storage and distribution of tissues and cells.

(4) Tissue banks shall store the necessary data in order to ensure traceability at all stages. Data required for the complete traceability shall be stored for a period of at least 30 years after the clinical usage.

(5) The traceability requirements for tissues and cells, as well as for the products and materials, which are in contact with these and affect their quality or safety, shall be established by the Agency.

Article 24. Offering information on donation and transplant of human organs, tissues and cells

(1) Specialized doctors authorized to extract and/or transplant organs, tissues and cells must offer precise information, in a form understandable to the recipient and the donor or by the persons who are their first-degree relatives.

(2) Persons who are close relatives to a deceased donor must be informed of the need to perform tests to establish the compatible donor, and about the consequences of the test results.

(3) Living donors must be informed of the necessary tests to establish the compatible donor, of the purpose and nature of the extraction, and of the consequences and risks.

(4) The recipient must be offered all information on the nature of the procedure, and its consequences and risks.

Article 25. Confidentiality of information

(1) All personal data, including genetic data, regarding a person from whom organs, tissues or cells have been extracted and personal data regarding the recipient, collected as a result of activity provided by this law, is confidential.

(2) This data may be collected, processed and shared only in conformity with the regulations on professional secrecy and protection of personal data.

(3) It is permissible to collect, process and communicate medical information on donors or recipients for medical purposes if this is necessary to ensure traceability.

Article 26. Special cases of information sharing

Information about the donor may be shared with the recipient and information about the recipient with the donor, where both parties so agree.

Chapter VIII

PROHIBITION TO PROFIT

Article 27. Prohibition against financial profit

(1) It is prohibited to profit financially from donating human organs, tissues or cells.

(2) The donors may receive a compensation, which should be limiting strictly to the coverage of expenses and inconveniences, in particular:

a) Compensation to living donors for the loss of revenues (wages, gains) and for other justified expenses, caused by donation or by other medical actions (examinations); and

b) Payment of justified expenses for lawful medical services or for other technical services rendered in relation to the donation.

(3) Donation and transplant of organs, tissues and cells of human origin may not be the subject of a pecuniary transaction.

(4) It is prohibited to promote the need for transplants of organs tissues and/or cells, for the purpose of offering or obtaining financial profit or similar advantage.

Article 28. Prohibition against trafficking in human organs, tissues and cells

(1) Trafficking in human organs, tissues and cells is prohibited, as is obtaining financial profit or advantage from trafficking in human bodies and their parts.

(2) Trafficking in human organs, tissues and cells qualifies as a criminal offence and is punishable by the effective criminal legislation.

Chapter IX

FINANCING OF ACTIVITIES IN THE FIELD OF TRANSPLANT

Article 29. Means of financing

(1) The Agency is to be financed from the state budget.

(2) The cost of transplants, investigation, hospitalization, surgical operations, medical treatment, sanitary (hygienic) materials, postoperative care and any other expense related to transplants, may be covered:

a) By the National Health Insurance Company;

b) From the state budget;

c) From payments (fees) for medical services that pertain to the patients, as provided by applicable legislation; and

d) From donations from charity organizations or from other persons, and from individuals, not involved directly in a specific transplant.

Article 30. Transparency of financing

The Ministry of Healthcare and National Health Insurance Agency shall establish a transparent system for the collection of donated funds and payments related to donation expenses.

Chapter X

LEGAL RESPONSIBILITY AND RESOLUTION OF DISPUTES

Article 31. Responsibility of medical institutions and their personnel

(1) Where the health of the donor or the recipient has been affected due to the nonobservance of the conditions and methods of extraction organs and/or tissues or of the conditions and methods of transplant as required by this law, the respective medical institution shall be liable to the affected persons, as provided by law.

(2) Where doctors or other persons involved in the process of authorization, approval, donation and transplant of human organs, tissues and cells do not observe the requirements of the present law or other normative acts, they shall be liable as provided by law).

Article 32. Resolution of disputes

(1) Disputes arising in the process of application of this law shall be solved as provided by effective legislation.

Chapter XI FINAL PROVISIONS

Article 33.

Within six months after the effective date of this law, the Government:

- a) Shall adopt normative acts to implement this law and to ensure the activity of the Transplant Agency; and
- b) Shall bring its normative acts into conformity with this law.

Article 34.

(1) This law takes effect six months after the date of its publication in the Official Monitor of the Republic of Moldova.

(2) On the effective date of this law, the Law #473-XIV of June 25, 1999 on the transplant of human organs and tissues human (Official Monitor of the Republic of Moldova, 1999, #94-95, art.474) shall be repealed.

Speaker of the Parliament

Nr. 42-XVI Chisinau, March 6, 2008

Marian Lupu

13. LAW

on witness protection and protection of other participants in criminal proceedings No. 105-XVI of May 16, 2008

Monitorul Oficial No.112-114/434 of June 27, 2008

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The Parliament adopts this organic Law.

Chapter I GENERAL PROVISIONS

Article 1. Regulated area

This Law provides for the security of participants in criminal proceedings when their life, physical integrity, freedom or property are endangered due to knowing data or agreeing to provide to legal authorities data that provides conclusive testimony related to grave, extremely grave or exceptionally grave offences.

Article 2. Main terms

(1) For the purposes of this Law, the following main terms shall mean:

1) *protected person* – a person, who has entered into a protection agreement under this Law and has the legal status of:

- a) a witness in a criminal proceeding during the phase of the legal investigation or a court proceeding in compliance with art. 90 of the Code of Criminal Procedure;
- b) a damaged party in a criminal case, who is in the phase of a legal investigation or a court proceeding in compliance with art. 59 of the Code of Criminal Procedure;
- c) a victim in a criminal case, who is in the phase of a legal investigation and agrees to cooperate before the commencement of criminal proceedings;
- d) a suspect, accused, or an indicted person who agrees to give testimony, which could become conclusive evidence with respect to a grave, very grave or exceptionally grave offence, or who provides data related to the preparation of some grave, very grave or exceptionally grave offences;
- e) a condemned person during service of a privation of liberty penalty, who agrees to give evidence, which could become conclusive evidence with respect to a grave, very grave or exceptionally grave offence, or who provides data related to the preparation of some grave, very grave or exceptionally grave offences;
- f) a person with no legal procedure status, who agrees to provide data related to the preparation of some grave, very grave or exceptionally grave offences.

Note

Upon the request of a person listed in a-f above, close relatives and their family members may also be protected according to this Law;

2) *exposure to danger* – a situation where the physical integrity, liberty or property of persons listed in item 1 above is threatened due to their provision of data or agreement to cooperate in criminal proceedings;

3) *agreement to cooperate* – the consent of persons listed in item 1 above to provide data, before the commencement of criminal proceedings, that supplies conclusive evidence or other information relating to the commission of some grave, very grave or exceptionally grave offences.

4) *protection program* – a set of protection measures, applied by the authority approved to protect witnesses and formulated with the consent of the protected person, which is aimed at protecting life, physical integrity and health under the terms of this Law, taking into account the personality of the witness, the information possessed by him/her and the existing or possible danger;

5) *protection measures* – measures provided for in art. 13, applied within the protection program exclusively by the authority approved for protection of witnesses;

6) *emergency measures* – specific activities commenced immediately upon finding a person's exposure to danger, which the criminal procedure authority has undertaken; by the prosecutor who handles the legal proceedings; by the higher prosecutor; by management of the detention site; or, when appropriate, by the authority approved to protect witnesses;

7) *protection agreement* – a written confidential understanding between the protected person and the approved authority for protection of witnesses regarding the measures to be applied for protection of the person, the competencies of parties and the circumstances calling for cessation of protection;

8) *maximum confidentiality* – security of information that is in compliance with art. 7 of the Law No. 106-XIII of May 17, 1994 on state secrets;

9) *close relatives* – persons listed in art. 6, item 41) of the Code of Criminal Procedure;

10) *family members* – direct relatives, relatives by affinity, tutor, curator, a person under tutorship or curatorship, fiancées or concubines;

11) *decision on application of protection measures* – an order of the prosecutor or a court decision on application of protection measures with respect to participants in proceedings, issued in compliance with the Code of Criminal Procedure;

12) *decision of the approved authority* – an act issued by the authority approved for protection of witnesses within a protection program.

(2) Other terms and expressions used in this Law shall have the meaning designated to them in the Criminal Code, the Code of Criminal Procedure and the Law Enforcement Code.

Article 3. Grounds for undertaking protection measures with respect to a person in criminal proceedings

The following may serve as grounds for undertaking protection measures with respect to a person in criminal proceedings:

- a) the exposure to danger for those persons listed in art. 2, item 1);
- b) giving or agreeing to give testimony related to grave, very grave or exceptionally grave offences or providing or agreeing to provide information before commencement of criminal proceedings;
- c) testimony, which provides conclusive evidence for determining offenses or for the objective judgment of a criminal case.

Article 4. Protection of information

(1) Information about the actual identity or other data related to the protected person shall be stored in maximum confidentiality conditions in compliance with this Law and with art. 215 of the Code of Criminal Procedure.

(2) Disclosure of information about the protected person shall be punished according to effective legislation. Persons who take part in the protection program shall sign a confidentiality statement to this end.

Chapter II

AUTHORITIES GRANTED COMPETENCIES FOR PROTECTION OF WITNESSES AND OTHER PARTICIPANTS IN CRIMINAL PROCEEDINGS

Article 5. Authority approved for protection of witnesses

The authority approved for protection of witnesses and other participants in criminal proceedings is to operate as a subdivision of the Ministry of Internal Affairs.

Article 6. Competencies of the approved authority

(1) the approved authority has the following competencies:

- a) to ensure implementation of decisions on the application of protection measures, issued in compliance with art. 215 para. (2) of the Code of Criminal Procedure;
- b) to issue decisions on the application of protection measures;
- c) to identify solutions that are necessary and sufficient for the application of optimal protection measures;
- d) to develop the protection program jointly with the protected person;
- e) to develop the protection agreement, which the manager the approved authority and the protected person should sign;
- f) to organize a database related to the persons included in the program and to applied protection measures and to ensure the maximum security of confidentiality;
- g) to apply protection measures according to the protection program;
- h) to carry out other actions stipulated in the protection program;
- i) to apply, when appropriate, emergency assistance actions stipulated in this Law;
- j) to manage funds from the state budget and from external funds, which are needed for implementing the protection program.

(2) if no other way exists to achieve its aims, the approved authority may change the identity of its staff members or the real estate items used by the staff while implementing certain measures pursuant to this Law.

(3) The approved authority shall cooperate with witness protection authorities of other states; it shall ensure continuing training of its staff.

(4) The approved authority shall issue internal documents related to database management, procedures for ensuring maximum confidentiality and data security and other documents aimed at efficient application of the protection measures. The internal documents developed by the approved authority should comply with universally recognized international documents, the Constitution of the Republic of Moldova and the Code of Criminal Procedure.

Article 7. Competencies of criminal investigation authority

(1) The criminal investigation authority in legal proceedings can apply ex officio emergency measures or assistance measures as set forth in this Law, provided there is immediate or 24 hour notification given to the prosecutor and the approved authority.

(2) When the need for application of protection measures is determined, the criminal investigation authority shall propose to the prosecutor to issue a decision on application of the respective actions.

Article 8. Prosecutor's competencies

(1) The prosecutor conducting the legal proceedings and the hierarchically superior prosecutor have competencies for the application of ex officio emergency measures and assistance measures as set forth in this Law, provided there is immediate or 24-hour notification given to the approved authority.

(2) Upon the proposal of the criminal investigation authority or ex officio, the prosecutor conducting the legal proceedings or the hierarchically superior prosecutor shall issue a decision on the application of protection measures according to art. 215 of the Code of Criminal Procedure.

Article 9. Competencies of the detention site management

(1) The management of the detention site has the competency to apply emergency measures and assistance measures as set forth in this Law, provided there is immediate or 24 hour notification given to the approved authority.

(2) The approved authority shall order protection measures of persons in detention, which will be carried out by the detention site management jointly with the Department for Penitentiary Institutions of the Ministry of Justice.

Chapter III PROTECTED PERSONS

Article 10. Beneficiaries of the right to protection

Persons listed in art. 2, item 1 have a right to protection.

Article 11. Rights of protected persons:

Protected persons have the right to:

- a) request protection where reasonable grounds exist to believe that the person or his/her family members are threatened with death, violence, deterioration or destruction of property or other illegal action;
- b) propose to the representative of the approved authority the application of a certain protection measure;
- c) reject the application of a protection measure if it contradicts his/her moral or religious convictions or ethical norms;
- d) enter into a protection agreement;
- e) be informed about any protection measure that may be applied with respect to him/her and about his/her rights and obligations.

Article 12. Obligations of the protected person

(1) The protected person is obliged to:

- a) provide known information through statements or notifications submitted to the criminal investigation authorities or by giving testimony in court;
- b) comply with the protection measures included in the protection program and strictly observe them;
- c) refrain from disclosing data about protection measures or other data referring to the protection program mentioned in the protection agreement;
- d) refrain from any action that could endanger the implementation of the protection program, including communication with certain persons without the permission of the approved authority;
- e) inform the approved authority about any change that has occurred in his/her personal life, and about any new circumstances that could endanger the implementation of the protection program.

(2) Additional obligations of the participant in the program may be included in the protection agreements by joint agreement of parties, when appropriate.

Chapter IV

EMERGENCY MEASURES, PROTECTION MEASURES AND ASSISTANCE MEASURES

Article 13. Emergency measures

(1) The criminal investigation authority or the detention site management may take emergency measures, calling for immediate security ensuring measures, with respect to the participant in criminal proceedings who is exposed to danger.

(2) When emergency actions have been taken, the prosecutor conducting the legal proceedings or, when appropriate, the prosecutor supervising the law observance in the detention site, shall be notified immediately or within 24 hours.

(3) The emergency actions, to be applied by the criminal proceedings authority with respect to the protected person, are:

- a) assurance of a personal guard and guard for an apartment, residence or property;
- b) interception of his/her communication in accordance with the provisions of the Code of Criminal Procedure;
- c) supervision, using audio/video devices, in accordance with the provisions of the Code of Criminal Procedure;
- d) temporary relocation in a secure place;
- e) protection of movement or constraint of movement;
- f) provision of special active and passive means for personal protection;
- g) installation of special alarm equipment in the detention room.

(4) Emergency measures to be applied by the detention site management with respect to the protected person are:

- a) placement in a specially arranged place;
- b) transfer to another detention site;
- c) transportation with the application of more rigorous protection measures.

(5) When appropriate, the authority that takes emergency measures, may determine their duration.

(6) The emergency measures may be taken individually or in combination with other measures and assistance actions.

Article 14. Protection measures

(1) In criminal proceedings the following protection measures may be taken with respect to the protected person:

- a) protection of identity data;
- b) a hearing with the application of special means and methods;
- c) a change of residence, workplace or place of study;
- d) a change of identity, change of physical appearance;
- e) the installation of an alarm system in an apartment or residence;
- f) a change of telephone number;
- g) a guard for property.

(2) Protection measures may be applied both individually and in combination with other measures, including assistance actions.

Article 15. Protection of the identity data of the protected person

(1) Protection of identity data of the protected person shall be exercised by the non-disclosure of information related to the person.

(2) The decision for application of the respective protection measures shall specify the proportion of non-disclosure of identity data and, when appropriate, the duration of such measures.

Article 16. Hearings for persons with special applications

The hearing of a person with a special application shall be exercised in compliance with the provisions of art. 110 of the Code of Criminal Procedure.

Article 17. Change of residence, workplace or place of study

(1) A change of residence is the transfer of the person from his/her permanent residence to another location in the Republic of Moldova. Based on interstate agreements on international legal assistance in criminal matters, the person may be transferred for residence in another country.

(2) The person serving a privation of liberty penalty may be transferred to another penitentiary in the Republic of Moldova or to a penitentiary in another country based on interstate agreements on international legal assistance in criminal matters.

(3) When needed, the approved authority may propose to the person a change of workplace or place of study pursuant to the effective legislation. In such cases, the approved authority is obliged to help identify and provide such new workplace or place of study.

(4) The conditions for change of residence, workplace or place of study shall be included in the protection agreement.

Article 18. Change of identity

(1) A change of identity is changing the personal data and, when appropriate, modification of the social, legal, ethnic, etc. data. The protected person shall determine the amount of change in his/her identity.

(2) The new identity may have no impact on the status of the person, nor may it affect any other social, cultural and political rights of the person.

(3) Upon expiry of the application term for the protection measures, the person may assume the old identity or may maintain the new one.

(4) The protected person may not assume the initial identity, if his/her new identity has significantly affected the status of a third person through marriage, paternity, maternity, etc.

(5) Change of identity may occur only when no obligation of the protected person exists with respect to third parties. If, upon application of this measure, it is determined that the protected person has certain obligations with respect to third parties, which, while known to him/her, have not been communicated to the approved authority, the person shall be given a certain term to meet such obligations. If the person refuses to meet such obligations, he/she shall be granted other protection measures.

(6) If the protected person has committed an offense before a change of identity, the approved authority shall ensure his/her attendance at court proceedings upon the request of the court with use of initial identity, while the court may use special means for hearing the person pursuant to art. 110 of the Code of Criminal Procedure.

(7) Change of physical appearance is carrying out some surgery or other action, accepted by the protected person to modify some visible parts of the body. The change of appearance should not affect the cultural and religious convictions of the person. The measure shall be applied only when all the other measures are deemed inefficient and only with the consent of the protected person.

Article 19. Installation of an alarm system

The installation of the alarm system means equipping an apartment, residence or other premises with devices that ensure the rapid warning of the approved authority and/or of the police about some imminent exposure of the person to danger.

Article 20. Change of telephone number

(1) The change of the telephone number will be accomplished by changing the fixed or mobile telephone number of the protected person.

(2) If the telephone number is changed, the name of the protected person may be deleted from the lists of the telephone operator by decision of the approved authority.

Article 21. Ensuring protection of property

Protection of the protected person's property will be accomplished by guarding the property and by other legal actions included in the protection agreement.

Article 22. Assistance measures

The protection agreement may also include other assistance measures, such as:

- a) integration in another social environment;
- b) training for a new occupation;
- c) assurance of a decent income until a job is found;
- d) assistance in obtaining a new occupation;
- e) healthcare;
- f) legal assistance;
- g) psychological and social assistance.

Chapter V PROTECTION PROGRAM

Article 23. Conditions for inclusion into a protection program

(1) Inclusion of a person in a protection program will happen if all of the following conditions are met:

- a) a written application toward this end exists;
- b) the person has the qualities set forth in art. 2 para. 1 item (1);
- c) the person is exposed to danger as set forth in art. 2 para. 1 item (2);
- d) a justified decision of the prosecutor or a court decision exists regarding the application of protection measures, issued based on art. 215 of the Code of Criminal Procedure.

(2) Inclusion in a protection program of a minor or a person with limited capacity is possible provided a written consent of his/her legal representatives exists.

Article 24. Commencement of the procedure for inclusion in a protection program

(1) The person, who is exposed to danger may apply to the prosecutor conducting legal proceedings or, when appropriate, to the court, for inclusion in a protection program.

(2) The prosecutor, or, when appropriate, the court, shall review the application in a confidential manner, and shall issue a decision on the application for protection measures.

(3) Upon determining, ex officio, the exposure to danger, the prosecutor, or, when appropriate, the court, shall review the case in a confidential manner with participation of the person exposed to danger and shall issue a decision regarding application for protection measures.

(4) When the prosecutor refuses to review the application for inclusion in the program or to issue a decision regarding the application of protection measures, the person may appeal the refusal with the investigative judge.

(5) When the court refuses to review the application for inclusion in the program or to issue a decision regarding application of protection measures, the person may appeal the refusal based on art. 453 para. (2) of the Code of Criminal Procedure.

(6) The prosecutor or the court may recommend to the approved authority the application of some specific protection measures.

Article 25. Decision on the application of protection measures

(1) The decision on the application of protection measures, issued by the prosecutor or by the court should include the following:

- a) personal data in compliance with art. 358 para. (1) of the Code of Criminal Procedure, which shall be applied accordingly. The criminal record shall be added to the data listed in art. 358 para. (1);
- b) reference to the existence of a written application of the person to be protected;
- c) the legal procedure status of the person or, when appropriate, the lack thereof;
- d) the description of the case, which is in the phase of criminal proceedings or in court;
- e) data and information provided by the person, their value as conclusive evidence, the circumstances by which the person obtained the data and evidence;
- f) data, which confirms the exposure to danger;
- g) the estimate of opportunities for recovering the damage incurred through the offense;

- h) data related to the financial condition of the person;
 - i) recommendations regarding the application of some specific protection measures, when appropriate.
- (2) The prosecutor or the court may include in the decision other relevant data, as the case may require.

(3) The decision on the application of protection measures shall be immediately sent to the approved authority within 24 hours at the latest and its execution is binding as provided in art. 215 of the Code of Criminal Procedure.

Article 26. Decision of the approved authority

(1) The decision of the approved authority shall include:

- a) the date of issue of the decision on the application of protection measures;
- b) data related to the person included in the program;
- c) information on the essence of the case that is in criminal proceedings or in court;
- d) the possible danger to which the person is exposed and with respect to which protection measures are to be applied;
- e) protection measures which are to be applied.

(2) The decision for application of protection measures with respect to a person exposed to danger shall be issued by the head of the approved authority within a reasonable time, but no later than within 30 days from the issue of the decision on the application of protection measures.

(3) When the decision on the application of protection measures does not meet the requirements stated in this Law, the head of the approved authority shall request a correction of errors through a decision. The authority that has issued the decision is obliged to make corrections within three days.

Article 27. Protection agreement

(1) Within three days from the issue of the decision, the head of the approved authority shall conclude a written agreement with the person exposed to danger.

(2) When the family members of the protected person are also exposed to danger, the agreement is to be concluded individually with each person.

(3) The person acquires the protected person status at the time the agreement is signed.

(4) The protection agreement related to a minor is to be signed by the minor and by his/her legal representative. When the representative refuses to sign or, if in some circumstances is unable to sign the agreement, it is to be signed by the representative of the tutorship or the curatorship authority. When the legal representative or the representative of the tutorship or curatorship authority has objections to the contents of the agreement, including, with respect to the protection measure, the agreement shall not be signed before the disagreement is resolved. In such cases, the approved authority may transfer the decision for the application of protection measures to the prosecutor or to the court. In all cases, the interests of the minor shall prevail.

(5) The protection agreement shall include:

- a) general provisions on the parties to the agreement, date and place for signature;
- b) the applied protection measure and the conditions and duration of its application;
- c) the rights and obligations of the protected person established in compliance with art. 8;
- d) the obligations of the approved authority;
- e) the personal data or data about designated contact persons and the conditions under which such persons will operate;
- f) a clause stating that the agreement was signed in only one copy to be stored in the approved authority under conditions of maximum confidentiality.

(6) If new elements emerge after conclusion of the criminal or court proceedings, a new decision may be issued as set forth in this Law, which may modify the existing protection agreement or conclude and create a new agreement.

Article 28. Protection program

(1) The protection program shall be carried out using confidential methods and techniques developed within the approved authority.

(2) The documents related to inclusion of a person in the program shall be stored under maximum confidentiality conditions.

Article 29. Termination of the protection program

(1) The protection program shall cease in the event of any one of the following situations:

- a) the protected person submits a written application to this effect;
- b) the person refuses to give testimony in the criminal proceedings;
- c) the person gives false testimony in the criminal proceedings, which is confirmed by a final court decision of a conviction for false testimony;
- d) the protected person does not observe the obligations stated in the protection agreement;
- e) the circumstances that gave rise to the inclusion of the person in the protection program no longer exist;
- f) the protected person dies.

(2) In the cases set forth in para. (1) above, the protection program shall terminate upon the issuance of a decision by the prosecutor or the court.

(3) In the cases set forth in para. (1) a), d) and f) above, the protection program may terminate upon decision of the head of the approved authority.

(4) The prosecutor or the court shall notify the approved authority about the program termination decision immediately or within three days of issuing the decision. Under the circumstances set forth in para. (1) letter f), the application of the program with respect to family members may continue depending on circumstances of the case.

Chapter VI SUPERVISION OF EXERCISE OF PROTECTION MEASURES

Article 30. Supervision exercised by the prosecutor

(1) the Prosecutor General and his/her deputies with special competence in this respect shall exercise the supervision of the criminal investigation by approved authorities that have the authority to apply emergency measures, protection measures and assistance measures.

(2) The prosecutor with supervision authority has the right to access information, which is granted state secret status pursuant to the Law.

Article 31. Supervision exercised by the investigative judge

(1) In the case set forth in art. 24 para. (4), and in other cases when it is believed that rights were infringed, the person may file a complaint with the investigative judge within 10 days.

(2) The complaint shall be reviewed within 10 days in under confidentiality and in compliance with the provisions of art. 313 of the Code of Criminal Procedure.

(3) The decision of the investigative judge will be binding on the approved authority, which has the right to apply emergency measures, protection measures and assistance measures.

Chapter VII NATIONAL AND INTERNATIONAL COOPERATION

Article 32. National cooperation

(1) To ensure efficient witness protection, the approved authority shall cooperate with central and local public authorities, and with nongovernmental organizations.

(2) Central and local public authorities shall comply with notification issued by the approved authority aimed at protecting some specific person. The implementation deadline shall be shown in the notification. In

case the notification is impossible to perform, the respective authority shall notify the approved authority immediately or within 72 hours explaining why.

(3) The nongovernmental organizations shall provide, within the limits of their authority, support in granting efficient protection and assistance.

Article 33. International cooperation

(1) International cooperation in the area of witness protection shall be carried out in compliance with the norms for international legal assistance in criminal matters.

(2) The approved authority can conclude agreements to send a protected person to another country or to accept foreign persons in the territory of the Republic of Moldova based on reciprocal agreements between the Republic of Moldova and other states.

Chapter VIII FUNDS FOR WITNESS PROTECTION ACTIVITY

Article 34. Expenses

(1) The expenses for enacting this Law shall come from the state budget, from external sources and from programs for meeting the needs for the protection of witnesses.

(2) The mode of funds management shall be determined by a regulation approved by the Government.

Chapter IX FINAL AND TRANSITORY PROVISIONS

Article 35

(1) This Law will be enacted three months after its publication in Monitorul Oficial al Republicii Moldova.

(2) On the day of the enactment of this Law, Law No. 1458-XIII of January 28, 1998 on State Protection of Damaged Party, Witnesses and Other Persons, which provide assistance in criminal proceedings with subsequent amendments, will be abrogated.

Article 36.

Within three months, the Government shall:

- submit to Parliament proposals for ensuring compliance of effective legislation with this Law;
- approve the legal acts that are necessary for enacting this Law and ensure compliance of its legal acts with this Law;
- ensure approval or review of the legal acts of other ministries and other central public authorities.

CHAIRMAN OF THE PARLIAMENT

Chişinău, May 16, 2008.

No. 105-XVI.

Marian LUPU

Laws of the Republic of Moldova

105/16.05.2008 Law on Protection of Witnesses and other Participants in Criminal Proceedings//Monitorul Oficial 112-114/434, June 27, 2008

14. LAW

on social aid No. 133-XVI of 13.06.2008
20.08.2009

SUMMARY

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- Article 16. Liability for breaching the provisions of this law
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Chapter V FINAL AND TRANSITIONAL PROVISIONS

- Article 18. Taking effect and transitional period

The Parliament adopts this organic law.

Chapter I GENERAL PROVISIONS

Article 1. Subject matter of the law

This law regulates the legal framework for guaranteeing equal possibilities for disadvantaged families by granting social aid at a state-guaranteed level.

Article 2. Purpose of the law

This law is aimed at ensuring a minimum monthly income guaranteed to disadvantaged families, by providing social aid calculated based on the evaluation of the combined average monthly income of each family and the family's need for social assistance.

Article 3. Basic terms

In this law, the terms used shall have the following meanings:

family – two or more persons, residing together and maintaining a joint household, regardless of whether they are related or not. Any adult, who is not part of a family, shall benefit of the rights of a family;

applicant – one of the family members, with full legal capability, or the legal representative of the family, who files the application for social aid provision;

social aid – monthly monetary payment, provided to the disadvantaged family;

monthly minimum guaranteed family income – minimum calculated level of monthly income, guaranteed to each family by the state;

average combined monthly family income (hereinafter - combined family income) – monthly average of the sum of means earned by the family;

disadvantaged family – family, whose average combined monthly income is less than the minimum guaranteed monthly income.

Article 4. Scope of the law

This law covers families, whose members are citizens of the Republic of Moldova, citizens of other states, stateless persons or refugees, who have their domicile in the Republic of Moldova, in accordance with the law.

Chapter II RIGHT TO SOCIAL AID, AMOUNT AND ORDER SOCIAL AID PROVISION

Article 5. Right to social aid

(1) Disadvantaged families shall be entitled to social aid, where all adult members of the family fit into at least one of the following situations:

- a) have reached the age, required by law for the granting of pension;
- b) are persons with various degrees of disablement;
- c) are unemployed, duly registered by the territorial employment agency, in whose jurisdiction they are domiciled and who do not refuse jobs or participation in employment stimulus services, offered by the agencies;
- d) have a child under 3 years of age in their care;
- e) take care of a family member/members with Ist degree of disability, who are in need of care in accordance with the conclusion of the Council for the Medical Expertise of Vitality, take care of a disabled child/children from the same family or of a person over 75 years of age from the same family, in accordance with the conclusion of the Consultative Medical Council.

(2) The families, whose members earn wage incomes, either in full-time or part-time jobs, or incomes from entrepreneurial activities, may apply for being granted the right to social aid, on the condition that the other adult members of the family fit into the situations specified in par. (1).

- (3) Upon determining the existence of the right to social aid, there shall be excluded family members, who:
- a) are citizens of the Republic of Moldova, but do not have their domicile on its territory;
 - b) serve a prison sentence;
 - c) are enrolled in fixed-period military service;
 - d) are on state maintenance.

Article 6. Amount of social aid

The monthly amount of social aid shall be established as the difference between the minimum guaranteed monthly family income and the combined family income.

Article 7. Minimum guaranteed monthly income

(1) The minimum guaranteed monthly family income consists of the aggregate of the amounts of minimum monthly incomes, calculated for each member of the family.

(2) The amount of the minimum monthly income of each family member is determined as follows:

- a) 100% of minimum guaranteed monthly income for the applicant;
- b) 70% of the minimum guaranteed monthly income for every other adult member of the family;
- c) 50% of the minimum guaranteed monthly income for each child;
- d) additional 30% of the minimum guaranteed monthly income for each adult with a degree of disability;
- e) additional 50% of the minimum guaranteed monthly income for each disabled child;
- f) additional 10% of the minimum guaranteed monthly income, if the person with a degree of disability is the only adult in the family.

(3) The level of the minimum guaranteed monthly income shall be established on a yearly basis in the Law on state budget.

Article 8. Combined family income

(1) Upon calculating the combined family income, there shall be taken into account monetary revenues earned from paid labor, from all types of entrepreneurial activity, social insurance and social assistance allowances, revenues earned from exploiting agricultural lands and land plots, as well as other types of revenue, including revenue from owned assets.

(2) Upon evaluating family welfare with a view to determining the social aid, there shall be taken into account family composition, movable and immovable assets, which are owned by the family, together with a set of characteristics for welfare identification.

(3) Ownership of certain movable and immovable assets, as well as certain characteristics of the family, expressed in points, shall be considered as indicators of welfare.

(4) Where the score exceeds the established limit, the family shall not be eligible for the provision of social aid.

(5) The order of evaluation of family welfare and the set of characteristics for evaluating family welfare, expressed in points, shall be approved by the Government.

(6) Upon calculating the combined family income, there shall be taken into account the current revenues earned by its members.

Article 9. Determining social aid

(1) Social aid shall be provided based on the application for the provision of social aid, filed by one of the family members with full legal capacity, appointed by the family, or, in cases provided by law, by its legal representative.

(2) Social aid is established by the division/section for social assistance and family protection.

(3) The division/section for social assistance and family protection performs a selective verification in applicant's home of the information contained in the application for social aid.

(4) Social aid is granted for a period not exceeding 2 years and shall be reviewed upon any change that could influence the amount of the established social aid.

(5) Social aid is granted starting with the month in which the application for provision of social aid was registered with the division/section for social assistance and family protection.

Chapter III

ORDER OF SOCIAL AID PAYMENT AND FUNDING

Article 10. Payment of social aid

(1) Social aid is paid on a monthly basis by the National Office for Social Insurance, through financial institutions selected by tender.

(2) Where the monthly calculated amount of social aid is less than 25 Lei, it shall be paid once in six months, where the payment shall comprise the amount of the social aid for the respective months.

(3) The regulation on the order of establishing and paying social aid shall be approved by the Government.

Article 11. Modification of amount of social aid

(1) The amount of social aid shall be modified in the following situations:

- a) change of the minimum guaranteed monthly family income;
- b) change of previously filed information.

(2) The modification of the amount of social aid shall be performed by the division/section for social assistance and family protection.

Article 12. Cessation of social aid payment

(1) Payment of social aid shall cease in the following cases:

- a) the family no longer fulfills the conditions provided by this law;
- b) the family changes its residence;
- c) the single person, who benefitted of social aid, is deceased or has been declared missing.

(2) In cases provided by par. (1) a) and b), within 15 days as of the issuance of the decision, the division/section for social assistance and family protection shall notify the beneficiary and the National Office for Social Insurance in writing about the cessation of social aid payment.

Article 13. Appeal

The decision on provision or refusal to provide social aid, on its modification or cessation of payment, as well as the decision on recovery of amounts paid without grounds, may be appealed in the administrative court.

Article 14. Funding of social aid

Social aid, established under this law, is funded from the state budget, by means of the state social insurance budget.

Article 15. Registration of social aid beneficiaries

The records of social aid beneficiaries are kept by the division/section for social assistance and family protection, the National Office for Social Insurance and the Ministry of Social Protection, Family and Child, by means of the creation of an automated informational system.

Chapter IV

LIABILITY

Article 16. Liability for breaching the provisions of this law

(1) Non-compliance with this law shall be sanctioned as provided by law.

(2) The applicant is bound to submit complete and truthful information to the authority establishing social aid.

(3) Where incomplete or erroneous information is submitted or where no information is submitted with regard to the changes arisen as regards the structure or amount of income, which has influenced the amount of social aid, the beneficiary shall reimburse the entire amount, which had been paid to him without grounds.

Article 17. Control over the correctness of determination of social aid and use of financial resources

(1) The control over the correctness of determination of social aid and appropriate use of allotted financial resources is performed by competent controlling authorities.

(2) The verification of the truthfulness of information submitted for determining social aid is performed by the body, which establishes social aid.

Chapter V FINAL AND TRANSITIONAL PROVISIONS

Article 18. Taking effect and transitional period

(1) The provisions of this law are applied:

- a) for families with at least one member with a degree of disability – as of October 1, 2008;
- b) for families with one or more children – as of 1 January 2009;
- c) for other families – as of 1 July 2009.

(2) Within 6 months as of the adoption date, the Government:

- a) shall submit to the Parliament proposals on bringing effective legislation into conformity with the provisions of this law;
- b) shall draft and approve normative acts necessary to regulate the mechanism for the implementation of this law;
- c) shall develop the legal framework and shall provide the necessary conditions for the creation in the Ministry of Social Protection, Family and Child, of the Social Inspectorate, which shall evaluate and monitor the implementation of this law.

Speaker of the Parliament

Marian LUPU

Chisinau, 13 June 2008.

No.133-XVI.

15. LAW

on prevention and control of HIV/AIDS nr. 23-XVI of 16.02.2007

Monitorul Oficial nr.54-56/250 of 20.04.2007

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Parliament adopts the present law.

Title 1

GENERAL PROVISIONS

Article 1: Scope and purpose of the law

1) The purpose of the present law is to provide an effective framework of legal relations regarding HIV/AIDS infection aimed at decreasing vulnerability to infection, by stopping the exponential growth of HIV/AIDS and reducing its impact by ensuring with medical, social, psychological care people living with HIV and their family members; by guaranteeing respecting their rights; as well as sustaining prevention and control efforts over this infection.

2) The present law has the following objectives:

a) promotion of complex policies aimed at uniting the efforts of governmental, non governmental and international institutions, of PLHIV, of private entrepreneurs and individuals, as well as the application of a monitoring and evaluation system of prevention activities in the field of HIV/AIDS;

b) application of prevention measures as part of a response system on the epidemic, based on informational activities for population (including groups at risk), directed towards increasing the level of knowledge of problems pertaining to HIV/AIDS;

c) exclude discrimination of people affected by the HIV/AIDS epidemic, guarantee respect for human rights in this context;

d) development and improvement of programmes pertaining to child protection with the implementation of the educational system based on differentiated programmes, promotion of a healthy lifestyle, including a no-drugs lifestyle, HIV/AIDS prevention

measures, as well as informing on problems of protection measures for HIV prevention, by stopping the phenomenon of becoming orphan as a result of AIDS caused death of one parent or both;

e) ensure guaranteed access to medical and social care of PLHIV, including treatment, care and support;

f) ensure safe conditions for provision of medical care, laboratory diagnosis, prevention of the risk of nosocomial and professional transmission.

Article 2: Legal framework

(1) The legislation pertaining to the field of HIV/AIDS prevention includes the Constitution, the present law, other normative acts, as well as other international agreements and treaties to which the Republic of Moldova is signatory;

(2) If the treaty or international agreement to which the Republic of Moldova is signatory establishes norms different than those of the present law, the former shall apply.

Article 3: Definitions

For the purposes of the present law the following definitions shall apply:

- *HIV* – Human Immunodeficiency Virus, which leads to the reduction and destruction of the immune system and provokes AIDS.

- *HIV-positive status* – the presence of HIV markers in the human body, which testify the infection.

- *AIDS (Acquired Immune Deficiency Syndrome)* – disease stage determined by HIV.

- *ARV treatment* - antiretroviral drugs that slow down the replication and, therefore, the spread of the virus within the body.

- *Post Exposure Prophylaxis (PEP)* - short-term antiretroviral treatment to reduce the likelihood of HIV infection after potential exposure, in professional services or through forced sexual intercourse/ in case of a rape.

- *Voluntary counselling and testing (VCT)* – Includes both pre-testing and post-testing counseling, including counselling aiming at forming an informed consent to voluntary testing for HIV markers.

- *Confidentiality* - protecting and upholding the right to privacy of an individual who undergoes HIV testing or is diagnosed to have HIV;

- *Country Coordinating Mechanism of national programmes on prevention and control of HIV/AIDS, sexually transmitted infections and control of TB* – functional intersectoral body which ensures the direction and monitoring of strategies and activities of national programmes on prevention and control of HIV/AIDS, sexually transmitted infections and control of TB and grants of the Global Fund to combat AIDS, TB and Malaria, World Bank;

- *Universal standards of precaution* – rules which foresee mandatory conditions to prevent infection with HIV virus through blood exposure and other biologic liquids for medical assistance and other services;

- *Substitution treatment* – therapy using methadone maintenance treatment;

- *Palliative assistance* – actions which combine a set of measures and treatments aimed at improving the quality of life of people living with HIV/AIDS;

- *Nosocomial infection* – contracting the HIV-virus through interventions and medical instruments.

Title II PREVENTION FRAMEWORK

Article 4: Framework of strategic prevention measures of HIV/AIDS infection

(1) The framework of HIV/AIDS prevention measures is established based on the provisions of the current law, other normative acts based on the latter, as well as international treaties which Moldova is signatory;

(2) The HIV/AIDS prevention and control programmes are integrated in the national development plan;

(3) It is mandatory to promote greater involvement of PLHIV and NGOs from the field in the elaboration and implementation of National plan for prevention and control of HIV/AIDS infection and related programs,

among which are training programs oriented towards prevention, treatment and care, legal and social assistance, including employment policies.

(4) Raising public opinion awareness at national level, through extensive information, education and communication activities, mass media campaigns aimed at promoting safe lifestyles, health-seeking behaviour, non-discrimination, gender equality and compassion;

(5) Education institutions will be ensured with informational materials regarding HIV transmission and promotion of non discriminatory and tolerant attitude towards PLHIV.

Article 5: Education for HIV/AIDS prevention

(1) The State is responsible, at national level, for the elaboration and implementation of educational programmes aimed at informing and educating children starting with 12 years old, teenagers and youth about safe and responsible behaviours.

(2) HIV/AIDS prevention shall be mandatory incorporated in the life-skills based education course included in school, professional schools, university and post-university curricula, during official and less official education activities among institutionalized youth, youth with mental and physical disabilities, members of armed forces.

(3) Training and promotion of activities related to HIV/AIDS safe and responsible behaviour, ensuring with informational materials the children outside educational institutions, is carried out in Youth Centers, Children Centers and other social oriented institutions.

(4) It is compulsory for the Ministries and other central and local administrative authorities to develop and implement activities involving population, mass media resources, associations and other organizations for participation in education and information dissemination programmes about HIV/AIDS as part of medical assistance services, at the workplace and at home.

(5) Education programmes are based on the principle of non discrimination, promotion of tolerance towards PLHIV, respecting and guaranteeing their rights.

Title III PREVENTION AMONG GROUPS AT RISK

Article 6: Family, children, youth and HIV/AIDS infection

1) Children benefit of counselling adapted to their special needs. All confidentiality principles active for adults will be respected.

2) Children and youth affected by HIV/AIDS shall benefit of equal rights as their peers, benefiting of access to educational and HIV/AIDS prevention programmes, social assistance and legal protection, as well as care and treatment, which they require as a result of their status.

3) Children and youth affected by HIV/AIDS from medical, social, education and penitentiary institutions can not be discriminated with regards to their status.

4) Children and youth affected by HIV/AIDS, victims of human trafficking or sexual exploitation, are treated accordingly.

5) HIV positive women benefit of free contraception methods, including voluntary sterilization based on informed consent subsequent to thorough counselling.

Article 7: HIV/AIDS prevention among injecting drug users

(1) Ministries and other involved central administrative authorities, decentralized public sanitary services elaborate educational, medical and social programs for injecting drug users, aimed at reducing drug consumption, promoting HIV/AIDS prevention among IDUs and informing about the availability of voluntary confidential substitution treatment.

(2) Ministries and other involved central administrative authorities, local public administrative authorities, decentralized public sanitary services implement educational, medical and social programs for injecting drug users, covering a large geographic territory with these programs, as well as ensure greater accessibility to prevention materials.

(3) Harm reduction programs include education, prevention, awareness raising and counselling activities.

(4) Substitution therapy employing methadone maintenance treatment is to be offered on voluntary and confidential basis to all persons asking for such treatment meeting the established selection criteria.

Article 8: HIV/AIDS prevention among armed forces

The Ministry of Defense, Ministry of Interior, Border Guard Troops Department shall develop and implement efficient HIV/AIDS prevention programmes through promoting safe and responsible behaviours, shall develop minimal knowledge standards and incorporate such awareness and prevention programmes in the regular staff military training.

Article 9: Prevention activities in penitentiary institutions

The Ministry of Justice ensures:

- a) education and training of staff and inmates, with the purpose to develop skills and knowledge on HIV/AIDS prevention, safe and responsible behaviors, pre and post voluntary testing, consent for HIV testing;
- b) harm reduction programs, among which providing bleach and needle exchange supported by free of charge condom distributions in all prisons;
- c) access to free of charge ARV treatment and treatment for opportunistic infections.

Article 10: HIV/AIDS prevention among immigrants, emigrants, refugees and asylum seekers

(1) Ministries and other involved central administrative authorities, decentralized public sanitary services elaborate and implement prevention programmes aimed at developing minimum skills and knowledge on HIV/AIDS among immigrants, emigrants, refugees and asylum seekers and provide them with informational materials.

(2) Ministry of Health, in partnership with other ministries and central administrative authorities organize HIV/AIDS prevention activities, provide social and material assistance to immigrants, emigrants, refugees and asylum seekers.

(3) Immigrants, emigrants, refugees and asylum seekers benefit of ARV and treatment of opportunistic infections according to the legislation in force.

Title IV VOLUNTARY COUNSELLING AND TESTING

Article 11: Access to testing

(1) Citizens of the Republic of Moldova, foreign citizens and stateless persons who live or temporarily reside on the territory of the Republic of Moldova shall have the right to a medical test free of charge (anonymously) with the aim to determine as early as possible HIV virus or AIDS epidemic.

(2) Testing for HIV markers shall be performed according to the standards and rules for testing, developed and approved by the Ministry of Health in accordance with the present law and upon individual request.

Article 12: Counseling and testing centers and laboratories

(1) Pre and post-test to HIV counseling services are conducted in public or private medical sanitary institutions accredited and empowered accordingly, as well as by health services for youth certified according to law. Counselors shall be competent enough to meet Ministry of Health standards.

(2) Testing to HIV markers is conducted by public medical sanitary institution's laboratories and by those of Centers of Preventive Medicine of the Ministry of Health accredited accordingly to law.

Article 13: Consent for HIV testing

(1) All HIV tests shall be done upon written voluntary and informed consent of the individual.

(2) In case of minors, a written informed consent shall be obtained from his/her legal guardian as well as from the child. In case such a written consent cannot be obtained from the legal guardian of the minor, and the test is considered to be in the most interest to the individual, the test can be performed only with voluntary written consent of the minor.

(3) The written consent of the mentally incapacitated individual is a precondition for HIV testing.

(4) For those in the ward of the state, the legal guardian shall bear responsibility for the decision to take HIV test.

Article 14: Confidentiality

(1) The right to confidentiality is guaranteed in case an individual undergoes HIV testing or is diagnosed to have HIV.

(2) The result of HIV test shall be confidential and shall be released only to the following:

- a) Person who was tested;
- b) Parent or legal guardian of a minor who was tested;
- c) Legal guardian of a person with mental disabilities;
- d) Head of medical-sanitary institution, where markers to HIV were collected
- e) Head of public medical-sanitary institution in residential area of the person who have been tested (family doctor);
- f) Judge that has issued a court order in the conditions described in article 15 below.

(3) People diagnosed as HIV positive should be informed in written form by the medical-sanitary institutions on the need to follow the rules for prevention of HIV/AIDS transmission, as well as on the criminal charges for willingly endangering with contamination or for willingly infecting other persons.

(4) Any person with HIV shall disclose his/her HIV status and health condition to his/her spouse or sexual partner.

(5) Healthcare professionals may notify wife/husband or partner(s) of their patient's HIV status only if they examine circumstances of each individual case, carefully considering medical ethics and patient-doctor confidentiality standpoint, so require, and if the following criteria are met:

- a) the HIV-positive person has received adequate counseling services;
- b) counselling of the HIV-positive person has failed to achieve appropriate behavioral changes, aimed at reducing the danger of HIV transmission;
- c) the HIV-positive person has refused to notify, or give consent to the notification of his/her wife/husband or partner(s);
- d) a real risk of HIV transmission to the partner(s) exists;
- e) the advance notice given to HIV positive person to announce his/her status has expired.

(6) The medical personnel and other people, who have access to information regarding HIV medical tests and results (AIDS disease) due to their job responsibilities, shall keep such information confidential. Disclosure of such information shall be punished by the legislation in force.

Article 15: Prohibition of mandatory HIV testing

(1) Policies calling for mandatory testing as precondition for employment, travel, access to medical services, and admission to education institutions are prohibited, except for the cases set in the legislation in force. All forms of hidden HIV testing are prohibited.

(2) The following cases refer to compulsory HIV testing:

- a. Donations of blood, liquids, tissue and organs;
- b. Upon a court order when a person is charged with the crime of willful transmission of HIV or rape, and when the person responsible for this does not give consent for testing after benefiting of thorough counselling.

Article 16: Sentinel testing

(1) Sentinel surveillance is the testing of HIV on blood specimens drawn and collected for another legitimate purpose in selected populations, such as pregnant women, IDUs, prisoners, commercial sex workers, with the purpose to determine HIV epidemic trends associated with specific risk behaviours or practices.

(2) Before testing, all information which could identify the individual being tested shall be excluded. Public health authorities shall be informed on the number of HIV cases and not on any other information.

Title V CARE AND TREATMENT

Article 17: Medical surveillance

HIV-positive and AIDS affected individuals are subject to medical surveillance.

Article 18: National Protocols for Treatment of PLHIV

(1) National Protocols for Treatment of PLHIV and affected by AIDS are developed and approved by The Ministry of Health. The National Protocols shall ensure the accessibility of basic hospital and drugs services.

(2) The services shall include:

- a) diagnosis and treatment of HIV/AIDS, opportunistic diseases, sexually transmitted infections, other infections and complications;
- b) laboratory services;
- c) emergency treatment;
- d) psychological assistance;
- e) social assistance;
- f) palliative care.

Article 19: Access to ARV treatment and other forms of treatment

(1) The State shall ensure universal access of all PLHIV to ARV treatment and treatment of opportunistic infections, based on clinical and immunological indications free of charge through the National Programme on Prevention and Control of HIV/AIDS and STIs.

(2) PLHIV and AIDS affected people benefit of primary medical assistance based on the common mandatory insurance services package according to the legislation in force.

Article 20: Palliative care of PLHIV

(1) The Ministry of Health develops standards on palliative care for patients in hospitals and at-home.

(2) Ministry of Health and Ministry of Social Protection, Family and Child coordinate at national level palliative care services.

(3) Doctors inform PLHIV families on palliative care, at request.

Article 21: HIV/AIDS prevention for mother- to- child transmission

(1) All pregnant women shall have access to free voluntary counselling and testing to HIV;

(2) HIV positive women and their children shall have full access to free of charge ARV treatment;

(3) All children born from HIV positive mothers shall be provided with artificial milk formula.

Title VI PROHIBITION OF DISCRIMINATION

Article 22: Prohibition of discrimination at the workplace

(1) Any form of discrimination based on HIV positive status, at any stage of employment, including hiring, promotion or assignment, both in private or public field, including appointment in public positions, is prohibited.

(2) HIV positive persons already employed by any public or private company shall be entitled to the same employment rights, benefits and opportunities as other employees.

(3) Dismissal from work on the basis of HIV status is prohibited.

(4) A list of jobs and professions which cannot hire HIV-positive individuals shall be approved by the Ministry of Health and Ministry of Social Protection, Family and Child;

(5) Victims of discrimination are entitled to appeal to a court of law for imposing retributions on responsible parties.

(6) Depending on the stage of the infection, PLHIV or people affected by AIDS benefit of free professional orientation or reorientation services, according to legislation.

Article 23: Prohibition of discrimination in educational institutions

1) No educational institution shall refuse admission to any prospective student or discipline; segregate, deny participation to activities, including sport ones, deny benefits or services to; or expel any current student on the basis of his/her HIV positive status.

2) Discrimination of PLHIV relatives or partners is prohibited.

Article 24: Restrictions on Travel and Habitation

1) Entrance into the Republic of Moldova for a period longer than 3 months is permitted only upon submission of a medical certificate with a negative HIV test.

2) A person who has not undertaken such a test shall present himself in a period of 10 days from his arrival in the Republic of Moldova to the relevant medical institutions to be tested for HIV. Consequently such procedure shall be performed once a year

3) The person in charge, the entrepreneur or an individual person who is hosting the foreign citizen shall be responsible under the law for verifying the possession of a medical certificate for HIV test, and in case the foreign citizen does not have such a certificate, the host shall be responsible for assisting him to access the relevant medical institution in order to perform an HIV test.

Article 25: Prohibition of discrimination in hospitals and health institutions either public, departmental or private

1) Each individual shall have equal access to medical services, regardless of perceived or actual HIV status.

2) No hospital or other health institution, private, departmental or public, shall deny access to health care services to PLHIV or those perceived or suspected to be HIV-infected, nor charge the said persons higher fees.

Article 26: Prohibition of discrimination in accessing credit, insurance and loan services

All credit, loan or insurance services (health, accident, life etc.) access shall not be denied to a person on the basis of his/her HIV positive status. These people shall not conceal or misrepresent his or her HIV status to the insurance company upon application. Extension and continuation of credit and loan shall likewise not be denied solely on the basis of said health condition.

Article 27: Retributions for violating the rights HIV positive people

Violation of the rights of people living with HIV, on behalf of heads of enterprises with any form of propriety or company type, educational institutions, private, public and departmental sanitary-medical and health institutions, as well as infringement of PLHIV interests shall be punished according to the existing legislation.

Title VII

ACCESS TO LEGAL ASSISTANCE FOR PLHIV AND THEIR RESPONSIBILITY

Article 28: Availability of legal support services and confidentiality of legal proceedings

(a) HIV positive people benefit of free legal assistance upon request for filing suit with respective complaint units or filing suit in front of a court of law. Legal assistance in court is free of charge.

(b) All court and public administration authorities' sessions involving people infected with HIV shall be secret, at the latter request.

Article 29: The responsibility of HIV positive people

1) HIV-positive people shall act responsibly to protect their personal state of health and prevent HIV transmission.

2) A person aware of his/her HIV status and knowingly endangering the contamination of another person can be charged with a criminal offence.

Title VIII

PREVENTION OF NOZOCOMIAL INFECTING

Article 30: Ensuring the protection of patients

The heads of private, public and departmental medical and sanitary institutions are required to ensure the adequate conditions to prevent the infection of patients with HIV:

- (a) During laboratory and medical tool examination, including testing for HIV, surgical, gynecological, dental interventions, medical procedures and instruments;
- (b) Through blood transfusion, blood components and eradicators.

Article 31: Ensuring the protection of medical workers

- 1) The Ministry of Health shall develop universal precaution measures for prevention of infection.
- 2) Following universal standards mentioned in point (1) is a mandatory condition for medical assistance services, for other services which involve exposure to blood and other body fluids.
- 3) Training of medical personnel in this field shall be performed by the administration in public medical institutions and by the patron of private institutions.
- 4) Availability of the necessary inventory (disposable syringes, sterilisers, cleaning utensils, gloves) are a precondition for the accreditation and re-accreditation of the respective institutions.

Article 32: Access to post-exposure prophylactic (PEP) kits

Victims of rape and those exposed through occupational exposure to HIV shall have access to free-of-charge post-exposure prophylactic (PEP) kits in all public medical institutions.

Article 35: Liabilities in case of nosocomial infecting

- 1) The citizens of the Republic of Moldova who have been infected as a result of blood transfusions, medical interventions and tools are guaranteed a handicap pension caused by work accident;
- 2) Moral and materials damages shall be compensated to the infected person by the medical institutions where the infection occurred;
- 3) Contraction of the HIV virus by medical personnel as a result of professional activity is considered a professional illness.

Title IX

FINAL AND TRANSITORY PROVISIONS

Article 34.

The Government:

- a) Shall present the Parliament proposals on amending the existing legislation in accordance with the present law;
- b) Shall ensure the revision and abrogation by all ministries and departments of all normative acts, which are not in accordance with the present law;
- c) At the date the current law enters into force, Law nr. 1460-XII as of May 25 1993 regarding the prevention of AIDS is abrogated.

Chisinau, 16 February 2007
Nr. 23-XVI

16. DECISION OF THE PLENUM

of the Supreme Court Of Justice of the Republic of Moldova on application of legislation concerning trafficking in human beings and trafficking in children No. 37 of November 22, 2004

Bulletin of the Supreme Court of Justice of the Republic of Moldova, 2005, No. 8, page 4

* * *

Trafficking in human beings, in its various forms, including trafficking in children, comprises dangerous crimes that essentially lead to the violation of personal rights and freedoms.

In order to ensure correct and uniform application of legislation concerning trafficking in human beings, while being aware of the increased social danger of such crimes and reasoning from the need to protect the legal personal rights and interests, based on Article 2 let. e), Article 16 let. d) of the Law on the Supreme Court of Justice and Article 39 of the Code of Criminal Procedure, by means of this decision, the Plenum offers the following explanations:

1. In the meaning of Articles 165, 206 of the Criminal Code, in the light of international legislation in this area, specified in the annex, which is an integral part of this decision, the Plenum explains the meaning of the following terms and expressions:

a) **“Trafficking in human beings”** means the recruitment, transportation, transfer, harboring or receipt of a person for the purpose of sexual commercial or noncommercial exploitation, through forced labor or services, in slavery or in conditions similar to slavery, use in armed conflicts or in criminal activity, removal of organs or tissues for transplantation, performed through: threat with the use or actual use of physical or mental violence not dangerous to the life and health of the person, including kidnapping, seizure of documents and bondage, aimed at the repayment of a debt, the amount of which is not reasonably established; deceit; abuse of the vulnerable condition or abuse of power, offering or acceptance of payments or other benefits in order to obtain the consent of a person detaining control over another person, with the use of violence dangerous for the life and physical or mental health of the person; torture, inhuman or degrading treatment, in order to ensure the obedience of the person, or rape, taking advantage of physical dependence, use of arms, threat of disclosure of confidential information to the family of the victims or to other persons, as well as through other means;

b) **„Child trafficking”** means recruitment, transportation, transfer, harboring or receipt of children, as well as the offering or acceptance of payments or other benefits in order to obtain the consent of a person detaining control over the child, with a view to: sexual commercial or noncommercial exploitation, through prostitution or in the pornographic industry; exploitation through forced labor or services; exploitation in slavery or in conditions similar to slavery, also in cases of illegal adoption; use in armed conflicts; use in criminal activity; removal of organs or tissues for transplantation; abandonment abroad. The same actions, accompanied by: use of physical or mental violence against the child; sexual abuse of the child, his/her sexual commercial or non-commercial exploitation; subjecting the child to torture, inhuman or degrading treatment, in order to ensure his/her obedience, or accompanied by rape, profiting of the child’s condition of physical dependency, use of arms, threat of confidential information disclosure to the family of the child or to other persons; exploitation in slavery or conditions similar to slavery; use of the child in armed conflicts; removal of organs or tissues for transplantation.

c) Upon qualifying the actions of the perpetrator based on Articles 165 and 206 of the Criminal Code, the consent of the victim as to his/her recruitment, transportation, harboring or receipt, shall not be held account of, even if the victim had been informed about the aims to which he/she was to be used, as well as about the means employed in trafficking;

d) The recruitment, transportation, transfer, sheltering or receipt of a child, for the aims specified in Article 206 CC, shall be deemed “trafficking in human beings”, where neither of the specified means had been employed;

e) The term “child” shall mean any person under the age of 18 years;

f) “Victims of trafficking” are persons who have suffered, either individually or collectively, damage, including physical or mental injuries, material or moral losses, essential violations of their fundamental rights and freedoms, through acts or omissions specified in letters a) and b) of this item.

2. The provisions of Articles 165 and 206 CC set out the following criminal actions:

- a) recruitment;
- b) transportation;
- c) transfer;
- d) harboring;
- e) receipt of a person.

2.1. Such actions are committed with an aim of:

- a) sexual commercial or noncommercial exploitation;
- b) forced labor or services, in slavery or conditions similar to slavery;
- c) use in armed conflicts or in criminal activity;
- d) removal of organs or tissues for transplantation.

2.2. Actions specified with regard to child trafficking are also performed with an aim of:

- a) prostitution or use in the pornographic industry;
- b) illegal adoption;
- c) abandonment abroad.

2.3. The said criminal actions are committed by employing the following means:

a) threat with application of physical or mental violence, not dangerous to the life and health of the person, including kidnapping, seizure of documents, bondage aimed at the repayment of a debt, the amount of which is not reasonably established;

b) deceit;

c) taking advantage of vulnerability condition or abuse of power;

d) offering or receipt of payments or benefits in order to obtain the consent of a person detaining control over another person;

e) application of violence dangerous to the life, physical or mental health of a person;

f) torture, inhuman or degrading treatment, in order to ensure the person's obedience, or rape, taking advantage of physical dependency, use of arms, threat of confidential information disclosure to the victim's family or to other persons, as well as other means;

In order for the *actus reus* of trafficking in human beings to be deemed as existing, it is sufficient for at least one of the above-mentioned criminal actions (inactions) to have taken place, with at least one of the aims enumerated and at least one of the specified means to have been employed.

3. Upon construing trafficking actions the following explanations must be taken into account:

3.1. **Recruitment** aimed at trafficking human beings implies involving persons through selection into a certain activity, determined by the aims provided in Articles 165 and 206 CC.

The circumstances, in which recruitment occurred, are irrelevant, whether this happens in recreational places, unconventional networks, by offering jobs or opportunities for study, by pro forma marriage etc.

The means for recruitment may be constraint, kidnapping, total or partial deceit, etc.

3.2. **Transportation** is the shift of a person from one place to another within one state or by border-crossing, by using various transportation means or on foot.

3.3. **Transfer** of a person is the transmittal of the victim from one person to another through sale and purchase, exchange, rent, concession against a debt, donation and other similar transactions, with or without reward.

3.4. **Harboring** of a victim is his/her placement in a hidden place, in order not to be detected by the representatives of state bodies or third parties, who could denounce the act of trafficking.

3.5. **Receipt** of the victim is the trafficked victim's taking over by another person from the person, who conveyed him/her through sale and purchase, exchange, rent, concession against a debt, donation and other similar transactions, with or without reward.

4. The aims specified in Articles 165 and 206 CC shall be construed as follows:

4.1. **Sexual exploitation** means forcing the person to engage in prostitution or other actions of a sexual character.

Commercial sexual exploitation means profit-bringing activity, which results in the increase of the assets of the perpetrator or of other persons, expressed in the use of the victim, through constraint to engage in prostitution or in the pornographic industry.

Noncommercial sexual exploitation means such activity, which has no direct impact on the assets of the perpetrator or of other persons, expressed in marriage (including polygamous marriage), cohabitation and other such forms of living together, etc.

4.2. **Exploitation through forced labor or services**, as provided by the Convention on forced or compulsory labor of the International Labor Organization, means: a) constraining the victim to perform work, which he/she would have not performed of his/her own initiative; b) to bring the victim into a condition of performing work, which he/she was not bound to perform; c) keeping a person in bondage for repayment of a debt; d) obtaining performance of work or services through deceit, constraint, violence or threat of violence;

4.3. **Slavery** is the state or condition of a person, over which one or all powers, deriving from the right of ownership, are exercised;

Conditions similar to slavery mean bringing or keeping a person in such condition, where another person has mastery over him/her or where he/she is compelled, through the use of force or constraint, deceit or threat of violence, to render certain services, including engaging or remaining in relations of cohabitation or marriage;

4.4. **Use of victim in armed conflicts** means his/her forced engagement in military actions;

4.5. **Use in criminal activity** means forced engagement in committing deeds that constitute crimes;

4.6. **Removal of organs or tissues for transplantation** takes place in the case of concussing the victim for the removal of organs, tissues or other elements of the human body for transplantation, in breach of the Law on transplant of human organs or tissues (Official Monitor of the Republic of Moldova No. 94-95/474 of 26.08.1999);

4.7. **Child's abandonment abroad**, provided in Article 206 CC, means child's dereliction on the territory of a foreign state and failure to return him/her to the territory of the Republic of Moldova. Abandonment may take place as a consequence of illegal removal of the child from the Republic of Moldova.

5. The means of performance of trafficking in human beings shall be construed as follows:

5.1. **Physical violence** not dangerous for the life and health of the person is the deliberate causation of corporeal injuries, which do not result in short-term health disturbance or an insignificant, but stable disturbance of labor productivity, or the deliberate battery or committal of other acts of violence, which have caused physical pain, where these have not posed a threat to the life or health of the victim.

Norms are provided by the Regulation on medico-legal estimation of gravity of bodily injuries (Official Monitor of the Republic of Moldova No. 170-172 of 08.08.2003).

5.2. **Mental violence** consists of a mental threat towards a person, under which the victims cannot direct their will freely, and perform actions at trafficker's will.

5.3. **Violence dangerous for the life and mental or physical health of a person** means deliberate grave or medium injury, provided by Articles 151 and 152 CC.

Where the violence exercised in connection with trafficking in human beings consists in the deliberate grave injury of body integrity or health, the acts shall qualify as cumulative crime, under Article 165 or, as the case may be, Articles 206 and 151 of the Criminal Code.

Such dangerous actions as those mentioned above are injuries, which are dangerous for the life of the victim, by themselves, at the very moment of their infliction, or which may bring or actually bring to the victim's death, according to their usual evolution, if left unattended.

5.4. **The kidnapping of a person** implies actions contrary to the wish or the will of the victim, accompanied by change of his/her residence or temporary whereabouts, accompanied by victim's confinement.

The capturing, forced change of residence, accompanied by the victim's confinement, constitute mandatory elements as means of committing human trafficking through kidnapping.

The kidnapping of a person implies the existence of the following successive stages:

a) capturing the victim;

b) taking the victim and transferring him/her from his/her permanent or temporary whereabouts (place of living, working, resting, treatment etc);

c) person's confinement against his/her will or by disregarding his/her wishes.

5.5. **Seizure of documents** means depriving the victim of his/her identity, travel and other documents (passport, identity card, residence permit, travel documents etc.).

5.6 **Bondage** (state of dependency) means the situation when the victim is confined, including deprivation of the freedom of movement, taken as hostage, until he/she or a third party repays a debt, either legally or illegally established.

5.7. **Deceit** consists in misleading of and causing damage to a person by representing sham or distorted facts as true, with the aim to accomplish trafficking in human beings for oneself or for another person.

Deceit as means of committing a crime may consist either of actions, by communicating false information on certain circumstances or facts, or of inactions that reside in holding back real circumstances or facts (for instance, false promises to offer a legal job, dissembling the real conditions, in which the victim is forced to work etc.).

5.8. **Taking advantage of vulnerability condition** (Article 165 para.(1) let.c) consists of trafficker's taking advantage of the special state in which a person finds himself/herself, as a result of:

- a) an insecure situation from the viewpoint of social survival;
- b) a condition due to pregnancy, illness, infirmity, physical or mental disability;
- c) an insecure and illegal situation in connection with entering or residing in a transit or destination country.

The state of vulnerability may be conditioned by various factors: the victim's isolation, his/her difficult material or mental state, family problems or the lack of social resources etc.

The abuse of the state of victim's vulnerability is an element of trafficking. The victim's state of vulnerability shall mean any kind of vulnerability: mental, affective, family, social or economic. It encloses the range of desperate situations that may make a human being accept his/her own exploitation.

5.9. **Abuse of power** is the exaggerated use by a special subject – responsible person, representing the public authority – of his/her powers, he/she has been vested with by law. In such case there is no need for supplementary qualification under Article 327 of the Criminal Code.

5.10. **Offering or receiving payments or benefits, in order to obtain the consent of a person holding control over another person** consists of an understanding between the persons mentioned, interested in obtaining the consent regarding the transfer of the victim and his/her use for the ends mentioned in Articles 165 and 206 CC.

A person holding control over another person is such a person that legally or illegally keeps under control the victim's activity and profits by such power in the process of trafficking.

5.11. The term "**torture**", as a means of trafficking, consists of any acts, by which strong suffering or intense physical or mental pain is caused to a person.

Torture is deliberate causation of strong suffering or great physical or mental pain, for the aims specified above.

The distinction between torture and other form of maltreatment must be made in accordance with the intensity of the pain caused. The gravity or the intensity of pain caused may be determined by several factors: duration; physical or mental consequences; sex, age and victim's state of health; means and manner of execution.

Physical and mental violence caused to a person, considered in its entirety, may qualify as acts of torture in the meaning of Article 165 CC, where it caused grave pain or suffering and has been extremely rough and cruel (deprivation of sleep, food and water, thermic or chemical burns, intimidation, deprivation of medical help, of toilet facilities etc.).

Torture is an aggravated and deliberate form of inhuman and degrading treatment.

Inhuman treatment in the meaning of Article 165 CC is a totality of operations applied to a person, aimed at obtaining his/her obedience. Inhuman treatment is any treatment, other than torture, which is likely to cause deliberately terrible physical or mental suffering, which cannot be justified.

Degrading treatment is any treatment, other than torture, which gravely humiliates a person in front of other persons or forces him/her to act against his/her will and conscience, or which is likely to cause feelings of fear, inferiority or anxiety to the victim, to abase and break down his/her physical and moral resistance, in order to ensure victim's obedience.

5.12. By **use of rape** in human trafficking one understands attempting by the trafficker at the social relations concerning sexual liberty and inviolability of a person, regardless of gender, with the aim to exploit human beings. Such actions do not require additional qualification under Article 171 of the Criminal Code.

Sexual abuse of a child means violent actions of sexual character, constraint to actions of sexual character, perverse actions and other such acts, which do not require additional legal qualification under Articles 172, 173, 175 CC.

5.13. **Physical dependency** means the physical or mental state which results from the interaction of the victim's body with narcotic or psychotropic substances, characterized by alterations of behavior and other reactions, always accompanied by the need to use such substances continuously or periodically, in order to experience the mental effects and, sometimes, to avoid suffering.

6. According to paragraphs (2) and (3) of Articles 165 and 206 CC, criminal liability may ensue, where the provisions of paragraphs (1) of these Articles are accompanied by the respective qualifications.

6.1. The crime shall be deemed **repeated** where two or more crimes of trafficking were committed by a person, who has not been convicted, and the term of limitation for criminal accountability had not expired

Any other persons participating in the committing of a crime appear as organizers, instigators, accomplices and co-authors.

6.2. Human trafficking is deemed to have been deliberately committed with regard to a **pregnant woman**, where the perpetrator knew about the victim's pregnancy.

Where the trafficker did not know at the time of committal that the victim was pregnant, such acts, committed in the absence of other aggravating circumstances, must qualify as ordinary trafficking in human beings.

6.3. **Use of arms** in the meaning of letter f) para.(2) of Article 165 consists in the use of any arm, including fire-arms, cold steel or other forms of arms, since the legislator did not specify the type of arm employed. The use in human trafficking of other objects, employed as arms, may not serve as grounds for aggravating criminal liability under para.(2) of Articles 165 and 206 CC.

By use of arms one must understand their use with a view to the destruction of the victim or the persons trying to free the victim (targeted shots, stab with cold steel, demonstrating an arm with the aim of intimidation, setting an arm against the victim's throat, shooting a gun in the immediate vicinity of the victim etc).

6.4. **Threatening with confidential information disclosure** consists of the use of certain confidential data for intimidation of the victim, as a mechanism of control over him/her (threatening a person to disclose intimate information to his/her family etc.).

6.5. **Organized criminal group or criminal organization**, as provided in para.(3) of Article 165 CC, is deemed the criminal association that encompasses the specifics provided in Articles 46 and 47 CC. Under the UN Convention on transnational organized crime, of November 15, 2000, an organized criminal group is the structured group of 3 and more persons, which functions for a certain amount of time and acts in order to commit one or several grave crimes, defined by the Convention, with the aim to obtain, directly or indirectly, pecuniary benefits or any other material benefits.

7. Any form of participation in human trafficking shall be incriminated in accordance with the provisions of Chapter IV of the Criminal Code, General Part.

8. The preparation and attempt of committing trafficking in human beings shall qualify in the light of Articles 26 and 27 of the Criminal Code.

9. Where other acts attempting at other social relations have been committed at the same time with human trafficking, and they do not qualify under Articles 165 and 206 CC, such actions shall be qualified separately, as cumulated offences, including trafficking.

10. Human trafficking, as well as child trafficking, are deemed as formal crimes and are considered consummated as of the committal of any action specified by Articles 165 and 206 CC, regardless of the occurrence of damaging consequences.

11. The subjective aspect of human trafficking is direct intention.

12. The subject of crimes provided by Articles 165 and 206 CC shall be any natural person of sound mind, over the age of 16 years.

The special subject of the crime provided by Article 206 CC is the person of sound mind, who has the child entrusted for care or supervision at the moment of committing crimes provided in para.(1) letter g) – abandonment of child abroad.

13. The legal object of the crime provided by Article 165 CC consists of the social relations, the normal development of which depends on the liberty of a person.

14. The legal object of the crime provided by Article 206 CC consists of the social relations concerning the normal physical and mental development of the child and his/her personal liberty.

15. Under Article 220 CP pimping implies unlawful actions of the pimp, who mediates prostitution in order to gain personal material benefits from such occupation. Such activity is accomplished through:

- a) abetment or prompting to engage in prostitution;
- b) facilitating engagement in prostitution;
- c) taking advantage from engagement in prostitution;
- d) recruitment of persons for engagement in prostitution.

In the case of pimping, the prostitute is not a victim. In such a case, there are certain voluntary relations between the pimp and the prostitute.

Pimping is a crime against public health and social cohabitation. This is how pimping should be distinguished from trafficking in human beings.

16. Distinguishing human and child trafficking from illegal border-crossing lies in the object of such offences and, namely, illegal border-crossing violates the normal activity of public authority and state security, while trafficking is a crime against a person.

The objective side of illegal border-crossing, in the meaning of Article 362 CC, consists of the illegal border-crossing of the state (guarded) frontier, on land, water or by air, without necessary documents, required permission or in unauthorized places.

In the case of trafficking, the transfer of persons across the border may take place either legally or illegally.

17. Under Article 23 of the Criminal Procedure Code, courts shall undertake concrete actions, based on law, to ensure the rights and protection of the victim, taking into account the specifics of examination of criminal cases concerning trafficking in human beings, the need to impede the re-victimizing of the person by tactfully offering him/her the help required, and by being aware of the need of psychological, medical and social rehabilitation from the traumatic stress.

The law enforcement bodies and courts must undertake adequate measures in order to ensure the security and efficient protection of the victim and witnesses from repressions and possible intimidation and avoid the influence of traffickers on such persons. Legal assistance to the victim shall be ensured by an appointed attorney, where needed.

18. Appeal and cassation courts must undertake necessary measures as regards the improvement of administration of justice in cases of human trafficking and the remedying of possible non-administration of justice.

**Chairman of the Supreme
Court of Justice**

Valeria Șterbeț

Chisinau, November 22, 2004

No. 37

17. GOVERNMENT

Decision No. 472 of 26.03.2008

on approval of nominal composition of the National Committee on Combating Trafficking in Human Beings, Regulation of the National Committee and National Plan for Prevention and Combating Trafficking in Human Beings for 2008-2009

Published: 04.04.2008 in Official Gazette No. 69-71, art. No. 453

Under the Law No. 241-XVI of 20 October 2005 on Prevention and Combating Trafficking in Human Beings (Official Gazette of the Republic of Moldova, 2005, No. 164-167, art.812), the Governments decides on the following:

It is approved :

Nominal Composition of National Committee on Combating Trafficking in Human Beings, according to Annex No. 1;

The Regulation of the National Committee on Combating Trafficking in Human Beings, according to Annex No.2;

National Plan for Prevention and Combating Trafficking in Human Beings for 2008-2009, according to Annex No.3

2. Ministries, other central and local public administrative authorities, responsible for the implementation and carrying out of planned actions, will submit to the Government reports on the implementation of the National Plan for Prevention and Combating Trafficking in Human Beings for 2008-2009, on a six-monthly basis.

3. It is established that, in case of dismissal of the members of the National Committee, their functions will be performed by persons newly appointed for these positions, without issuing a new Government decision.

4. The Government decision No. 1219 2001 "On the approval of nominal composition of the National Committee on Combating Trafficking in Human Beings and National Action Plan for Combating Trafficking in Human Beings" (The Official Gazette of the Republic of Moldova, 2001, No. 136- 138 art. 1274), with its further amendments and completions.

Prime Minister

Vasile TARLEV

Countersigns:

Deputy Prime Minister

Victor Stepaniuc

Deputy Prime Minister, Minister of Foreign Affairs and European Integration

Andrei Stratan

Minister of Social Protection, Family and Child

Galina Balmoş

Minister of Interior

Gheorghe Papuc

Minister of Education and Youth

Victor Țvircun

Minister of Health

Ion Ababii

Minister of Culture and Tourism

Artur Cozma

Minister of Information Development

Vladimir Molojen

Minister of Finance

Mihail Pop

No. 472. Chisinau, 26 March 2008.

Annex No.1
to the Government Decision No.472
of 26 March 2008

NOMINAL COMPOSITION

Of the National Committee on Combating Trafficking in Human Beings

Stepaniuc Victor	- Deputy Prime Minister, Chairman of the National Committee
Balmoş Galina	- Minister of Social Protection, Family and Child, Deputy Chairman of the National Committee
Papuc Gheorghe	- Minister of Interior, Deputy Chairman of the National Committee
Focşa Ion	- Main inspector, Centre for Combating Trafficking in Human Beings, Minister of Interior, Secretary of the National Committee.
Gurbulea Valeriu	- Prosecutor General
Reşetnicov Artur	- Head of the Information and Security Service
Pîrlog Vitalie	- Minister of Justice
Cozma Artur	- Minister of Culture and Tourism
Guznac Valentin	- Minister of Local Public Administration
Ababii Ion	- Minister of Health
Țvircun Victor	- Minister of Education and Youth
Molojen Vladimir	- Minister of Information Development
Kistruga Eugenia	- Deputy Minister of Foreign Affairs and European Integration
Colenov Igor	- Director General of Border Guard Service
Chistruga Zinaida	- Director General of Licensing Chamber
Domenti Oxana	- Councilor of the President of the Republic of Moldova on social development issues.
Plop Petru	- Chairman of the Centre for Combating Trafficking in Human Beings, Ministry of Interior

Annex No.2
To the Government Decision No.472
Of 26 March 2008

REGULATION

Of the National Committee on Combating Trafficking in Human Beings

1. National Committee for Combating Trafficking in Human Beings (hereinafter referred to as National Committee) is a consultative body of the Government, set in order to coordinate the activity of prevention and combating trafficking in human beings.

2. National Committee includes representatives of the public authorities, including law enforcement bodies and other organizations that carry out activities of prevention and combating trafficking in human beings.

3. The Committee shall be formed of representatives of:

Ministry of Interior;

Ministry of Justice;

Ministry of Health;

Ministry of Social Protection, Family and Child;

Ministry of Foreign Affairs and European Integration;

Ministry of Education and Youth;

Ministry of Information Development;

Ministry of Culture and Tourism;
 Ministry of Local Public Administration;
 Border Guards Service;
 Licensing Chamber;
 Apparatus of the President of the Republic of Moldova;
 General Prosecuting Office;
 Information and Security Service.

4. Representatives of non-governmental and international organizations that are present in the Republic of Moldova and carry out activities of combating trafficking in human beings and providing assistance to the victims of trafficking in human beings, may participate in National Committee's sessions with the right to a consultative vote.

4. National Committee has the following functions:

- submits to the Government proposal on the principles of the state policy in the field of prevention and combating trafficking in human beings and recommendations directed to improve the activity of identification and liquidation of causes and conditions that contribute to the appearance of trafficking in human beings and carrying out activities of trafficking in human beings;

- monitor the performance of actions provided in National Plan for Prevention and Combating Trafficking in Human Beings for 2008-2009 (hereinafter referred to as National Plan) and of the legal provisions on prevention and combating trafficking in human beings by the state organizations and institutions;

- collects and reviews data about the proportions, status and trends of trafficking in human beings at the national level;

- develops proposal to improve the legislation in the field of prevention and combating trafficking in human beings and victims' protection;

- organizes awareness-raising campaigns for the population on problems related to the trafficking in human beings and social danger of this phenomenon;

- coordinates the activity of territorial committees and specialized institutions regarding the implementation of actions stipulated in the National Plan, as well as other actions of prevention and combating trafficking in human beings;

- periodically evaluates and monitors the implementation process of the National Plan and informs the government and civil society about the obtained results.

6. National Committee is chaired by a Deputy Prime Minister. The Chairman represents the National Committee in its relations with public authorities from the country, as well as in international relations.

7. The Chairman of National Committee performs the following basic functions:

- ensures the fulfillment of the National Committee's functions;

- approves the agenda and schedule of the sessions;

- convenes and chairs the sessions of the National Committee;

- signs invitations for the representatives of non-governmental and international organizations for their participation in the sessions of the National Committee;

8. In the Chairman's absence, the activity is performed by the Deputy Chairman of the National Committee.

9. The organizational activity is provided by the Secretary.

10. The Secretary of the National Committee:

- develops proposals on agenda and schedule of the sessions of the National Committee;

- prepares the sessions of the National Committee, holds the secretarial work;

- organizes actions of collaboration with other state's bodies, non-governmental and international organizations;

- performs other duties, according to his/her functions.

11. The Correspondence regarding the issues within the National Committee's competence is held by the Secretary, through Chairman of the Committee.

12. The National Committee may create permanent or temporary experts groups, to examine problems and to find solutions related to the specific area of its activity. Experts groups will include members of the National Committee, national experts in relevant field from the ministries and other central administrative authorities,

as well as, where appropriate, representatives of non-governmental and international organizations that perform their activity in this field.

13. National Committee's sessions are convened according to a planned schedule, but not less than once in four months. In case of necessity, sessions are held more often.

14. The presentation of the issue for examination by the National Committee is done by the Committee members, as well as by the heads of the ministries, other central administrative authorities and interested bodies. The agenda of the sessions is distributed to the members of National Council with at least 3 days before the sessions.

15. The sessions of the National Committee are registered in minutes, signed by the Chairman of the National Council and by the Secretary.

16. The decisions are adopted by the majority of votes of the present members of the National Committee, provided that at least 2/3 of its members attended it.

If a member of the National Committee cannot participate in the sessions due to well-founded reasons, he/she presents, in written to the Chairman of the Committee his/her opinion on the issues discussed.

17. The decisions of the National Committee are obligatory for the public authorities and institutions, provided that they are signed by the Prime Minister.

18. National Committee presents periodically to the Government, at its request, but not less than twice a year, by 1 February and 1 August, a report on its activity. Central administrative authorities can request from the National Committee information on the observance of the legislation on prevention and combating trafficking in human beings and other cases.

**NATIONAL PLAN
for prevention and combating of trafficking in human beings for the years 2010-2011**

Strategic objectives	Specific goals and objectives	Activities / Sub-activities	Structures responsible for implementation	Partners	Term for accomplishment	Funds		Expected results
						Budgetary	Other sources	
1	2	3	4	5	6	7	8	
1. ASSISTANCE FRAMEWORK								
1.1. Coordinating structures								
1. Improvement of measures to combat trafficking by coordinating activities of involved parties	a) Instituting (officially approved) tools and mechanisms meant to ensure cooperation between state and nongovernmental entities	1) Appointing persons responsible for collaboration between ministries, nongovernmental and international structures in the field of prevention and combating of trafficking in human beings	Authorities responsible under Law No. 241 - XVI of October 20, 2005		Quarter II, 2010	Budgetary allocations	Responsible persons from line ministries	
	b) Coordination of anti-trafficking activities of involved parties.	1) Creation of the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings, development and approval of its operational framework	NCCTHB	NGOs	Quarter I, 2010	Budgetary allocations	An operational Secretariat, A developed and approved operational framework	
		2) Organizing technical coordination meetings in the field of anti-trafficking	OSCE	MLSPF, NCCTHB Secretariat, NGO	2010-2011		11 TCMs in Chișinău, 8 regional TCMs, 8 meetings in the Transnistrian region	
1.2. Legal and regulatory framework								
1. Improvement of legal and normative framework in respect of prevention and combating of trafficking in human beings, as well as	a) Development of legal provisions ensuring access of persons subject to trafficking to compensation from the traffickers and/or the state	1) Amendment of legislative criminal framework with a view to special confiscation of the offender's assets in favor of the state only after the compensation of injured parties	PGO, MoI, MoJ		Quarter II, 2010	Budgetary allocations	Draft law on amendments of certain legislative acts	

<p>in respect of protection and assistance for the victims of trafficking</p>	<p>b) Amendment of existent legislative and normative framework in the field of tourism</p>	<p>1) Amendment and supplementing of the Law on tourism No. 798-XIV of February 11, 2000 with a view to introducing more efficient requirements in order to ensure stricter records of persons returning to the country, within the terms established in the contracts for touristic services for tourists gone abroad</p>	<p>AT, MEC (LCh), MoJ</p>	<p>Mol, IOM, CPTW, LC, IC „La Strada”</p>	<p>Semester II, 2010</p>	<p>Budgetary allocations</p>		<p>Draft law on amendments of certain legislative acts</p>
		<p>2) Continuous development of legal framework to regulate intermediation activity under Summer Work & Travel Programs</p>	<p>MoE, MYS, MEC(LCh), MoJ</p>	<p>Mol, IOM, CPTW, LC, IC „La Strada”</p>	<p>Semester II, 2010</p>	<p>Budgetary allocations</p>		<p>Developed and approved legislative and normative acts</p>
<p>c) Setting standards in the field of prevention and combating of trafficking in human beings</p>		<p>1) Continuous development of normative framework concerning implementation of the provisions of the Law No.241-XVI of October 20, 2005 on prevention and combating of trafficking in human beings</p>	<p>MAEIE, MLSPE, MoI, PGO, MoJ</p>	<p>NGO</p>	<p>Semester II, 2010</p>			<p>Regulation on prevention and combating of trafficking in human beings</p>
<p>d) Improvement of legal framework in respect of protection and assistance for the victims of trafficking</p>		<p>1) Creation of a program to offer support to victims of trafficking in human beings on account of assets (immovable assets, financial means and other property) obtained as a result of illicit activities pertaining to trafficking in human beings and confiscated based on court judgments, as well as on account of donations</p>	<p>MLSPE, MF</p>	<p>Mol, IOM, CPTW, LC</p>	<p>Quarter IV, 2011</p>	<p>Budgetary allocations</p>		<p>Draft Government Decision on creation of fund and approval of its regulation</p>

<p>3. Encouraging the Moldovan business environment to efficiently contribute to the efforts to combat trafficking in human beings, especially in children</p>	<p>a) Awareness-raising and consolidating capacities of Moldovan businesses in the field of tourism concerning the issue of trafficking in human beings, especially in children, as well as sexual exploitation of children</p>	<p>3) Organizing and holding „The regional workshop for governmental agencies in targeted countries Belarus, Ukraine, RM, concerning national referral mechanisms”</p>	<p>MLSPP</p>	<p>IOM, IC „La Strada”, CPTW, LC, OSCE, ILO</p>	<p>Quarter IV, 2010</p>	<p>IOM</p>	<p>Organized and held conference. Developed and distributed report</p>
<p>a) Awareness-raising and consolidating capacities of Moldovan businesses in the field of tourism concerning the issue of trafficking in human beings, especially in children, as well as sexual exploitation of children</p>	<p>1) Organizing national seminars and conferences in the field, with a view to the promotion, signing and implementation of the Code of Conduct for the prevention of sexual exploitation of children</p> <p>2) Carrying out activities for the prevention of trafficking and sexual exploitation of children</p>	<p>MLSPE, AT, CCTP/ MoI</p>	<p>IC „La Strada”</p>	<p>2010-2011</p>	<p>IC „La Strada”</p>	<p>Number, content and objective of seminars and conferences; number of participants and actors.</p> <p>Number and type of carried out activities; content and type of spread out messages</p>	
<p>1.4. Informational management and research</p>							
<p>1. Ensuring access to information and data exchange at national and international level in the field of prevention and combating of trafficking in human beings</p>	<p>a) Creation and development of a centralized national data records center concerning trafficking in human beings</p>	<p>1) Establishing an efficient data exchange mechanism between relevant institutions and involved nongovernmental organizations</p> <p>2) Establishing common indicators to keep track of data regarding trafficked persons</p>	<p>MoI, PGO, MoJ, MLSPP</p>	<p>OSCE, ILO, IOM, IC „La Strada”, CPTW, LC</p>	<p>Quarter II, 2010</p>	<p>Budgetary allocations</p>	<p>Collaboration agreements and protocols, containing provisions on data exchange</p>
<p>b) Consolidating CCTP's role as specialized subdivision in the field of prevention and combating of trafficking in human beings</p>	<p>1) Expanding CCTP capacities in the field of analysis, monitoring and evaluation of the phenomenon of trafficking in human beings</p>	<p>MoI, MLSPE, PGO</p>	<p>ILO, IOM, CI „La Strada”, CPTW, LC OSCE</p>	<p>Quarter II, 2010</p>	<p>Budgetary allocations</p>	<p>Added, modified and eliminated indicators.</p> <p>Ensuring CCTP with technical means and human resources required to organize and carry out analytical, monitoring and evaluation activities. Carrying out training sessions for CCTP personnel</p>	

			2) Establishing efficient collaboration mechanisms between CCTP and partners from state institutions and local and foreign nongovernmental organizations	MoI	MLSPF, PGO, MoJ, MH, MoC, MAEIE, OSCE, ILO, IOM, IC „La Strada”, CPTW, LC	Permanent	Budgetary allocations		Signed protocols, developed common projects and accomplished common activities
			3) Periodical collection by the NCCTHB Secretariat of statistical data and analytical information concerning trafficking in human beings from relevant institutions and nongovernmental organizations	NCCTHB Secretariat	MLSPF, PGO, MoJ, MH, MoC, MoE, MAEIE, BS, SIS, MoI, MYS, MTIC, UTA Gagauzia, MF, OSCE, ILO, IOM, IC „La Strada” CPTW, LC	Quarterly	Budgetary allocations		Periodical reports drafted by the NCCTHB Secretariat
			4) Creation within CCTP of a centralized database on trafficking in persons	MoI, PGO	ILO, IOM, IC „La Strada”, CPTW, LC, OSCE	Quarter II, 2010	Budgetary allocations		Created database. Ensuring technical and human resources required for managing the database
			5) Connecting the central database with institutions involved in the prevention and combating of trafficking in persons and offering assistance to the victims of trafficking	MoI, PGO, MLSPF, MoJ	ILO, IOM, CI „La Strada”, CPTW, LC, OSCE	Quarter II, 2010	Budgetary allocations		Operation of an automatic network for the collection and distribution of data
			6) Creating the NCCTHB's webpage	NCCTHB		Quarter II, 2010	Budgetary allocations		Operational NCCTHB webpage that would reflect the Committee's activity and will contain relevant information in the field
		c) Organizing and performing the research of advanced international practices and their implementation at national level	1) Organizing and carrying out research of advanced international practices and analysis of national legislation concerning mechanisms to monitor and evaluate efforts/services in the field of social protection of THB victims	MLSPF	OSCE, ILO, IOM, IC „La Strada”, CPTW, LC, TdH	Quarter II, 2010		IC „La Strada”	Formulating recommendations and establishing best opportunities to create the NRS monitoring mechanism in Moldova. Establishing the concept of the NRS monitoring mechanism in Moldova

		2) Development of an accreditation mechanism for social service renderers	MLSPP, High Level Group for Moldova's Children	IC „La Strada”, IOM, OSCE, ILO, CPTW, LC	Quarter II, 2010		IC „La Strada”	Developed draft law. Criteria and indicators for the accreditation of social service renderers	
		3) Piloting the NRS monitoring mechanism by testing it in NRS rayons	MLSPP	IC „La Strada”	2010-2011		IC „La Strada”	Tested monitoring mechanism	
1.5. Analysis, monitoring and evaluation									
1. Research and periodic monitoring of characteristics, dimensions and evolution of the phenomenon of trafficking in human beings	a) Evaluation of the scope and trends of trafficking in human beings	1) Accomplishment of periodic evaluations to identify evolutionary tendencies of the phenomenon	MoI, MLSPE, PGO, MoJ	ILO, IOM, CI, „La Strada”, CPTW, LC, OSCE	Half-yearly			Developed evaluation reports	
		2) Informing the civil society on a regular basis about the phenomenon, following its research and periodic evaluation	MoI, MLSPE, PGO, MoJ	ILO, IOM, IC „La Strada”, CPTW, LC, OSCE	Half-yearly			Organized and held public meetings (press-conferences, published articles etc.)	
		3) Accomplishment of scientific research in the field of anti-trafficking reactions and research for the evaluation of the scope and tendencies of trafficking and publication of results	MoI		2010-2011	Budgetary allocations			A published practical scientific work and published results of the study, number of accomplished studies
		4) Accomplishment of scientific research in the field of prophylaxis, prevention and combating of trafficking in human beings, under economic, legal and psychological aspects	ESI, MYS		2010-2011	Budgetary allocations			Number of performed researches, an organized university contest of scientific works, an organized scientific university conference
2. Continuous improvement of the strategic and operational anti-trafficking response by adjusting it to new tendencies of trafficking	a) Ensuring systematic monitoring and evaluation of activities carried out under the National Plan	1) Development of monitoring and evaluation indicators, based on which reports will be developed	NCCTHB Secretariat		Half-yearly	Budgetary allocations		Half-yearly reports developed and distributed at Committee meetings	

	b) Ensuring continuous activity of parties involved in the fight against trafficking in human beings	1) Drafting informative notes/reports concerning planned and accomplished activities in the field of combating trafficking in human beings 2) Drafting a general report on actions accomplished and results obtained by involved institutions 3) Monitoring judicial sessions	NCCTHB, central public authorities with powers in the field	NGOs; International organizations	Half-yearly, until January 15 and July 15	Budgetary allocations	Drafted and distributed report
			NCCTHB, central and local public authorities with powers in the field	NGOs; International organizations	Annual, until February 15	Budgetary allocations	Drafted general report
			PGO	NGOs	2010-2011		Developed recommendations; number of monitored cases
2. PREVENTION							
2.1. Awareness-raising and education							
1.Reduction of trafficking in human beings by consolidating the self-protection capacities of individuals and the society against the threats of this phenomenon	a) population informing and awareness-raising with a view to realizing the risks associated with trafficking in human beings and strengthening the self-protection capacities against the threats of this phenomenon	1) Developing awareness-raising activities for the general public concerning the danger of the phenomenon of trafficking in human beings	LPA, MoE, MYS	IC „La Strada”, CJJ „Winrock International”, AWLC/CPTW, „Regina Pacis” Foundation, IC, TdH	2010-2011	Budgetary allocations	Number and type of activities, number and profile of informed persons, number and type of instruments/messages used/circulated
		2) Publishing periodical informational bulletins of the National Committee and their distribution among the public	NCCTHB	CJJ, „Winrock International”	2010-2011, Quarterly		Periodical publication of informative bulletins
		3) Organizing sessions to inform children, youth, parents and school personnel on the subject of trafficking and of other forms of exploiting child labor and family violence	MoE, MYS	IC „La Strada”, OSCE, ILO-IPEC, „Regina Pacis” Foundation, CNPAC, IC, LADOM	2010-2011		Number of seminars and participants; number and type of institutions where seminars were held; covered regions; content of conveyed messages

		<p>3) Orientation, professional training and employment of graduates of educational institutions, youth, unemployed persons and persons looking for a job, potential victims, as well as victims of trafficking from non-integrated groups</p>	MEC	<p>ILO-IPEC, CNPAC, IOM, AWLC/CPTW, UNDP/BOY-WICJ, „Winrock International”, National Swedish Council for Labor Market, Association for Women „Art-Elegant”, Republican Society for Social Protection of Minors and Youth „Insula Speranțelor”</p>	2010-2011	Unemployment fund	<p>European Commission of the Republic of Ireland, USAID, ILO-IPEC, IOM, MoI of the Czech Republic, UNDP/BOYW</p>	<p>96 organized training courses, 2100 assisted beneficiaries, 936 professionally trained beneficiaries, 624 employed beneficiaries, 40 employed children, 9 created training and professional integration services, 100 new jobs will be created</p>
	<p>4) Ensuring access of victims and potential victims of trafficking in human beings to training programs in the field of entrepreneurship and granting micro-credits for business startup</p>	NEA, MEC, MYS	<p>ILO, AWLC / CPTW, UNDP / BOYW,</p>	2010-2011	Unemployment fund	<p>European Commission of the Republic of Ireland, UNDP UNFPA</p>	<p>Number of started and financed small businesses</p>	
	<p>5) Offering methodological support to social re-integration and maternal centers</p>	MLSPF	UNDP/BOYW	2010-2011		UNDP	<p>Created social reintegration center</p>	
	<p>6) Implementing a monitoring program to sustain youth in the development of own businesses</p>	MEC, MYS	CJ, „Winrock International”	2010-2011		USAID	<p>48 beneficiaries</p>	
	<p>7) Counseling and informational support on secure migration, risks associated with illegal migration and the danger of trafficking/exploitation</p>	MLSPF	IC „La Strada”	2010-2011		<p>MEA of the Kingdom of Denmark, IC „La Strada”, „Regina Pacis” Foundation, USAID</p>	<p>Number and profile of counseled persons.</p>	

	f) Reducing children's vulnerability to trafficking by ensuring access to various educational services	<p>1) Ensuring tutoring for children with poor results in order to prevent leaving school / non-attendance</p> <p>2) Ensuring access to educational system by granting material support</p> <p>3) Organizing weekly counseling sessions on life skills for children from groups at risk and victims of trafficking</p>	MoE, LPA	CNPAC, IOM, TdH	2010-2011		IOM, ILO-IPEC, TdH	275 children reintegrated into the educational system as a result of tutoring
	g) Reducing discrimination of women, minorities, children, migrants and other vulnerable groups	<p>1) Organizing informational and promotional campaigns in the field of gender equality and combating family violence</p>	MLSPF, BNS	CJ, UNFPA, LC	Quarter II 2010 Quarter IV 2011		USAID, OSCE, UNDP UNIFEM, UNFPA	Number of organized campaigns. Recommendations for prevention and combating of family violence developed and used in policy planning
3. Ensuring access of all children to quality educational services	a) Ensuring access of children from rural regions to basic education	<p>1) Complete schooling of children between 7 - 16 years of age</p> <p>2) Ensuring food for children in the I-IV grades and those from socially vulnerable families in grades V-IX</p> <p>3) Ensuring school transportation for children from localities with no schools</p> <p>4) Increasing access to professional, vocational and higher education - by consolidating infrastructure in conformity with labor requirements</p>	LPA	LPA	2010-2011	Budgetary allocations		Rate of children's enrollment into educational institutions
			LPA	LPA	2010-2011	Budgetary allocations		Rate of students ensured with food
			LPA	LPA	2010-2011	Budgetary allocations		Number of means of transportation involved in the school transportation process
			MoE	MLSPF	2010-2011	Budgetary allocations		Number of enrolled persons, number of equipped institutions

4. Increasing the quality of the educational process	a) Modernizing the school curriculum in the context of prevention of trafficking in human beings	1) Modernizing the implementation of disciplines „Civic education”, moral-civic education, form-master classes on the subject of prevention of the phenomenon of THB	MoE		2010-2011	Budgetary allocations	Evaluation study, number of reviewed programs
			MoE		2010-2011	Budgetary allocations	Number of developed modules
			MoE	Project “Quality education in the Moldovan rural regions”	2010-2011	Budgetary allocations	Number of trained and instructed teachers, improved services
			MoE	UNDP, Center „La Strada”	2010-2011	Budgetary allocations	Number of trained and instructed teachers
			MoE	NGO	2010-2011	Budgetary allocations	Number of developed and distributed didactic materials
	b) Promotion in educational institutions of democratic values and international standards in the field of human rights	1) Launching the human rights' week	MoE, MoC	LPA, UNDP	2010-2011	Budgetary allocations	Organizing and holding exhibitions of materials in the field of human rights, polls, informational campaigns concerning protection of human rights, including prevention of THB

2. Informing and population awareness-raising with a view to acknowledging risks associated to trafficking in human beings and strengthening self-protection skills against the threats of this phenomenon	a) Facilitating identification/self-identification of trafficked persons, especially of children	1) Developing capacities of local systems for monitoring child labor, including trafficking, in order to identify cases of forced labor 2) Organizing informational, educational, communication activities, especially for young people, on issues of health education, healthy way of life, prevention of sexually transmitted diseases and HIV/AIDS, risks and consequences of trafficking	MH Labor Inspection, Unit for monitoring child labor	CNPAC NGOs	2010-2011 2010-2011	Budgetary allocations Budgetary allocations	ILO-IPEC	Functional local systems for monitoring child labor Carried out activities
3. Rendering more efficient activity for assisting victims of trafficking in human beings	a) Ensuring implementation of laws/provisions offering a reflection period of at least 30 days for all trafficked persons b) Ensuring implementation of laws/provisions concerning issuance of the temporary residence permit to all identified trafficked persons, after the expiry of the reflection period	1) Developing instructions for granting the reflection period 1) Issuance of the residence permit and identity documents to persons without identity, in accordance with effective legislation 2) Development and adoption of instructions on the evaluation of risks until the return to the country of origin or until taking the decision to request the permanent residence permit for humanitarian purposes (shelter request)	Mol Mol Mol		2010-2011 2010-2011 2010-2011	Budgetary allocations Budgetary allocations Budgetary allocations		Developed and approved instructions Number of trafficked persons, to whom temporary residence permits have been issued Developed instructions

<p>4. Stimulating the activity of territorial commissions for combating trafficking in human beings</p>	<p>a) Consolidation of efforts of bodies tasked with the combating of trafficking in human beings from territorial-administrative units. Informing the population on the consequences of illegal migration and trafficking in human beings.</p>	<p>1) Drafting a report on activities undertaken during the year 2009 2) Development of half-yearly plans, with their approval by the NCCTHB chairman 3) Organizing informational campaigns, seminars and meetings in cities and settlements of the territorial-administrative unit 4) Implementing training programs for the prevention and combating of trafficking in human beings for persons from vulnerable groups and officials involved in such activities 5) Making proposal to NCCTHB concerning rendering more efficient activities for the combating of trafficking in human beings</p>	<p>Territorial commissions for combating trafficking in human beings</p>	<p>IC „La Strada”, IOM, CPTW, ILO</p>	<p>2010–2011</p>	<p>Funds from the budgets of territorial-administrative units</p>	<p>IC „La Strada”, IOM, CPTW, ILO</p>	<p>Drafted reports and plans, proposals made, organized campaigns, seminars and meetings</p>
<p>3. ASSISTANCE AND PROTECTION OF VICTIMS AND WITNESSES</p>								
<p>3.1. Identification of victims</p>								
<p>1) Early identification of trafficked persons from Moldova</p>	<p>a) Facilitating identification/self-identification of trafficked persons, especially of children</p>	<p>1) Applying and monitoring the implementation of provisions concerning identification and referral of the victims of trafficking in human beings 2) Local-level extension of systems for monitoring grave forms of labor, including trafficking in human beings</p>	<p>MLSPF MLSPF, Labor Inspection LPA, Unit for monitoring child labor</p>	<p>IC „La Strada”, IOM, CPTW, ILO, UNDP/BOYW CNPAC</p>	<p>2010-2011 2010-2011</p>	<p>Within the limits of available extra-budgetary resources</p>	<p>CI „La Strada” ILO-IPEC</p>	<p>Number of identified and referred victims, analytical reports concerning implementation of normative provisions Local operational systems for monitoring child labor</p>

3.3. Protection of witnesses and judicial approach to trafficked persons						
1) Ensuring special protection to victims, who wish to partake as witnesses in judicial proceedings	a) Developing an efficient mechanism for accomplishing measures of state protection of the victims of trafficking, in line with international standards	1) Including victims that have decided to cooperate in bringing traffickers to account, into the protection system	Mol	2010-2011	Budgetary allocations	Efficient special protection mechanism for victims willing to partake as witnesses in judicial proceedings
		2) Protection of vulnerable witnesses in the process of criminal prosecution by offering mediation services, socio-psychological support and representation of interests upon hearing vulnerable witnesses, especially children	Mol	2010-2011	Budgetary allocations	Number of assisted children
		3) Creation of rooms for interviewing/hearing children-victims, who act as witnesses	Mol, PGO	2010-2011	IC „La Strada”	Operational room as a result of creation and proper endorsement, development of regulatory framework, adequate work, adequate training of the team
3.4. Repatriation, rehabilitation, reintegration						
1) Reduction of the risk of trafficked persons to be subject to repeated victimization and/or recurring trafficking	a) Facilitating social reintegration of trafficked persons	1) Involving victims of THB in active measures on the labor market: job fairs, „Labor Club” workshops, public works 2) Organizing professional training courses, offering minimal allowances, accommodation, scholarships and humanitarian aid to the victims and their children	NEA, LPA	2010-2011	IOM, UNDP/BOYW	Number of employed victims within one year after reintegration
			NEA, MLSPF	2010-2011	Unemployment fund	Number of beneficiaries of respective services, at least 70 persons assisted by means of services created by UNDP/BOYW

4. INVESTIGATION AND PROSECUTION OF TRAFFICKERS						
4.1. Proactive and reactive investigation						
1. Extending the application of proactive investigation techniques	a) Increasing skills and knowledge of law enforcement officers in respect of prospective investigation techniques and their importance for the investigation of trafficking cases	MoI Academy „Ştefan cel Mare”	2010-2011	Budgetary allocations	Developed curriculum, additional study time included into the curriculum	
	b) Consolidating collaboration between law enforcement bodies with functions in the field of prevention and combating of trafficking in human beings	MoI, PGO, CS, BS, SIS CCCCEC	2010-2011	Budgetary allocations	Organized roundtables, developed and implemented efficient mechanisms for combating trafficking in human beings	
	2) Detaching liaison officers within CCTP of the Ministry of Interior	MoI, BS, CS, SIS, CCCCEC	2010-2011	Budgetary allocations	Liaison officers detached in order to consolidate cooperation	
4.3. Criminal prosecution and sentencing of criminals						
1. Increasing the number of judicial prosecution and sentencing of persons involved in THB	a) Increasing the knowledge of law enforcement and judicial authority employees with respect to trafficking in human beings	MoI, INJ	2010-2011	ILO ICMPD, IOM	European Commission, Government of the Republic of Ireland	Evaluation report, compiled training materials
	2) Organizing training courses for the representatives of regional law enforcement bodies in what regards the investigation of cases of trafficking for the purpose of forced labor	MoI, INJ	2010-2011	AWLC/CPTW	Budgetary allocations	Number of accomplished training courses, number of participants

	b) Providing effective and proportionate sanctions for the crime of trafficking in human beings	1) Performing an analysis of the causes and punishments applied for the crime of trafficking in human beings	SCJ, MoJ	IOM	2010	Budgetary allocations	Accomplished study
4.4. Legal rehabilitation and compensation to the victims							
1) Awarding damages for trafficked persons	a) Informing the victims of the possibility to obtain damages	1) Ensuring victims of trafficking with free of charge legal assistance at all stages of the criminal trial	BA, NCLA	AWLC/CPTW, IC, IOM	2010-2011	Budgetary allocations	Number of the victims of trafficking that benefitted of the services of an attorney
4.5. Treatment of the victims/witnesses from the part of the police and the judiciary							
1) Ensuring adequate and non-discriminatory treatment of the victims from the part of law enforcement bodies and the judiciary	a) Ensuring adequate and nondiscriminatory treatment, based on human rights by all entities involved in working with trafficked persons	1) Instituting a professional multidisciplinary team (legal representative/social assistant/psychologist) for interviewing victims of trafficking in human beings	MoI, PGO	AWLC/CPTW, IOM	2010-2011	Budgetary allocations	Created multidisciplinary team
5. INTERNATIONAL COLLABORATION							
5.1 Intensification of international collaboration							
1. Consolidation of the Republic of Moldova as trustworthy partner in the global effort of reducing the phenomenon of trafficking in persons	a) Developing collaboration with member-states and specialized foreign structures in the field of prevention and combating of trafficking in human beings and of offering necessary assistance to its victims	1. Negotiating the Agreement between the Government of the Republic of Moldova and the Government of the Russian Federation on collaboration in the field of repatriation of victims of trafficking in human beings, child trafficking, illegal trafficking of immigrants, unaccompanied children and immigrants in difficulty, approved by Government Decision No.926 of December 31, 2009	MAEIE, MoI, MLSPF, MoE	IOM, ILO, IC „La Strada”, MLSPF, MAEIE, TdH	2010-2011	MLSPF, MAEIE, IOM, TdH	Execution and implementation of collaboration agreements with similar foreign institutions, organizing and holding seminars, conferences, workshops reunions with international participants

List of abbreviations

PAA- Public Administration Academy by the President of the Republic of Moldova
 LPA- Local Public Authority
 NEA- National Employment Agency
 AT- Agency for Tourism
 AESM- Academy of Economic Studies of Moldova

AWLC- Association of Women of Legal Career

BA – Bar Association
 NCCTHB – National Committee for Combating Trafficking in Human Beings
 SCJ – Supreme Court of Justice,
 CCTP- Center for Combating Trafficking in Persons
 SCM – Supreme Council of Magistrates,
 NCLA- National Council for Legal Assistance
 NCPCR – National Commission for Protection of Children’s Rights,
 NCCCN - National Commission for Collective Consultations and Negotiations;

IC „La Strada” – International Center for Protection and Promotion of Women’s Rights

LC – Law Center
 LCh – Licensing Chamber
 CPTW – Center for Prevention of Trafficking in Women
 CCF Moldova – Children, Community, Family Moldova
 NCPAC- National Center for Prevention of Abuse against Children
 IEG- Inter-ministerial Expert Groups
 NJI- National Justice Institute
 ILO – International Labor Organization
 ESI- Educational Science Institute
 MoJ – Ministry of Justice
 MoC – Ministry of Culture
 MEC – Ministry of Economy and Commerce
 MoE – Ministry of Education
 MYS - Ministry of Youth and Sports
 MH – Ministry of Healthcare
 MEAEI- Ministry of External Affairs and European Integration
 MLSPF – Ministry of Labor, Social Protection and Family
 MoI – Ministry of Interior
 IOM – International Organization for Migration
 OSCE – Organization for Security and Cooperation in Europe
 BOYW – Project “Better Opportunities for Youth and Women”
 UNDP – United Nations Program for Development
 PGO – Prosecutor General’s Office
 SIS – Service for Intelligence and Security
 CS – Customs Service
 BS – Border Service
 NRS - National Referral System
 TdH- Terre des Hommes
 THB – Trafficking in human beings
 UNIFEM- United Nations Development Fund for Women
 UNFPA – United Nations Population Fund

DECISION

approving the Specific Additional National Plan for Prevention and Combating of Trafficking in Human Beings for the years 2010-2011 No. 1170 of December 21, 2010

Official Monitor No.259-263/1315 of December 31, 2010

* * *

Pursuant to the Law No. 241-XVI of October 20, 2005 on prevention and combating of trafficking in human beings (Official Monitor of the Republic of Moldova, 2005, No.164-167, art.812), with subsequent amendments and additions, the Government

DECIDES:

1. To approve the Specific Additional National Plan on Prevention and Combating of Trafficking in Human Beings for the years 2010-2011 (annexed).

2. Funds necessary to accomplish objectives provided in the Specific Additional Plan approved under Section 1 of this Decision shall be ensured by each line institution, in correlation with accomplishment terms, priorities and available resources, and will be included in their budgets.

3. Ministries, other central administrative authorities and local public administration authorities, responsible for the implementation of the planned measures, shall present to the National Committee for Combating Trafficking in Human Beings quarterly reports on the accomplishment of the National Plan on Prevention and Combating of Trafficking in Human Beings for the years 2010-2011.

PRIME MINISTER

Vladimir FILAT

Countersigned:

Deputy Prime Minister, Minister of Exterior
and European Integration

Iurie Leanca

Deputy Prime Minister, Minister of Economy

Valeriu Lazar

Minister of Interior Victor Catan

Minister of Labor, Social Protection and Family

Valentina Buliga

Minister of Education

Leonid Bujor

Minister of Healthcare

Vladimir Hotineanu

Minister of Culture

Boris Focsa

Minister of Informational Technologies and Communications

Alexandru Oleinic

Minister of Finances

Veaceslav Negruta

Chisinau, 21 December 2010.

No.1170.

**SPECIFIC PLAN
additional to the Plan for Prevention and Combating of trafficking in human beings for 2010-2011**

Strategic goals	Specific goals and objectives	Activities/ sub-activities	Structures responsible for implementation	Partners	Term for accomplishment	Sources		Expected results
						budgetary	other	
I	2	3	4	5	6	7	8	9
Investigating cases of complicity by public servants in crimes relating to trafficking in human beings	Investigating cases of involvement of public servants in trafficking in human beings Proving guilt and convicting public servants, who have facilitated the crime of trafficking in human beings	Consolidating the capacities of law enforcement bodies in identifying public servants involved in cases of trafficking in human beings Collecting during criminal investigation firm evidence proving the guilt of public servants involved in cases of trafficking in human beings	Ministry of Interior/ Center for Combating Trafficking in Persons; General Prosecutor's Office; Intelligence and Security Service		Permanent			Investigated and convicted cases of trafficking in human beings
			Ministry of Interior/ Center for Combating Trafficking in Persons; General Prosecutor's Office;		Permanent		Firm evidence collected	
			General Prosecutor's Office		Quarterly Report		Monitoring and evaluation report submitted to the National Committee for Trafficking in Human Beings	
		Intensifying cooperation of law enforcement bodies with the mass-media and civil society in respect of preventing impunity and combating corruption in cases of trafficking in human beings	Ministry of Interior/ Center for Combating Trafficking in Persons; Ministry of Labor, Social Protection and Family; General Prosecutor's Office	International Organization for Migration; Center for Prevention of Trafficking in Women; civil society	Permanent			Civil society, including mass-media, cooperating with law enforcement bodies in respect of preventing impunity and combating corruption in cases of

<p>Creating an in-tolerant attitude towards any illicit involvement of public servants in cases of trafficking in human beings</p>	<p>Improving the existent investigation mechanism both under legislative and institutional perspective, in accordance with the following principles: efficiency, promptness, complex (multidisciplinary) approach, legality, observance of human rights and freedoms, continuity of criminal proceedings</p>	<p>Analyzing the causes and punishments applied for the crimes of trafficking in human beings, also in the light of the involvement of public servants in facilitating/assisting crimes</p>	<p>Ministry of Justice</p>	<p>International Organization for Migration, Supreme Court of Justice</p>	<p>2010-2011</p>	<p>Budgetary funds</p>	<p>Accomplished study</p>	<p>trafficking in human beings</p>
<p>Improving the existent investigation mechanism both under legislative and institutional perspective, in accordance with the following principles: efficiency, promptness, complex (multidisciplinary) approach, legality, observance of human rights and freedoms, continuity of criminal proceedings</p>	<p>Reviewing and, as the case may be, making proposals for legislation amendment (legislative review in respect of applying proactive investigation measures, developing draft laws for the amendment of the Law on investigation and search activity and of the Criminal Procedure Code)</p>	<p>General Prosecutor's Office; Center for Combating Economic Crimes and Corruption; Intelligence and Security Service; Ministry of Interior; Ministry of Justice</p>	<p>Supreme Court of Justice</p>	<p>Semester I 2011</p>	<p>Budgetary funds</p>	<p>Developed draft laws</p>	<p>trafficking in human beings</p>	
<p>Improving the existent criminal prosecution mechanism under legislative and institutional perspective, with a view to excluding useless elements</p>	<p>Reviewing the existent criminal prosecution system: evaluating the possibility to exclude the criminal prosecution body from criminal proceedings; increasing the leading and coordinating role of the prosecutor in criminal proceedings</p>	<p>Ministry of Interior; Center for Combating Economic Crimes and Corruption; Customs Service; General Prosecutor's Office; Ministry of Justice</p>	<p>Supreme Court of Justice</p>	<p>Semester I 2011</p>	<p>Budgetary funds</p>	<p>Accomplished studies; draft laws</p>	<p>trafficking in human beings</p>	

Improving the information collection process with respect to cases of trafficking in human beings at all stages of criminal proceedings, including investigation, prosecution and sentences established for persons found guilty of crimes related to trafficking in human beings	Creating a functional centralized database, operated by the Secretariat of the National Committee for Trafficking in Human Beings	Presenting to the National Committee for Trafficking in Human Beings proposals for creating a mixed working group, formed of representatives of the General Prosecutor's Office, the Ministry of Interior, the Intelligence and Security Service, the Frontier Guard Service, with a view to examining the possibility to create a joint database of law enforcement bodies, meant to support the efforts to collect information on cases of trafficking in human beings at all stages of criminal proceedings, including information from state border-crossing spots	National Committee for Trafficking in Human Beings; Ministry of Interior; Intelligence and Security Service; Frontier Guard Service; Ministry of Justice; Permanent Secretariat	2011	2011	Extra-budgetary sources	Created and functional database; members of National Secretariat trained in database management
Ensuring accessibility and exchange of information on preventing and combating trafficking in human beings at national and international levels	Creating and developing the national centralized recording system for data on trafficking in human beings	Developing an efficient mechanism for information exchange between tasked institutions and involved nongovernmental organizations	General Prosecutor's Office; Ministry of Interior; Ministry of Justice; Ministry of Labor, Social Protection and Family	Semester I 2011	Semester I 2011	Budgetary funds	Collaboration agreements and protocols containing provisions on data exchange
	Establishing joint indicators for keeping track of data on persons involved in trafficking in human beings		Ministry of Interior; Ministry of Justice; Ministry of Labor, Social Protection and Family; General Prosecutor's Office				Established joint indicators

		General Prosecutor's Office; Ministry of Interior; Center for Combating Economic Crimes and Corruption	Semester II 2011	Budgetary funds	Developed system
<p>2. Assistance and protection of victims of trafficking in human beings</p> <p>Granting assistance and protection to victims of trafficking in human beings</p>	<p>Identifying and protecting children and adults – victims of trafficking in human beings</p>	<p>Ministry of Finances; Ministry of Labor, Social Protection and Family</p>	<p>2011</p>	<p>An increase by 555,1 thous Lei</p>	<p>Increased financial allotments</p>
		<p>Ministry of Finances</p>	<p>2011</p>	<p>100 thous Lei</p>	<p>Allotted funds</p>
		<p>Ministry of Interior; Ministry of Labor, Social Protection and Family; Intelligence and Security Service</p>	<p>2010-2011</p>		<p>Concluded and executed bilateral agreements; developed international collaboration</p>

	<p>On-going monitoring of the activity of territorial commissions for combating trafficking in human beings and training their members</p>	<p>Continuing joint work sessions of territorial commissions with the representatives of law enforcement bodies, local public authorities and civil society Organizing training and good practice exchange seminars for territorial commissions</p>	<p>Secretariat of the National Committee for Trafficking in Human Beings; territorial commissions for combating trafficking in human beings Secretariat of the National Committee for Trafficking in Human Beings; territorial commissions for trafficking in human beings</p>	<p>International Organization for Migration; Organization for Security and Cooperation in Europe</p>	<p>Permanent</p>		<p>Extra-budgetary sources</p>	<p>Number of work sessions within territorial commissions; number of minutes; number of on-site visits</p>
<p>Signing multilateral cooperation memorandums between entities in the field of prevention and combating of trafficking in human beings (territorial commissions for combating trafficking in human beings, multidisciplinary teams and NGOs present within the territories) and law enforcement bodies of territorial level</p>	<p>Developing and applying a template multilateral cooperation memorandum (typified document)</p>	<p>National Committee for Trafficking in Human Beings; territorial commissions for combating trafficking in human beings; Ministry of Interior; Center for Combating Trafficking in Persons; Ministry of Labor, Social Protection and Family; nongovernmental organizations</p>	<p>International Organization for Migration; Organization for Security and Cooperation in Europe</p>	<p>Permanent</p>	<p>Semester I 2011</p>		<p>Extra-budgetary sources</p>	<p>Number of trained members of territorial commissions</p>
	<p>Negotiating and adopting the multilateral cooperation memorandum</p>	<p>National Committee for Trafficking in Human Beings; territorial commissions for combating trafficking in human beings; Ministry of Interior; Center for Combating Trafficking in Persons; Ministry of Labor, Social Protection and Family; nongovernmental organizations</p>	<p>International Organization for Migration; Organization for Security and Cooperation in Europe</p>	<p>Permanent</p>	<p>2010- 2011</p>		<p>Extra-budgetary sources</p>	<p>Number of negotiations; adopted multilateral memorandum</p>

	Organizing periodical meetings of territorial organizations in the field of anti-trafficking with a view to coordinating actions and improving collaboration	Holding periodic meetings with the participation of territorial commissions for combating trafficking in human beings and law enforcement bodies, during which there should be addressed problems and/or system innovations pertaining to prevention and combating of trafficking in human beings, requiring interventions at the level of municipal/ rayon policies and/or at legislative level	National Committee for trafficking in human beings; territorial commissions for combating trafficking in human beings; Ministry of Interior; Center for Combating Trafficking in Persons; Ministry of Labor, Social Protection and Family		Permanent			Number of work sessions; number of meetings; experience sharing between territorial commissions for combating trafficking in human beings
4. Awareness-raising and information Organizing awareness-raising and population information campaigns, targeted at children from residential institutions and most vulnerable population layers	Awareness-raising of public at large on prevention of trafficking in human beings	Discussing/joint solving of cases of trafficking in human beings which, due to their complexity or gravity, require the intervention of decision-makers from territorial commissions for combating trafficking in human beings	National Committee for Trafficking in Human Beings; territorial commissions for combating trafficking in human beings; Ministry of Interior; Ministry of Labor, Social Protection and Family	International Organization for Migration; Center of child's rights information and documentation	2011		From partner resources	Children from residential institutions informed on the subject of prevention of trafficking in human beings and violence

					2011	International Organization for Migration	Ministry of Labor, Social Protection and Family; territorial multidisciplinary teams	Organizing informative and orientation sessions with regard to the dangers of trafficking in human beings for graduates of residential institutions; distributing informative materials	Children from residential institutions informed on the dangers of trafficking in human beings
					2010-2011		Ministry of Culture	Society awareness-raising with regard to trafficking in human beings by means of cultural and artistic works	Number of shows and spectators, of exhibitions and visitors
					2011		Ministry of Interior; Ministry of Labor, Social Protection and Family	Organizing and holding awareness-raising campaigns for minors with respect to the risks and consequences of trafficking in children	Number of organized and held awareness-raising campaigns
			30 thous Lei		2010	Members of the National Committee for coordinating activities dedicated to the International Year of Youth (2010-2011)	Ministry of Youth and Sports	Informative campaign "Youth is a resource"	Central and local public authorities; institutions in the field of education and science, commercial entities, entrepreneurs and businessmen informed and aware of the possibility to exploit the potential of children and youth; informed children and youth on the subject of trafficking in human beings

18. DECISION

regarding the approval of the National Programme on Ensuring Gender Equality during 2010-2015 No. 933 of 31.12.2009

Published : 19.01.2010 in Monitorul Oficial No. 5-7 art. No.: 27

* * *

Pursuant to art.17 of the Law no.5-XVI dated 9 February 2006 on ensuring equal opportunities between women and men (Monitorul Oficial of the Republic of Moldova, 2006, no.47-50, art.200), with further amendments, and in order to ensure gender mainstreaming in policy documents of all areas and all levels of decision making and enforcement,

Government DECIDES:

1. To approve:

National Programme on Ensuring Gender Equality during 2010-2015, pursuant to Annex 1 herewith;

Action plan for implementation during 2010-2012 of the National Programme on ensuring gender equality during 2010-2015, pursuant to annex 2 herewith.

2. It is set forth that fulfilment of this National Programme shall be ensured by means of two mid-term action plans, that will be implemented by line authorities during 2010-2012 and 2013-2015.

3. Ministries, other central public authorities will implement provisions of the National Programme on ensuring gender equality during 2010-2015 and inform, on an yearly basis, the Ministry of Labour, Social Protection and Family about the level of its implementation (by 15th of February). Concurrently, it is recommended to local public authorities to ensure implementation of afore-mentioned Programme at local level.

4. Upon presentation (by 1 December 2012) of a summarized report on the implementation of the first action plan, the ministries and other central public authorities will submit to the Ministry of Labour, Social Protection and Family proposals for the development of the second action plan for 2013-2015 in view of ensuring full implementation of strategic objectives of the National Programme.

5. The Ministry of Labour, Social Protection and Family shall bear responsibility for monitoring and coordination of the implementation of the National Programme on Ensuring Gender Equality during 2010-2015 and shall report to the Government on its implementation once per year (by 1 March).

6. The Governmental Committee for equality between women and men shall be responsible for the fulfilment of this decision.

PRIME MINISTER

Vladimir FILAT

Countersigned:

Deputy Prime Minister

Ion NEGREI

Minister of Labour, Social Protection
and Family

Valentina BULIGA

Minister of Education

Leonid BUJOR

Minister of Interiors

Victor CATAN

Minister of Health

Vladimir HOTINEANU

Minister of Finance

Veaceslav Negruță

Nr. 933. Chișinău, 31 December 2009

NATIONAL PROGRAM on ensuring gender equality in the Republic of Moldova for the period 2010-2015

I. PROBLEM IDENTIFICATION

1. The national Program on ensuring gender equality in the Republic of Moldova for the period of 2010-2015 (hereinafter referred to as national Program) provides for a comprehensive gender equality mainstreaming in the policy documents in all areas and at all levels of decision making and implementation. The goal of this program is to ensure promotion of gender equality in economic, political and social life of women and men, being fundamental for ensuring human rights for all citizens in the country.

2. The need for elaboration of the present national Program is defined by the visible deficiencies in the field of ensuring equality between women and men as well as by the need of the implementation of multi-sectoral policy documents, which would take into account women's and men's needs in society and reduce the existing imbalance in the context of national efforts to eradicate poverty and reform the public sector as a means of promoting and guaranteeing fundamental human rights.

3. Implementation of the national Program will foster de jure and de facto gender equality as an integral part of the process of establishing of a real gender sensitive democracy, having as prerequisite ensuring participation of society's members, women and men, in all areas of life. Adoption of the present Program will enable better use and targeting of financial means in order to implement various gender sensitive sectoral policies, having thus a positive impact on the quality of life of all citizens.

4. Implementation of the present national Programme will contribute towards fulfilment by the Republic of Moldova of both national and international commitments assumed in the context of strategic objectives in the field of ensuring human rights with emphasis on ensuring gender equality.

5. International, regional and national normative framework on gender equalityThe normative framework, which forms the basis of policies and actions in the field of gender equality in the Republic of Moldova, is based on the appropriate international documents the country is a party to, particularly: the Universal Declaration of Human Rights (1948), the Convention on the Political Rights of Women (1952), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Beijing Platform and Action Plan (1995), the Millennium Declaration (2000), the corresponding Conventions of the International Labor Organization etc.

6. Orientation of the Republic of Moldova towards European integration, governs adherence to the corresponding instruments in the field: the Amsterdam Treaty (1999), the revised European Social Charter (1996), the Declaration on Equality between Women and Men as a Fundamental Criterion of Democracy adopted at the IVth European Ministerial Conference on Equality between Women and Men (Istanbul, 13-14 November 1997), the Declaration and Action Plan adopted at the IIIrd Summit of the Heads of State and Government of the Member States of the Council of Europe (Warsaw, 16-17 May 2005), the Resolution on Achieving Gender Equality: a Challenge for Human Rights and a Prerequisite for Economic Development adopted at the 6th European Ministerial Conference on Equality between Women and Men (Stockholm, 8-9 June 2006), the Roadmap for Equality between Women and Men (2006-2010), the Recommendation CM/Rec (2007) 17 of the Committee of Ministers to Member States regarding the standards and mechanisms for ensuring gender equality etc.

7. **Taking into account adherence and alignment of the Republic of Moldova to the afore-mentioned documents, a number of strategic actions have been undertaken by the Parliament and the Government in order to bring the national normative framework in line with international standards in the field of gender equality. Thus, the Constitution of the Republic of Moldova proclaims equality of women and men before the law. Adoption of the Law No. 5-XVI of 09.02.2006 on ensuring equality between women and men, the National Plan for promotion of equality between women and men in society for the period 2006-2009 (Government decision No. 984 of 08.09.2006) has lead to establishment of a specific regulatory framework in the field. This subject has been reflected in other national documents as well: the Reproductive Health Strategy approved by Government decision No. 913 of 26.08.2005, the National Development Strategy 2008-2011 (Law**

No. 295-XVI of 21.12.2007), the Action Plan for the implementation of the National Development Strategy 2008-2011 (Government decision No. 191 of 25.02.2008), etc.

Country Situation: Tendencies and Problems

8. **The normative framework presented above creates the necessary prerequisites for the development of the corresponding policies in the field of gender equality. Institutional mechanism with specific competences, such as the Government Commission for Equality between Women and Men, the Department on policies to ensure gender equality and violence prevention within the Ministry of Labour, Social Protection and Family, gender focal points within certain line ministries were established in the republic. During the last years periodically there was a certain progress in promoting gender equality manifested through an increase in the number of women in decision-making positions, carrying out of programs to raise public awareness, to develop skills of specialists with the competences in the field, etc. According to the 3rd Global Gender Gap Report, launched at the World Economic Forum (2008), the Republic of Moldova is placed in the top 20 out of 130 countries in terms of the level of gender equality implementation.**

9. At the same time, despite the adoption of the normative framework with regard to ensuring gender equality, there are many problems faced within its practical implementation.

Employment and Labor Migration

10. The economic growth of last years was followed by an increase in the number of work places. Thus, in 2008 the employment rate among men both in urban and rural areas was higher than the employment rate of women (48,6% and 42,7% versus 62,0% and 39,5% respectively) regardless the fact that the share of women among students is higher (58,9% of total). At the same time, although the unemployment rate for men is higher (in 2008- 4,6%) compared to women's (3,4%), women face more difficulties on the labor market due mostly to gender specifics. Women's share in the inactive population is higher than men's, representing 55,3%.

11. The insufficient professional orientations, the persistence of gender stereotypes prevent the choice of professions with male predominance. Low wages are the main explanation of the decreased attractiveness of the labour market in Moldova. There are gender pay gaps between women's and men's on the labour market. Thus, in 2008 women's monthly average wage represented 73,3% of men's wage or 2134 lei, compared to men's wage of – 2910,1 lei. In 2008 the monthly average wage per economy amounted to 2529,7 lei.

12. The wage gap between men and women is explained by several factors. The main factors that make differences in the labor remuneration for men and women are horizontal and vertical segregation. Thus, almost half of the women from rural areas are hired in the agricultural sector, where they practice less skilled works, thereby, earning less than men who have qualified jobs. Another factor in women & men's wage gap is that there are spheres where women prevail - "female activities" (education, health), where salaries are lower compared to the sectors where men prevail (construction, transport). Additionally, women are under-represented at the top of the professional pyramid. Or, particularly the wages of top managers was increased during the last period. The number of women exceeds the number of men in the low rank category of officials. Finally, the existing pay gap in the republic entails preservation of a low accrual of pension benefits which in turn directly impact the level of pensions and welfare of women and men.

13. Experts indicate the need for the analysis of migration through a gender lens, as currently there is an increased risk for women to be subject to discrimination. International studies on this issue show that this risk increases because of the attitude towards migrants in general, as well as because gender attitudes and perceptions have hardly changed. Furthermore, men have greater employment opportunities, starting with low-skilled works and ending with highly skilled ones. Women can be employed in a limited number of occupations that are associated with traditional gender roles, such as: work in the household (housekeeper, maid, babysitter), in agriculture, hotel services and leisure activities. Women migrant workers suffer, in fact, due to double discrimination at work: first of all, because they are foreign people and, thus, suffer from the same forms of discrimination as migrant-men; secondly, because they are women and, thus, may become victims of violence or trafficking both in the migration process and on the labour market in the destination countries. Moreover, being employed abroad, in sectors, which do not match their qualifications, education and capacities, they often degrade or lose their professional qualifications. Upon elaboration of migration policies it is necessary to pay due attention to the aspects of ensuring rights and fundamental freedoms of migrants, migrants' protec-

tion, especially women's, against discrimination and providing solutions for strengthening the mechanisms of applying/abiding by the provisions of international legislation, including CEDAW Convention.

14. Pursuant to the data of the National Bureau of Statistics, in 2008 the number of people declared being left to work or looking for work abroad was about 309,7 thousand people, which constitutes 18,9% of the total inactive population of 15 years old and above. About 2/3 of migrants were men and this fact requires reassessment and mainstreaming gender in the professional orientation programs and employment policies.

15. The level of migration of Moldovan labor force is conditioned by several socioeconomic aspects: small incomes that do not cover the needs, minimal employment opportunities in the specialty regardless of a relatively high educational level, favorable geographical position and, not least of all, high demand on the foreign labor market. One of the determining factors is that many economically active persons fail to find an adequate job, which would allow them to survive and to support families in their states (according to the household budget survey data - 40% of the respondents) etc. Other factors include: demographic changes, economic crises and increased difference in incomes among states, as well as between developed and developing countries. Compared with previous periods, there was attested a relatively stable level of the migration process for women and men. Thus, according to data of the National Bureau of Statistics, in 2006 women constituted 112,3 thousand (36,21 %) out of 310,1 thousand migrant. In 2007 the number of women migrant constituted 116,3 thousand (34,65%) of the total number of migrants. A slight decrease in the total number of migrants was registered in 2008, when this number reached 309,7 thousand, women constituted 108,3 thousand or 34,96%. The migration of mothers and fathers has a significant negative impact on the children left without parental care. It was recorded: school abandon children's confrontation with emotional problems, psychological abuse and consumption of alcohol and various substances.

16. Identified priority issues:

- a) limited possibilities for women to participate in the labor market (lack of job offers for women with small children, age and gender-based discrimination upon employment);
- b) persistence of professional segregation and wage gap between women and men;
- c) increased number of migrants subject to the risk of discrimination, particularly young women, facing the risk of becoming victims of violence and human trafficking;
- d) migration of fathers and mothers, having a negative impact on children without parental care;
- e) significant transformation of family institute that affects concurrently women, men and children.

Budgeting

17. Gender mainstreaming into the budgetary process can contribute to reorientation of state budget expenditures towards the implementation of topical social issues, taking into account the needs and interests of all citizens of the country, regardless of sex, elimination of discrepancies between the promoted policies and the way of spending of public funds. GRB analysis of policies in all the fields is as a necessary tool that guarantees the principle of gender equality in resources allocation and distribution.

18. At present, analysis of the impact of public expenditures on women and girls and men and boys has become a global trend. Thus, Recommendation CM/Rec (2007) 17 of the Committee of Ministers to Member States regarding the standards and mechanisms for ensuring gender equality provides as elements of political will and commitment of States to ensure de facto promotion of gender equality, allocation of adequate financial resource to programs, projects and initiatives for achieving gender equality and women's empowerment and using GRB in policies in all the fields.

19. In this context, capacity building of representatives of central and local public authorities, academia was undertaken; three case studies were developed on the following topics: "Vulnerability of woman caring for children with disabilities in single-parent families in Falesti region", "Formal and informal aspects of home-based care of elderly people from Singerei region" and **"Reducig the pay gap: the value of women's and men's work in education and police in the Republic of Moldova: Taraclia region"**, with the purpose of analysing local budgets through gender lens. At the same time, the implementation of gender budgets encounters a number of difficulties, among which: gender blind social standards and financial norms, lack of gender analysis of the draft budget; limited (human and technical) capacity of specialists responsible for budget elaboration in terms of using the principle of gender equality in the budgeting process; non-inclusion of gender dimension in the development of branch budgets; lack of gender sensitive indicators that can be used when evaluating the

impact of public expenditures for the implementation of the National Program on ensuring gender equality; limited involvement of the civil society representatives in budget development and monitoring processes.

20. Identified priority issues:

- a) gender-blind social standards and financial norms used in the budgeting process;
- b) poor awareness of population and specialists of the basics and essence of gender responsive budgeting

Participation in Public and Political Decision-Making Process

21. The Republic of Moldova registers a positive dynamics in women's involvement in the public and political decision-making process. Thus, in 2008 a woman was holding the post of Prime-Minister, 29,4% of women are represented in the Cabinet of Ministers, at the same time 17,5 % of mayors are women. At the same time women comprised 21,8% of Members of Parliament. At the meantime, they continue to be underrepresented both in the electoral, political, and decision-making processes or the numbers mentioned above don't reflect the demographic population structure, where women represent 51,9% and men – 48,1% of the population.

It is important to support and consolidate the upward trend in the number of women involved in political activity. The main factors of positive changes in the field include: modification and adjustment of the legislation; observance of international commitments; application of policies and programs meant to influence the population's mentality regarding gender roles of women and men in society and in the family; elimination of gender stereotypes and structural barriers, (such as insufficient pre-school child care services, care services for disabled/older people, non-flexible work schedule of women and men.). Moldovan women still face discrimination as compared to men in political and public activity, mostly determined by the gender stereotypes and existence of sexism.

22. Identified priority issues:

- a) under-representation of women in decision-making positions in political and public life
- b) existence of cultural, economic and social structural barriers to promotion of women in decision-making positions in political and public life

Social Protection and Family

23. The social assistance system, both in its classical and modern forms, is based on the patriarchal model of society, where women are in charge of unpaid care of the elderly, children, and ill people, as well as they are more actively involved in public and community activities. This model based on the idea that in the family there is both income obtained as a result of paid work, and unpaid care clearly limits social, political, and economic participation of women, who are mainly providers of unpaid care, as well as reduce men's role in the private sphere. However, together with the promotion of gender equality in the Republic of Moldova, where women and men must enjoy equal rights both in public and private lives, including promotion of women's active participation in the labor market, this model loses its meaning and requires adjustment in order to avoid conflicts between the social assistance and the employment policies, and the principle of gender equality promotion.

24. The effective legislation on the state social security does not contain any discrimination on the basis of sex in the quality of taxpayer and beneficiary of social benefits (pension, allowance). However there are gender differences in the size of social benefits. During 1 January 2008 – 31 December 2008 women involved in the national economy have benefited from an old age pension of 812,33 lei, while men's average old age pension was of 1147,68 lei.

25. The small amount of women's pension benefit is conditioned by the income from which state social security payments were paid and by the accomplished period of contributions. The contribution made by women in the national economy is 5 years and 01 month less than the contribution made by men. Difference in men's and women's period of contributions is formed on account of the age pension established differently: for men - 62 years and for women - 57 years as well as on account of differences between the periods of voluntary and forced labor disruptions, which are included or not in the period of contributions. Women, more frequently than men, use social disruptions: paid leave for child care until a child reaches 3 years of age and additional unpaid leave for child care until a child is 3-6 years old. Thus, responsibilities for children rearing are mainly due to women, not being shared fairly.

26. Analysis of the social protection field shows that gender differences of the retirement age and the life expectancy at retirement are disadvantageous for both men and women. Life expectancy of men having reached

the retirement age is quite low, what is respectively limiting the men's chances to benefit from contributions they have made during their life.

The woman is in charge of preserving traditional forms of distribution of household responsibilities, and the early retirement of women to a certain extent compensates household work, birth and education of children. At the same time, gender pay gaps and insurance period between women and men (to the disfavor of women) leads to an increased vulnerability of insured women, who will benefit from a pension smaller as compared to that of men in the future.

27. Identified priority issues:

- a) double burden of women in family and professional life;
- b) women as the main care-giver and social protection services, mostly based on traditional stereotypes;
- c) discrepancies between pensions of men and women;

Health care

28. The general age of the Moldovan population is increasing. According to the data from the National Bureau of Statistics, on 1 January 2008 the life expectancy at birth constitutes 65,55 years for men and 73,17 years for women, gender discrepancies being evident. At the age of 60 the life expectancy of women is 3,4 years longer than men's in urban areas and in rural areas – is 3 years longer. Despite substantial measures undertaken within the last years in order to improve health of women and men, there is still a number of economic, health and social problems that affect health of the population. Thus, women from rural areas have a more limited access to quality reproductive health services, which increases the magnitude of health problems. One of the health and social problems that seriously affect maternal health is a high frequency of pregnancy interruptions, the majority being done by outdated methods or in unsafe conditions. Abortion is also used as a method of controlling fertility because of inadequate access to information on contraceptive methods and a large number of accident and undesired pregnancies (in 2008 the abortion ratio was 376 abortions per 1000 live births). In 2008 the number of pregnancy interruptions increased insignificantly in comparison with the year 2007, over 75% of them were made among women in the age range of 20 to 34 years. Maternal mortality is still a priority issue, representing 38,4 of deaths per 100 000 live births in 2008.

29. Social diseases are in the foreground as well. Vicious behavior, and namely alcohol abuse, constitutes a health and social problem of increasing importance, which, according to WHO, is the most important risk factor out of the 10 factors identified in the Republic of Moldova. Thus, on 1 January 2009 under medical supervision there were registered: 46100 chronic alcoholists, of them: 38600 men (83,7%) and 7500 women (16,3%). Around 60% of chronic alcoholists are from rural areas (women 62,3%, men 66,4%). According to the estimates of specialists, the most important index that describes the situation of alcoholism among women and men in any country is the incidence of alcoholic psychosis, which in Moldova in 2008 constituted 21,7 cases per 100 000 inhabitants (in 2007 – 23,0 cases per 100 000 inhabitants).

30. In 2008, the overall death rate of population per 1000 inhabitants represented 11,7; for men – 12,7 and for women – 10,8. General mortality rate of the population from trauma and poisoning per 1000 inhabitants is 0,9; for men – 0,7 and for women – 0,2. Also, significant is the fact that if in the structure of general mortality the share of men represented 51,9% than the cause-specific mortality ratio for people able to work by sex and age – 74,9 % of men and only 21,1% of women. Traumas and intoxications are the main share in the mortality structure among men.

31. Based on the afore-mentioned facts, it is necessary to ensure the elaboration and orientation of health policies towards the needs of women and men, conditioned by both biological and socio-economic and cultural aspects.

32. Identified priority issues:

- a) high mortality rate among men due to traumas and intoxication;
- b) increasing alcohol addiction among women and men, especially among men;
- c) higher level of abortions, post-natal complications and maternal mortality in rural areas.

Education

33. The normative framework provides for equal access of boys and girls to education. Although most of children are enrolled in schools, the educational system doesn't contribute to the reevaluation of individual potential of each girl or boy.

34. At the same time, the lack of kindergartens, especially in rural areas, affects children, educational system, parents, and particularly mothers. For, this fact prevents women from employment, creates obstacles in their professional development and advancement, harmonization of family and professional responsibilities. Under conditions when there are no sufficient places in pre-school institutions, and parents are involved in different labor activity (agricultural work, retail trade, etc.), usually, elder girls take care of younger siblings, thus, having limited possibilities to build their own capacity.

35. The education system is in proportional relationship with gender segregation in the labor market. Similarly, there is a gender attitude of teaching staff towards pupils in teaching and evaluation processes, as well as in students' involvement in certain extracurricular activities, including professional orientation. The persistence of gender stereotypes in education generates traditional male and female models, often being ignored individual differences and personal skills of girls and boys.

36. Differences in enrollment of boys and girls in general secondary education are significant. Thus, men represent the majority of students enrolled in secondary vocational education (65,7%) for the academic year 2007-2008 (in comparison with the academic year 2006-2007, when those represented 64%). Women represent over 56% of college students and in higher education the proportion of women is 58,9 %. Over 60% of PhD and postdoctoral students from universities (academic year 2007-2008) are as well women.

37. At the same time, there is a lack of teachers in rural areas, the massive migration of teachers abroad, gender discrepancies at the level of specialists; significant feminization of teachers (in 2007/2008 there were 80,8% of women among teachers in primary and secondary general education; 50,0% - in secondary vocational education; 70,0% - in secondary specialized education and 54,7% in higher education). But, even though women constitute the majority of teachers, men continue to hold higher positions, being those who take important decisions. Thus, according to the available data within the Ministry of Education, the situation regarding the gender representation of people in decision-making positions is the following: women constitute only 4 persons or 13% out of 29 of rectors of higher education institutions from the republic (both state and private); women constitute 15 persons or 32 % out of 46 directors of colleges; women number 13 persons or only 20% out of 67 directors of vocational and trade schools. Feminization of the educational system is a consequence of low wages, significant men's withdrawal from this field, existence of a stereotype that women are responsible for the child care and education.

38. Identified priority issues:

- a) existence of gender stereotypes in educational process
- b) feminization of the educational system in the Republic of Moldova

Violence and Human Trafficking

39. Currently, a specialized normative framework has been adopted in the field of violence and trafficking. Institutional structures with specific competences have been created: Division of policy on ensuring gender equality and violence prevention within the Ministry of labour, social protection and family, national Committee to Combat Trafficking in Human Beings, inter-ministerial group on domestic violence. The National Referral System (NRS) for protecting and assisting victims and potential victims of human trafficking has been created, the network of services addressed to victims of trafficking and violence is gradually developed, an integrated automated information system of cases of domestic violence is being developed.

40. At the same time, there is low level of public awareness about the problem of domestic violence as a violation of human rights; low level of specialists' training in various fields related to identification, registration, and referral of cases of domestic violence; insufficient qualified human resources and financial resources to assist victims of domestic violence and to work with violence aggressors; lack of mechanisms for identifying, approaching, and settling the phenomenon of sexual harassment; insufficient services for victim assistance and protection; lack of services of re-socialization of family aggressor; imperfection of the mechanism for monitoring and evaluating violence and human trafficking.

41. Experts in the field indicate persistence of violence against girls and boys in the educational system. Thus, 30% of children mentioned that they were verbally assaulted by teachers, 13% - physically abused, 24

% - discriminated (especially those from poor families). Two out of ten children ascertained being subjected to verbal abuse in their family, father more often being the source of it (UNICEFF study, 2007).

42. Statistics do not adequately reflect this phenomenon. Thus, during 2008 there have been recorded by police authorities in the republic 63 infringements affecting family relationships (compared with 30 cases recorded in 2007), of which: murders - 30 (in 2007 - 14 cases), serious physical harms -33 (in 2007-16 cases). Of the total number of 28236 claims examined by the police, 2992 (or about 10,5%) refer to family relationships. There were drawn up 1746 administrative reports; there are 4761 family scandals under police supervision. Meanwhile, system for collecting data doesn't take the gender dimension into account, which prevents developing relevant policy documents.

43. Experts indicate that domestic violence often is the reason of trafficking of women/girls. IOM data shows that around 70% of victims of trafficking, who benefited from assistance, were victims of domestic violence. Thus, there is a need for a comprehensive approach in settling these phenomena.

44. Identified priority issues:

- a) persistence of domestic violence against women and girls;
- b) persistence of violence against girls and boys in the educational system;
- c) existence of sexual harassment of women at work;
- d) trafficking in women and girls as a consequence of domestic violence.

Public Awareness Raising

45. According to the analyses of gender equality reflections in Moldovan mass media, more and more gender-related materials have appeared in the written press within the last year, which is very good. Another side of the coin – materials with tendentious, discriminatory, and sexist contents – is quite often as well. Studies demonstrate that of the articles reviewed, only 20% represent men and women equally, 63% - professional men, between 3% and 27% - professional women. Images presenting men prevail over the total number of pictures (27% - men, 17% - women). Professional men are represented exclusively in their professional environment. A mixed picture of women and men is, at an average, 17%. Pictures of professional women represent them in the private sphere, in a relaxed atmosphere, which is irrelevant to professional activities. Some publications exhibit very few pictures of professional women (1-2%) or are just limited to pictures of women in show business (thus, being more emphasized their physical aspect than their professional valuation).

46. Most often, authors do not intend to denigrate women as a social group or to show superiority of men, but due to stereotypes these differences in tendentious treatment of women and men are still frequent. Experts consider that due to insufficient knowledge in the field and, especially implicitly, to gender insensibility, advertising agents keep on producing interpretable, stereotype and discriminatory images. Another explanation of these consists in the fact that the audience is interested namely in such images too.

47. Despite certain evident progress related to professionalization and institutionalization of the gender discourse in Moldova, the conclusions are at all joyous: total lack of sustained campaigns to continuous and constant promotion of women's rights and the principle of equal opportunities; information /studies /analyses related to the principle of equal opportunities are summarized, and the existent data addresses, in general, a limited and sometimes even specialized audience; training of media representatives in the field is insufficient.

48. Identified priority issues:

- a) unbalanced representation of women and men in mass-media;
- b) use of a sexist, stereotyped image of women in advertising.

II. GENERAL AND SPECIFIC OBJECTIVES, PRINCIPLES OF THE PROGRAM

49. The present national Program aims at identifying and promoting a complex vision of opportunities, conditions, and methods of efficient implementation of gender equality in the Republic of Moldova.

50. General Objectives of the national Program:

- a) conceptualization and grounding of the state policy on gender equality as a pre-requisite of sustainable development of the country and creation of adequate conditions to increase the quality of population's life;
- b) gender mainstreaming in policies of all areas and at all levels of decision making and implementation;

- c) provision of mechanisms for implementation of the effective normative framework in the field;
- d) ensuring of an efficient management of gender equality implementation at national and local levels;
- e) public awareness raising on prevention and elimination of prejudices, gender stereotypes and conditions entailing gender-based discriminatory situations;
- f) enhancing of the inter-trans-disciplinary analytical activities in the field of gender equality;
- g) consolidation of the dialogue and partnerships between public authorities, civil society, and other stakeholders;

51. Specific Objectives

Employment and Labor Migration:

- a) Increase employment among women and reduce gender wage gap;
- b) Eliminate all forms of gender-based discrimination on the labour market;
- c) Promote women's economic empowerment in rural areas;
- d) Mainstream gender into the implementation of policies on migration management.

Budgeting

- a) Development of gender responsive budgeting (GRB) concept/vision in the context of the Republic of Moldova;
- b) Promotion of GRB into budgetary process at the national and local levels.

Women's participation in Decision Making

Increase women's representation in the decision making positions in political and public life.

Social Protection and Family

- a) Increasing significance of maternity and paternity and promotion of equal sharing of family responsibilities by men and women;
- b) Improve social protection of women in their capacity of informal home caregivers;
- c) Diminish the gap between the pensions of women and men.

Health Care

- a) Mainstreaming gender into health policies;
- b) Narrowing and closing gender gap in life expectancy at birth of women and men;
- c) Reduce socio-economic factors leading to maternal mortality, especially among women from rural areas.

Education

- a) Mainstreaming gender equality into education policies and education process;
- b) Reduce feminization of educational system in the Republic of Moldova.

Violence and Human Trafficking

- a) Annihilate domestic and gender based violence as well as the trafficking in human beings, particularly in women and girls;
- b) Combat any manifestation of violence cases against girls and boys in the educational system;
- c) Improve services for the rehabilitation and reintegration of victims of trafficking and violence, especially women and girls.

Public Awareness Raising

- a) Encourage projection of positive images of women and men and of their equal status and responsibilities in the private and public spheres;

- b) Combat sexist image of women in advertising and media;
- c) Enhance awareness among women and men, girls and boys of their human rights.

52. The following principles shall be observed in the course of implementation the present national Program:

- a) the principle of non-discrimination and equal opportunities in providing girls and boys, women and men with equal access to observance of their civil, political, economic, social, and cultural rights;
- b) the principle of decentralization and responsibilities of all types of communities (local, social-and-professional, cultural, etc.) for promotion and implementation of gender equality;
- c) the principle of proportional accessibility of women and men to social benefits, especially of the people from disadvantaged groups;
- d) the principle of using non-sexist language in official documents, especially in legal texts, policy documents and of promoting a language reflecting gender equality principles;
- e) the principle of optimal correlation of all educational dimensions: intellectual, aesthetic, moral, physical and professional, that include gender aspects.
- f) the principle of balanced participation of women and men in political and public life, which ensures development of a participatory democracy and of a more receptive and responsible governance;
- g) the principle of allocating adequate human and financial resources to policies to ensure gender equality and to empower women, which guarantees de facto observance of the gender equality principle;
- h) the principle of use of sex-desegregated data, gender mainstreaming in the process of policies' elaboration, implementation, monitoring and evaluation.

III. REQUIRED ACTIONS TO ACHIEVE RESULTS

53. Activities per areas

Employment and Labor Migration

- a) Mainstream gender into the policies and plans in governing the employment and labor market, including the policies for migration management as well as undertake their regular gender monitoring and evaluation;
- b) Undertake proactive measures for overcoming persisting horizontal and vertical gender segregation on the labor market;
- c) Adopt specialized programs and stimulate women's entrepreneurship, especially in rural areas;
- d) Undertake awareness raising campaigns on equal rights of women and men on the labor market and in economic activities;
- e) Gather, analyze and disseminate sex-disaggregated statistics on women's and men's participation in the labor market.

Budgeting

- a) Develop and mainstream gender responsive budgeting course at the university level and build capacities of public servants in the area through continuous training;
- b) Develop and pilot implementation of gender analysis of budget processes.

Women's participation in Decision Making

- a) Develop and enact mechanisms for promoting gender equity within public authorities, including enterprises, institutes and organisations, regardless of the type of property and the legal organisational form;
- b) Eliminate structural barriers for balanced participation of women and men in public and political decision-making processes;
- c) Undertake awareness raising campaigns aimed at public at large and women specifically to encourage women to actively participate in public life;
- d) Gather, analyze and disseminate sex-disaggregated statistics on promotion of women and men into decision making positions.

Social Protection and Family

- a) Mainstream gender into the policy documents in the field of social protection and family and ensure their further gender monitoring and evaluation;
- b) Promote and ensure equal sharing of women's and men's tasks in regard to family responsibilities;
- c) Reconcile public/professional and private/family life;
- d) Reduce gender-based differences in the pension system;
- e) Undertake awareness raising campaigns on the importance of ensuring gender equality in public and private life;
- f) Gather, analyze and disseminate sex-disaggregated statistics on women's and men's time use, particularly on child care or care of dependants, household maintenance and other family tasks.

Health Care

- a) Consolidate and further develop family planning capacities, life-skills education and measures relevant to reproductive health, especially in rural areas;
- b) Address important external factors of influence upon the health and life of women and men such as injuries, suicides, accidents, substance abuse, as priority factors for reducing population mortality, including among economically active population;
- c) Undertake information, educational and awareness raising campaigns for the creation of population's culture of risk prevention and health care, taking gender aspects into account;
- d) Gather, analyze and disseminate sex-disaggregated statistics in the field of public health

Education

- a) Mainstream gender dimension in educational policy at its development, implementation and monitoring stages.
- b) Capacity building for gender mainstreaming into the educational system including development of training courses, curricula, educational standards, content of training topics, teaching and learning resources;
- c) Undertake information and awareness raising campaigns related to gender aspects of education;
- d) Gather, analyse and disseminate sex-disaggregated statistics in the education field.

Violence and Human Trafficking

- a) Adoption of law on amending and completing some legislative acts in view of ensuring implementation of gender sensitive mechanisms for violence prevention and punishment;
- b) Capacity building at all levels of violence and trafficking prevention and counteracting institutions with a specific accent upon people involved in victims rehabilitation and aggressors re-socialization taking into consideration gender dimension;
- c) Develop educational programs, training modules, studies and undertake awareness raising campaigns related to phenomenon of violence and trafficking taking into consideration human rights and gender equality;
- d) Consolidate social programs, rehabilitation and re-socialization measures aimed at supporting the victims and aggressors of violence and trafficking;
- e) Gather, analyse and disseminate sex-disaggregated statistics on violence and trafficking related cases.

Raising Public Awareness

- a) Initiate gender analysis of the legislative framework in the field of media, taking into account good practices at the international level;
- b) Analyse, research, inform and take actions on media coverage of gender and gender issues;
- c) Capacity building of media and particularly of media executives on gender issues and promotion of balanced gender image;
- d) Involve men in promotion of the principle of equal opportunities for women and men.

IV. IMPLEMENTATION STAGES AND TERMS

54. This national Program establishes a long-term vision for mainstreaming gender into policy documents, inclusively in inter-sectoral and multi-disciplinary ones. Implementation of the national Program is planned for the period 2010-2015.

55. Fullfilment of this national Program will be assured by two mid-term action plans that will be implemented by competent authorities in the period 2010-2012 and 2013-2015. In 2012 the level of implementation of the first Action plan will be evaluated, and its results will be used in order to elaborate the second Action plan in the context of ensuring full implementation of strategic objectives of the program.

V. AUTHORITIES RESPONSIBLE FOR THE IMPLEMENTATION

56. The development of the national Program will be assured by social partnerships development in the field of gender equality that will include the following:

a) consolidation of the national mechanism for promotion of gender equality focusing both on cosolidation of coordination of activities related to gender at the government level and on developing partnership networks and maintaining social dialogue. An additional chapter on consolidation of the national mechanism will be included in the Action Plans as well;

b) coordination of activities at the judicial, executive and legislative level and cooperation with civil society, which present the precondition for the efficient implementation of the national Program;

c) realization of the primary role of coordination and monitoring of the implementation of all policies in accordance with the current National Program's provisions by the Government Committee for equality between women and men at the national level.

d) active participation of civil society organizations (NGOs, trade unions, employers's associations, political parties, etc.) in implementation and monitoring of the national Program;

e) ensuring a scientific gender approach by the academic community at the government and academia level to promote gender education at all levels of education in Moldova. Academic institutions, think tanks, teachers and researchers constitute a valuable potential for gender awareness and gender introduction actions in public policies and decision-making processes;

f) active involvement of mass media, which is one of the major tools of public awareness raising and influence of relevant actors regarding gender equality and creation of gender culture of the population;

g) donors' involvement for more effective implementation of the national Program.

VI. GENERAL COST ESTIMATION

Estimating the national Program impact

57. The effective implementation of the national Program will result in significant changes in consciousness and behavior of women and men, of the entire society regarding gender equality issues in Republic of Moldova.

58. The present national Program:

stands for making use of potential of both sexes. All citizens have the right to participate in public and political life, and the state is obliged to ensure equal opportunities for men and women to benefit from this law. In case, when a sex (more often women) is not accepted to serve in public positions, being directly or indirectly discriminated, it becomes a problem of social equity;

approaches to the problem of balanced representation of sexes in public positions that is related to the issue of confidence in state structures and their legitimacy. Since women in Moldova represent more than half of the population, their presence in decision-making positions ensures the legitimacy of relevant structures, bringing a sense to representative democracy;

stands for fostering the potential of women and men, by reducing gender-based discriminatory practices , that will allow to diminish the migration flows of men and women, who don't have confidence in the possibility of overcoming the problems are seeking new opportunities in other countries;

conceives new approaches to society development, namely the transition from the sex-role approach (which slows a person's development to the female and male biological state) to that of the gender's (offers more chances for personal and professional self-development, overcoming the biological determinism);

helps to strengthen the country's positive image at the international level: the state can not afford to further underestimate one of the sexes, particularly women, in various spheres of life;

contributes to improvement of people's quality of life as a result of elimination of all forms of gender based discrimination and violence: women's and men's physical and psychological well-being would improve; men's life would increase; the number of divorces would decrease; the role of family values would increase, all together enhancing creation of a favourable environment for the harmonious education of the younger generation, etc.

59. Achieving equality between men and women is one of the effective means to combat poverty and stimulate the society's development. Ensuring gender equality de facto will contribute to the reorientation of human and financial resources spent to eliminate the consequences of inequality (to combat domestic violence, trafficking in human beings, cases of gender discrimination) towards development programs.

The costs of implementation

60. Funding of activities for implementation of the present national Programme shall be made from and within the public funds budgeted on yearly basis by the appropriate public authorities as well as from other sources in line with the effective legislation.

61. The national Program implementation costs can be included in the current budget, formed from the national public budget resources provided for the institutions responsible for the implementation of specific activities within the framework of the mid-term Action plan according to the provisions of the Medium Term Expenditure Framework (MTEF) 2008-2010, National Development Strategy 2008-2011 and donor financial resources. It was impossible to cost this programme at the elaboration phase, this task being a responsibility of each public institution involved in the implementation of the 2010-2012 Action plan for the realization of the national Programme on ensuring gender equality during 2010-2015. At the same time, reallocation and a more judicious direction of available financial resources will be needed. In order to fulfil the objectives of the national Programme line ministries will include measures in MTEF and take actions to direct donor activity towards financially uncovered fields of the national public budget.

VII. EXPECTED RESULTS

62. As a result of the efficient implementation of the current national Program during 2010-2015, the following results will be achieved at strategic level:

Employment and Labor Migration

- a) Reduced pay gap between women and men;
- b) Reduced gender segregation on the labor market;
- c) Reduced gender based discrimination on labor market;
- d) Increased entrepreneurship among women, especially in rural areas;
- e) Improved social protection of migrants, especially women.

Budgeting

- a) Developed and approved concept/vision on gender responsive budgeting;
- b) Created the basis for promoting of gender responsive budgeting (GRB) into the legislative and normative acts;
- c) Buid capacities of human resources on promoting gender responsive budgets (GRB);
- d) Piloted gender analysis of budgets in selected rayions and sectors.

Participation in Public and Political Decision-Making Process

- a) Increased representation of women in decision making positions;
- b) Reduced stereotypes and structural barriers that prevent women from actively participating in public and political decision-making.

Social Protection and Family

- a) Reduced gender stereotypes on the role of women and men in regards to family responsibility,
- b) Increased participation of men in providing care to children, elderly and needy people;
- c) Increased opportunities for women to participate in the labor market;
- d) Improved social protection of women;
- e) Improved social protection of those, who provide home-based informal care services;
- f) Reduced pension gap between women and men.

Health Care

- a) Developed national gender sensitive health policies;
- b) Reduced gender gap in life expectancy of women and men in the long run;
- c) Reduced level of abortions, including among teenagers;
- d) Improved access to and use of modern means of birth control by women and men, especially in rural areas.

Education

- a) Ensured equal rights and equal access of girls and boys, women and men to the enjoyment of all principles of human rights in the sphere of education;
- b) Reduced feminization in the educational system in the Republic of Moldova;

Violence and Human Trafficking

- a) State measures to prevent and combat domestic violence and human trafficking are planned, implemented and monitored in an effective manner on the basis of taking into consideration gender specifics of victims;
- b) Reduced gender based violence and trafficking, especially in rural areas;
- c) Reduced number of cases of violence in the educational system;
- d) Developed services for rehabilitation and reintegration of victims of trafficking and violence, especially women and girls, at the rayion level;
- e) Protected human rights of victims of gender based violence and trafficking through national and international mechanisms for filing and settlement of claims.

Public Awareness Raising

- a) Promoted positive images of women via national and local media;
- b) Promoted women through mass media which is representing their role in public sphere;
- c) Reduced existing practices of negative portrayal of women in media.

VIII. PROGRESS AND PERFORMANCE INDICATORS

63. In order to achieve expected results on all areas contained in the present national Programme, it is recommended to make use of the harmonized set of development indicators in a gender sensitive manner in the context of the Millenium Development Goals, approved by Decision No. 6 of the Board of National Bureau of Statistics on 26th December 2008.

Employment and labour migration

- a) Gender sensitivie policy documents in the field of employment and labour market;
- b) Rate of employment in public and private sectors by economic areas, by sex and area;
- c) Average wages by sex and economic activities;
- d) Employment by professional status (and economic sectors) and sex;
- e) Rate of employment of women and men depending on the number of children in the family;

- f) Rate of fathers, who use paternity leave;
- g) Number of court final decisions regarding the cases on sexual harassment and other forms of victimization in the workplace;
- h) Rate of participation in economic activities by sex and area;
- i) Number of business owners by sex, area and economic activities;
- j) Number of self-employed workers by sex and area;
- k) Number of heads of enterprises from real sector of economy (by enterprise size, economic activities) by sex and area;
- l) Number of programs and plans in the field of migration, where gender equality principles are mainstreamed.

Gender responsive budgeting

- a) Number of post-graduate students studying gender responsive budgeting course;
- b) Number of officials trained on gender responsive budgeting;
- c) Number of rays and sectors piloting the gender responsive budgeting tools.

Participation in political and public decision-making process

- a) Share of seats held by women in Parliament;
- b) Number/rate of women and men, by areas, elected in municipal and local councils;
- c) Number of Cabinet of Ministers' members, by sex;
- d) Rate of women in the number of public servants in central and local public authorities;
- e) Number of managers and public servants within the economic entities by sex and professional status (remunerated and unremunerated).

Social protection and family

- a) Number of men on dependant's care leave (sick and disabled children, including elderly people);
- b) Rate of mother/father beneficiaries of allowances for child rearing (by area, age, work place);
- c) Number of community-based kindergartens;
- d) Number of informal caregivers to elderly, disabled and other needy people by sex and area;
- e) Normative acts developed and approved for increasing the status of informal caregivers;
- f) Inclusion of caregiver profession in the category of professional classification;
- g) Rate of pensioners in total population (by sex and area);
- h) Rate of women/men beneficiaries of social allowances for aged people compared to the rate of beneficiaries of oldage pensions (by area and age);
- i) Average monthly pension by sex, area and category.

Health care

- a) Number of health professionals trained on gender aspects of health;
- b) Rate of persons who abuse alcohol, by sex, area and age groups;
- c) Abortion rate by age and area;
- d) Abortion and birth rate for teens (15-19 y.o.);
- e) Maternal death rate, by causes of death, by area and age groups;
- f) Share of birth assisted by medical personnel by area.

Education

- a) Number of teachers trained on gender aspects of educational process;
- b) Rate of enrollment in the education system of girls and boys aged 3-6 years old;
- c) Gross/net enrollment rate in primary education of girls and boys aged 7-10 years old;

- d) Gross/net enrollment rate in secondary education of girls and boys aged 11-15 years old;
- e) Number of teachers at all levels of education by sex, area and age group;
- f) Number/share of boys/men pursuing professions/education in spheres traditionally dominated by girls/women;
- g) Number/share of girls/women pursuing professions/education in areas traditionally dominated by boys/men.

Violence and trafficking in human beings

- a) Number of registered cases of gender based violence by main types of violence and area;
- b) Number of gender based violence cases resolved by the court ;
- c) Number of victims who benefited from services provided by assistance centers by sex, age groups and area;
- d) Number of victims who benefited from medical services by age groups, sex and area;
- e) Number of officials at the national level trained in gender issues in order to prevent and combat domestic violence and trafficking in human beings;
- f) Number of medical personnel trained to approach health issues through violence phenomena;
- g) Number of education professionals trained;
- h) Number of violence cases identified at schools and other education institutions by area;
- i) Number of victims of violence identified in the educational institutions by sex, age groups and area;
- j) Number of aggressors identified in the educational institutions by sex, age, status and area;
- k) Proportion of state/local budget allocated to prevent and combat domestic violence and trafficking in human beings;
- l) Number of available places in the shelters for victims of violence and trafficking in human beings;
- m) Number of multi-disciplinary teams at the local levels trained on prevention and combating domestic violence and trafficking in human beings through gender lens;
- n) Number of NGOs funded from the state or local budget to prevent violence and trafficking in human beings.

Public awareness raising

- a) Number of media organizations, which adopted Gender Sensitive Code of Conduct and/or similar norms/acts ;
- b) Increased number of positive images of women in public sphere in press and other media;
- c) Reduced cases of women's victimization in press and other media;
- d) Number of women that avail themselves of procedures and remedies for violations of their rights at the national and international levels.

IX. OPPORTUNITIES AND CONSTRAINTS

Opportunities

64. The following advantages will be obtained as a result of national Program's implementation:
- a) Existence of a regulatory framework on gender equality aligned to modern requirements of Moldovan society and international community;
 - b) Cohering policies for ensuring the European integration;
 - c) Commitment to radical changes in the field of gender equality;
 - d) Involvement of community in the implementation of the national Program;
 - e) Creation of managerial mechanisms for the National Program implementation;
 - f) Development of action plans for the National Program implementation, with financial support and clear division of responsibilities among partners.

Constraints

65. The National Program implementation can be also conditioned by a number of both socioeconomic and managerial risks:

- a) unfavorable socioeconomic conditions can block the National Program's implementation actions;
- b) managerial factors can be insufficiently prepared for promotion and implementation of the National Program;
- c) persistence of prejudice and gender stereotypes in the society limits the manifestation of women in public life, and of men in private, family life;
- d) quality of the gender equality promotion process expected by the National Program can be endangered by insufficient vocational training, professional and material motivation and exodus of specialists;
- e) resistance to changes of certain specialists and public servants can determine promotion of an indifferent and disapproving attitude to the National Program implementation;
- f) insufficiency of statistical data and in-depth studies in the above-mentioned fields, which would thoroughly identify real problems related to gender equality, can limit awareness about the National Program implementation needs.

X. MONITORING AND EVALUATION

66. The Ministry of Labour, Social Protection and Family is in charge of monitoring and evaluating the implementation of the National Program. Local public authorities will monitor and report to the Ministry of Labour, Social Protection and Family about actions undertaken at local level in order to implement the present national Program.

67. The implementation of the present Program in every field will be monitored and evaluated in accordance with the Law No. 5-XVI of 9 February 2006 on ensuring equal opportunities between women and Men, CEDAW reporting mechanism, in compliance with Millenium Development Goals, National Development Strategy, and the harmonized set of development indicators in a gender sensitive manner in the context of the Millenium Development Goals. The Government Commission for Equality between Women and Men shall be the appropriate institutional structure.

68. The activities of monitoring of the present national Program shall be of continuous nature, being carried out within the entire period of implementation, and will include monitoring both data collection, processing, and analysis, identification of errors or unforeseen effects, as well as suggestion of possible modifications in the planned measures and activities. The monitoring will be carried out based on progress and result indicators, which will allow observing and evaluating the fulfillment of general objectives stipulated by the National Program and of the final goal in dynamics.

69. The National Program evaluation will be of systematic nature, being carried out within the entire period of implementation and, based on monitoring indicators, it will include the development of annual evaluation reports and of the final evaluation report on the Program implementation.

70. In order to ensure transparency of the National Program implementation processes, annual evaluation reports, as well as the final evaluation report will be published in mass media and on web-pages of the Ministry of Labour, Social Protection and Family.

71. The Ministry of Labour, Social Protection and Family will inform the general public about the National Program and disseminate the relevant information to local and foreign partners as well.

Action plan for the implementation during 2010-2012 of the National Program on ensuring gender equality during 2010-2015

#	Key Objectives	Actions	Time frame	Responsible parties	Partners	Progress Indicator	Costs*		
							2010	2011	2012
1	2	3	4	5	6	7	8	9	10
1	Employment and Migration								
1.1	Increase employment among women and reduce gender wage gap	1.1.1 Mainstream gender into Labor Code, employment yearly plans and occupational safety and health normative acts;	2010-2011	Ministry of Labour & Social Protection & Family (National Employment Agency)	Ministry of Economy, Trade Union, Employers' Association, Civil Society Organizations, International Labour Organization, United Nations Development Fund for Women	Amendments to the Labour code approved and other relevant policy documents in the area of employment engendered			
		1.1.2 Monitor implementation of the National Development Strategy in the area of employment through gender lens;	2011	Ministry of Labour & Social Protection & Family	Ministry of Economy, Civil Society Organizations, International Organizations	Employment related sub-priority of the National Development Strategy monitored through gender lens			
		1.1.3 Develop gender equality standards to promote equal participation of women in economic decision making and recommend to political, economic and financial institutions;	2011-2012	Ministry of Economy, Ministry of Labour & Social Protection & Family	Private Entities, Civil Society Organisations	Standards on gender equality in economic decision making developed Number of political, economic and financial institutions adopted gender equality standards			
		1.1.4 Promote "non-traditional" professions for women and men in the labor market to redress gender-based occupational segregation;	2011-2012	Ministry of Economy, Ministry of Education, Ministry of Labour & Social Protection & Family, Ministry of Culture	Trade Unions, Employers' Association, Civil Society Organizations, International Labour Organisation, Local Public Authorities	Number of local employment agencies that pilot the mechanism on promoting "non-traditional" professions			

1.3	Promote women's economic empowerment in rural areas	1.3.1	Promote investment projects, financial advice, and access to training and retraining both in urban and rural areas, and promote recommendations for promoting women's entrepreneurship into relevant documents.	2010-2012	Ministry of Labour, Social Protection & Family (National Employment Agency) Ministry of Education, Ministry of Finance	Chamber of Commerce & Industry, Commercial Banks, United Nations Development Fund for Women, International Labour Organisation, International Organisations, Civil Society Organizations, Moldova Social Investment Fund, Small & Medium Enterprises Development Organisation	Recommendations for effective promotion of women's entrepreneurship developed and promoted		
1.4	Mainstream gender aspects into the implementation of policies on migration administration	1.4.1	Negotiate intergovernmental agreements on social security of migrants and their families;	2010-2012	Ministry of Labour, Social Protection & Family	International Organisation for Migration, Organization for Security and Cooperation in Europe, United Nations Population Fund, United Nations Development Programme	Intergovernmental agreements negotiated with at least 4 EU member states		
		1.4.2	Improving methods to gather, analyze and disseminate information/status-tics on participation in the migration process that is gender sensitive, and application of this info for policy/intervention development to curb negative impacts of migration.	2010-2012	Ministry of Labour, Social Protection & Family (National Employment Agency), National Bureau of Statistics Ministry of Internal Affairs, Border Guard Service	International Organisation for Migration, Organization for Security and Cooperation in Europe, United Nations Population Fund, United Nations Development Programme	Methods developed and put in action		

2.	2.1	Development of GRB concept/vision in the context of the Republic of Moldova	Budgeting								
			2.1.1	Develop gender responsive budgeting concept	2012	Governmental Committee on Gender Equality, Ministry of Finance, Ministry of Labour, Social Protection & Family, Ministry of Health, Ministry of Education	World Bank, Swedish International Development Cooperation Agency, United Nations Development fund for Women, Academic institutions, Institute of scientific research	Concept note on GRB is developed			
			2.1.2	Mainstream gender responsive budgeting course at the post graduate level;	2009	Academy of Economic Studies of Moldova	Ministry of Labour, Social Protection & Family, World Bank, Swedish International Development Cooperation Agency, United Nations Development Fund for Women, Academy of Public Administration within the Presidency of Moldova	Course curriculum is developed and implemented in at least one university			
			2.1.3	Develop and organize summer course on GRB for the relevant ministries' officials.	2010	Academy of Economic Studies of Moldova	Ministry of Finance, Ministry of Labour, Social Protection & Family, Ministry of Economy, Ministry of Education, Ministry of Health, Department for International Development, World Bank, Swedish International Development Cooperation Agency, United Nations Development Fund for Women, Academy of Public Administration within the Presidency of Moldova	Summer Course on GRB developed Number of ministry officials trained through the summer course	External resources		

2.2	Promotion of GRB development into budgetary process at the national and local levels	2.2.1	Undertake gender analysis in budget processes focusing on selected priority areas in the framework of the National Development Strategy.	2010-2011	Ministry of Labour, Social Protection & Family	World Bank, Swedish International Development Cooperation Agency, Ministry of Economy, Ministry of Finance, Ministry of Education, Ministry of Health	Number of budget processes within the National Development Strategy priority areas analyzed through gender lens		
3	Women's participation in Decision Making								
3.1	Increase representation of women in the decision making positions in the political and public life	3.1.1	Development and implementation of international treaties provisions and legal instruments, taking particularly into account the Convention on the Elimination of all forms of Discrimination against Women, General Recommendation of the Committee on the Elimination of Discrimination against women, International Covenant on Civil & Political Rights ² ;	2010-2012	Ministry of Labour, Social Protection & Family, Ministry of Foreign Affairs and European Integration	International Organizations, Civil Society Organisations			
		3.1.2	Develop Recommendation Note aiming at balanced participation of women and men taking public positions, civil society organisations, private sector organizations and political parties at the decision making level and disseminate it to the relevant organizations with required follow up;	2010	Governmental Committee on Gender Equality, Ministry of Labour, Social Protection & Family	United Nations Development Fund for Women, International Organizations, Civil Society Organizations, media organizations	Recommendation note developed Number of organizations (NGOs, private and political entities) that apply and use Women's Participation Note		
		3.1.3	Undertake research and policy-related analytical studies on women's participation at different decision levels of organizations ³ , including identification of obstacles encountered and strategies needed to overcome the identified barriers;	2010-2012	Governmental Committee on Gender Equality, Ministry of Labour, Social Protection & Family	Civil Society Organizations, International Organizations, Academic institutions and media	Status of women's participation in decision making is analyzed, obstacles defined and recommendations communicated to the relevant policy makers		

	4.2.3	To direct social indemnities towards most needy, through social assistance taking into consideration their income level and gender aspects.	2010-2012	Ministry of Labour, Social Protection & Family	Local Public Authorities	Number of poor families headed by women receive social indemnities		
4.3	4.3.1	Examine the impact of increasing retirement age of women upon the economic situation of women as well as on the pension system in general.	2010-2011	Ministry of Labour, Social Protection & Family	Trade Unions, Employers Association, Civil Society Organizations, International Organizations	Recommendation developed on the possible increase of retirement age of women		
5	Health care							
5.1	5.1.1	Develop and implement special measures in order to ensure full implementation of international treaties, taking particularly into account the Convention on the Elimination of all forms of Discrimination against Women, General Recommendation of the Committee on the Elimination of Discrimination against Women, International Covenant on Economic, Social and Cultural Rights, and revised European Social Charter ⁷ ;	2010-2012	Ministry of Health, Ministry of Foreign Affairs & European Integration	Ministry of Labour, Social Protection & Family, Ministry of Education, Ministry of Internal Affairs			
	5.1.2	Develop methodological instructions, standards of knowledge and practical skills in the field of health through gender lens;	2011	Ministry of Health, Ministry of Labour, Social Protection & Family	World Health Organization, Academic institutions, Civil Society Organizations, International Organizations	Training Module developed and approved	External resources	

6	Education	6.1	Mainstreaming gender equality into education policies and plans and education process	6.1.1	Implement relevant international treaty recommendations, taking particularly into account Convention on the Elimination of all forms of Discrimination against Women, International Covenant on Economic, Social and Cultural Rights, European Convention on Human Rights, and European Social Charter revised in education strategies and national plans		Ministry of Education, Ministry of Foreign Affairs & European Integration	Ministry of Labour, Social Protection & Family, Ministry of Economy				
				6.1.2	Gender review of compulsory national curriculum;	2011-2012	Ministry of Education	Civil Society Organizations, Academia, International Organizations	Recommendations developed and mainstreamed into sector policies and plans			
				6.1.3	Mainstream gender into the content of scholar books;	2011-2012	Ministry of Education	Civil Society Organizations, Academia, International Organizations	Recommendations developed and mainstreamed into education policies and plans			
				6.1.4	Integrate gender equality perspectives in teachers' initial training, retraining and in-service training programmes in the context of human rights;	2011-2012	Ministry of Education, Institute for Educational Sciences	Academic institutions, United Nations fund for Children, Ministry of Labour, Social Protection & Family, Civil Society Organizations	Gender amendments approved by the Ministry			
				6.1.5	Ensure access of girls and boys to different services and privileges, including grants and scholarships on an equal basis.	2011-2012	Ministry of Education	United Nations fund for Children, Ministry of Labour, Social Protection & Family, Civil Society Organizations	Number of girls and boys benefiting from grants, scholarship			
6.2	Reduce feminization of educational system in the Republic of Moldova	6.2.1	Promote gender perspectives in Human Resource development for all levels of education on the basis of research and international practices;	2011-2012	Ministry of Education	United Nations fund for Children, Civil Society Organizations, Academic institutions	Share of women and men teachers at different levels of education					

	6.2.2	Promote among girls and boys to enroll in nontraditional fields through gender perspectives for their sexes education and vocational training.	2011-2012	Ministry of Education	Ministry of Labour, Social Protection & Family, (National Employment Agency), International Organisations, Civil Society Organisations	Number of girls and boys enrolled for professions, which are unconventional for their sexes;		
7	Violence and Trafficking in human being							
7.1	7.1.1	Annihilate domestic and gender based violence against and trafficking in human beings, especially in women and girls	2010-2012	Ministry of Internal Affairs, Ministry of Labour, Social Protection & Family, Ministry of Health, Ministry of Education, Ministry of Foreign Affairs & European Integration	International Organisations, Local Public Authorities, Civil Society Organisations			
	7.1.2	Develop and implement special measures in order to ensure full implementation of relevant international treaties, taking particularly into account the Convention on the Elimination of all forms of Discrimination against Women, and revised European Social Charter ⁸ ;	2011-2012	Ministry of Labour, Social Protection & Family, Ministry of Internal Affairs, Ministry of Education, Ministry of Health, Local Public Authorities	United Nations Development Programme, United Nations Population Fund, Organization for Security and Cooperation in Europe, International Organization for Migration	Preventive measures better target women and girls		
	7.1.3	Mainstream gender aspects into preventive measures (legal, political, social, educational and cultural) addressed at potential victims, especially women, and girls as well as potential perpetrators;	2010-2012	Ministry of Labour, Social Protection & Family, Ministry of Health, Ministry of Internal Affairs	International Organization for Migration, United Nations Population Fund, United Nations Development Programme, Organization for Security and Cooperation in Europe,	Key policies and normative acts take into consideration gender equality principles		

7.1.4	Develop services for women and girl victims of violence and trafficking;	2010-2012	Local Public Authorities,	Ministry of Internal Affairs, Ministry of Education, Ministry of Labour, Social Protection & Family, Ministry of Health, International Organization for Migration, United Nations Population Fund, United Nations Development Programme	Number of specialized services available for women and girls Number of women and girls received service				
7.1.5	Develop and pilot education programs and training for professionals involved in interventions with victims of violence at the national level (judicial, health, education, social workers, the police etc) on the basis of gender perspectives;	2010-2012	Ministry of Labour, Social Protection & Family, Ministry of Internal Affairs, Ministry of Health, Education, Superior Council of Magistracy	United Nations Population Fund, International Organization for Migration, Organization for Security and Cooperation in Europe, United Nations Development Programme, Local Public Authorities, Civil Society Organizations	Education programs developed Number of pilot trainings conducted				
7.1.6	Commission research on the prevalence, causes and consequences of different forms of violence against women and girls, including domestic violence, to serve as the basis for comprehensive and targeted intervention at the national and local levels;	2011-2012	Ministry of Labour, Social Protection & Family	Organization for Security and Cooperation in Europe, United Nations Population Fund, United Nations Development Fund for Women, Civil Society Organizations, Academia	Recommendations from the research developed and communicated to the policy makers				

8 AWARENESS RAISING AND MEDIA						
8.1	Encourage projection of positive images of women and men and of their equal status and responsibilities in the private and public spheres	8.1.1	Develop and implement special measures in order to ensure full implementation of priority actions from the Strategic Objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section J (women and the media);	2010-2011	Audiovisual Coordinating Council	Audio-visual and print media associations, Civil Society Organisations, Parliamentary Committee for Culture, Science, Education, Youth, Sports and Media, Governmental Committee on Gender Equality
		8.1.2	Review of Press Law No. 243-XIII of October 26, 1994 and Audio-Visual Law No. 603 of October 3, 1995 through gender lens;	2011-2012	Audiovisual Coordinating Council , Ministry of Labour, Social Protection & Family, Ministry of Culture, (The State Agency for the Protection of Morality)	Legal acts revised through gender lens and adopted
		8.1.3	Mainstream gender aspects into journalistic Ethic Code with focus on the use of non-sexist language and the presentation of non-stereotyped images of women and men and exclude the use of violent or degrading materials, etc.;	2010-2011	Audiovisual Coordinating Council , Press Associations of Central Public Authorities	Gender sensitive code of ethics for journalists
		8.1.4	Undertake capacity building of journalists and media decision makers on the principles of gender equality as a core of human rights.	2010-2012	Ministry of Education	Number of capacity building trainings Number of trained journalists
8.2	Combat sexist image of women in advertising and media	8.2.1	Identify and lessen existing practice among print media, which further perpetrates human dignity, gender-based violence and the negative use of women's and men's image in the media, including in advertising;	2010-2012	Audiovisual Coordinating Council , Press Associations of Central Public Authorities	Broadcasts accomplished

	8.2.2	Promotional campaigns, knowledge products and capacity building for media to promote an adequate and equilibrated gender image.	2010-2012	Governmental Committee on Gender Equality	Audio-visual and print media associations, International Organizations, Civil Society Organizations	Number of accomplished campaigns		
8.3	8.3.1	To enhance awareness among women and men and girls and boys of their human rights	2010-2011	Government press services, Press services of relevant Central Public Authorities	Governmental Committee on Gender Equality, International Organizations			
	8.3.2	Develop and disseminate brochures on the Convention on the Elimination of all forms of Discrimination against Women and its Optional Protocol, Complaint Mechanism of the Special Rapporteur on Violence against Women within OHCHR, and European Court of Human Rights and local legislations and plans for promoting Human Rights, especially of women and girls.	2010-2011	Government press services, Press services of relevant Central Public Authorities	International Organizations, Civil Society Organizations, academia and media	Developed and disseminated informational materials		
9.	National Institutional Mechanism							
9.1	9.1.1	Improving governance for gender equality	2010-2012	Ministry of Labour, Social Protection & Family	Governmental Committee on Gender Equality			
	9.1.2	Review the positions/status and scope of work of the Gender Focal Points in the ministries and government agencies and align it with Council of Europe standards indicated in the Recommendation CM/Rec(2007)17 (Part C-2 ii, iii, v) of the Committee of Ministers to member states on gender equality standards and mechanism;	2009-2010	Ministry of Labour, Social Protection & Family, Gender Focal Points in Central Public Authorities	Civil Society Organizations, International Organizations			

9.1.3	Establish gender focal point positions at the rayon level and build their capacity;	2010-2011	Ministry of Labour, Social Protection & Family, Local Public Authorities	United Nations Population Fund, International Organisation for Migration, Organization for Security and Cooperation in Europe, United Nations Development Programme, United Nations Development Fund for Women, Civil Society Organizations	Gender focal points Number of delivered trainings for gender focal points					
9.1.4	Build capacity (e.g. gender mainstreaming, gender analysis, application of gender statistics and monitoring tools, use of gender responsive budgeting, etc) of the Governmental Committee on Gender Equality members as well as Gender Focal Points;	2010-2012	Ministry of Labour, Social Protection & Family	National Bureau of Statistics, Academic institutions, Civil Society Organizations, International Organizations						
9.1.5	Build capacity of ombuds in dealing with complaints for discrimination on the basis of sex;	2010-2011	Human Rights Committee	International Organizations, Ministry of Labour, Social Protection & Family	Number of accomplished trainings					
9.1.6	Build capacity of judicial staff and high level authorities for the full implementation of the Convention on the Elimination of all forms of Discrimination against Women, optional protocol, gender equality law, Law on preventing and combating domestic violence.	2011	National Institute of Justice, Ministry of Justice, Superior Council of Magistracy	International Organizations, Civil Society Organizations, Donors						

9.2	Reinforce Networking and support and social dialogue	9.2.1	Establish and facilitate a inter-ministerial team on elaboration of the state's fourth and fifth consolidated report on the implementation of the Convention on the Elimination of all forms of Discrimination against Women which due in July 2011.	2010-2011	Ministry of Labour, Social Protection & Family, Governmental Committee on Gender Equality,	Ministry of Economy, Ministry of Education, Ministry of Health, Ministry of Internal Affairs, Ministry of Transport and Road Infrastructure, Ministry of Defence, Ministry of Foreign Affairs & European Integration, Ministry of Culture, Ministry of Finance, Ministry of Justice, Ministry of Agriculture & Food Industry, International Organisations	Report on the implementation of the Convention on the Elimination of all forms of Discrimination against Women developed		
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* Funding of activities for implementation of the present national Programme shall be made from and within the public funds budgeted on yearly basis by the appropriate public authorities as well as from other sources in line with the effective legislation.

Notes:

1 Particularly taking into account Articles 11,13 CEDAW, Articles 7,10 ICESCR, ILO Conventions No 100, 111 and 183, Articles 1 (para 2,3,4,8,20,26,27) of the European Charter Articles. This can also include Standards contained in European Union legislation especially with regards to access, working conditions, inter alia, flexible working time, career development and promotion, equal pay, dismissal, reversal of the burden of proof in cases of discrimination on the ground of sex, sexual harassment, protection of pregnancy, maternity and paternity as well as access to and supply of goods and services.

2 Articles 7 and 8 of CEDAW, General Recommendation no. 23 on political and public life of the Committee on the Elimination of Discrimination against women, Article 25 of the International Covenant on Civil and Political Rights; This should also include UDHR (Article 21), Recommendation Rec (2003)3 of the Committee of Ministers of the Council of Europe on balanced participation of women and men in political and public decision making, as well as strategic objectives and actions contained in Beijing Platform for Action (Chapter 4), with regard to electoral system (Section G)

3 This can include research at decision making levels, on obstacles/barriers which prevent women's access to decision-making and on effective strategies to promote that participation

4 Such as political parties, social partners, youth organizations, academic institutions, private sector organizations, etc

5 Article 11 of CEDAW, ILO Convention No.156 and Article 27 of the revised European Social Charter. This also includes, Recommendation No. R (96)5 of the Committee of Ministers of the Council of Europe on reconciling work and family life, as well as of strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section F (women and the economy).

6 Articles 11 and 13 of the CEDAW, Article 10 of the ICESCR, ILO Convention No.102, Articles 12,13,14,30 and 31 of the revised European Social Charter. This can also include Articles 22,25 of the UDHR.

7 Article 12 of the CEDAW, General Recommendation No 24 on women and health adopted by the Committee on the Elimination of Discrimination against Women, Article 12 of the ICESCR, Article 11 of the revised European Social Charter⁷; This also includes Article 25 of the UDHR, as well as the Programme of Action of the ICPD and the strategic objectives and actions contained in Chapter IV of the BPEA, in particular Section C (women and health) and I (human rights of women);

8 CEDAW (Article 16 and other relevant provisions), Revised European Social Charter (Article 16). This should include Declaration on the Elimination of Violence against women (Resolution 48/104 of the United Nations General Assembly (UN GA)), the Intensification of efforts to eliminate all forms of violence against women (Resolution 61/143 of the UN GA), and Recommendation Rec (2002)5 of the Committee of Ministers of the Council of Europe on the protection of women against violence, as well as of the strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section D (violence against women) and I (human rights of women);

9 This also include, Recommendation No. R(2000)11 of the Committee of Ministers of the Council of Europe on actions against trafficking in human beings for the purpose of sexual exploitation, as well as the strategic objectives and actions contained in Chapter IV of the Beijing Platform for Action, in particular Section I on Human rights of women;

10 Chapter IV, Section H (Institutional mechanisms for the advancement of women)

19. DECISION

on the approval of the Frame Regulation on the organization and operation of assistance and protection centers for victims of trafficking in human beings No. 1362 of 29.11.2006*

Amended by the Gov. decision No. 462 of 24.03.08, MO66-68/01.04.08 Art.437

With a view to the implementation of Law No. 241-XVI of October 20, 2005 on prevention and combating of trafficking in human beings (Official Monitor of the Republic of Moldova, 2005, No.164-167, art.812), of the provisions of Annex No. 2 to Government Decision No.1219 of November 9, 2001 “On approval of nominal composition of the National Committee for Combating Trafficking in Human Beings and the National Action Plan for combating trafficking in human beings” (Official Monitor of the Republic of Moldova, 2001, No.136-138, art.1274), as well as with a view to developing assistance and protection services for victims of trafficking in human beings, the Government

DECIDES:

1. To approve the Frame Regulation on the organization and operation of assistance and protection centers for victims of trafficking in human beings (annexed).
2. Centers to provide services to the victims of trafficking in human beings shall approve their own regulations for organization and operation based on this Frame Regulation.
3. Expenses pertaining to the organization and operation of centers created by the Government or by local public administration authorities shall be incurred within the limits of allotments provided in the respective budgets on a yearly basis.
4. The Ministry of Interior, using the staff of the General State Guard Department shall ensure the safety of assistance and protection centers for victims of trafficking in human beings.
5. The Ministry of Social Protection, Family and Child shall coordinate the opening of such centers through the country and shall monitor their activity.

[Sec.5 amended by Gov. Dec. No.462 of 24.03.2008, in effect as of 01.04.2008]

PRIME MINISTER

Vasile TARLEV

Countersigned by:

Minister of Healthcare and Social Protection

Ion Ababii

Minister of Finance

Mihail Pop

Minister of Interior

Gheorghe Papuc

Chişinău, 29 November 2006

No.1362.

* Official Monitor No. 186-188/1457 of 08.12.2006

**FRAME REGULATION
on the organization and operation of assistance and protection centers**

for victims of trafficking in human beings

**CHAPTER I
Definition and specifics of the assistance and protection centers
for victims of trafficking in human beings**

**Section 1
General provisions**

1. The assistance and protection center for victims of trafficking in human beings (hereinafter referred to as Center) is a specialized institution rendering assistance services for the (re)integration of victims into the family and community.

2. The goal of the Center is to offer protection and ensure provisional accommodation, socialization and (re)integration of the victims of trafficking in human beings into the family and community.

3. The objectives of the Center are as follows:

ensuring provisional, adequate and temporary accommodation for the victims of trafficking in human beings;

ensuring the process of protection of the victims of trafficking in human beings by means of assistance and quality services offered to them in conformity with individual plans and standards of quality;

facilitating the process of socialization and (re)integration of the victims into the family and the community;

monitoring the state of the victims after their integration into the family and community;

age-adjusted maintenance, care and development of the child-victim of trafficking in human beings;

facilitating socialization and (re)integration of the child into his/her biological/extended family and into the community.

4. The Center carries out its activity in accordance with the following principles:

respect for fundamental human rights and liberties;

respect for the supreme child's interest and his/her rights;

ensuring the right to being informed;

full consent of the victim;

anonymity;

quality services;

nondiscrimination;

family and social reintegration;

respect for privacy and identity of the victims of trafficking in human beings;

respect for the opinion and participative attitude of the adult/minor victim;

social counseling and individualized care.

5. The Center carries out its activity in accordance with effective legislation, this Regulation and standards of quality.

6. The activity of the Center is coordinated, monitored and evaluated by the sections/departments for social assistance and family protection.

7. The Center is a legal entity, with distinct property, its own balance-sheet, settlement accounts (in Moldovan Lei and in foreign currency) and other accounts in financial institutions of the Republic of Moldova, seal, stamp, letterhead and symbolic adjuncts.

Section 2 Center beneficiaries

8. The beneficiaries of the Center are the victims of trafficking in human beings and potential victims – citizens of the Republic of Moldova and stateless persons, entitled to reside permanently in the Republic of Moldova at the moment of entering another state (women, children, parents/children, men).

CHAPTER II Founding, organization and operation of the Center

Section 1 Founding of the Center

9. The Center is founded in coordination with the Ministry of Social Protection, Family and Child by decision of:

the Government, at the proposal of the National Committee for the Combating of Trafficking in Human Beings;

local public administration authorities, at the proposal of the territorial commission for the combating of trafficking in human beings;

international organizations and nongovernment organizations, with the notification of the National Committee for the Combating of Trafficking in Human Beings;

public administration authorities and nongovernmental or private organizations, based on an agreement for joint activity.

[Sect.9 amended by Gov. Dec. No. 462of 24.03.2008, in effect as of 01.04.2008]

Section 2 Organization and operation of the Center

10. The Center offers separate accommodation for adult and minor victims of trafficking in human beings.

11. The Center offers accommodation to the victims of trafficking in human beings for a period of 30 days. Where necessary to protect the victim, the duration of accommodation may be extended up to 6 months. Where the life and health of the victim is subject to a real threat, the period of accommodation shall be extended as necessary for the protection of the victim.

12. Pregnant women-victims of trafficking in human beings are entitled to accommodation within the Center for a period of up to 12 months.

13. The Center has a maximum capacity of 30 persons.

14. The Center is equipped in accordance with standards of quality, corresponding to the individual and age specifics of the beneficiaries.

15. The Center offers the following assistance services:

secure provisional accommodation;

food;

emergency medical assistance;

psychological and legal counseling;

ensuring basic material needs (personal hygiene items, clothes, footwear);

assistance for (re)integration.

16. The assistance of each victim is accomplished based on an individual intervention plan, developed by the case-coordinating social assistant of the Chişinău Center for the rehabilitation of the victims of trafficking in human beings of the International Migration Organization or by the coordinating specialist of the multidisciplinary team, at territorial level. The plan is coordinated with all members of the multidisciplinary team. At territorial level the review of the individual intervention plan is performed by the multidisciplinary team.

17. The Center ensures family and community (re)integration services to the victim by:
preparing the victim for (re)integration into their biological/extended family and community;
working with the victim's family;
professional (re)orientation;
assistance in mastering a worker profession, in demand in the labor market;
support in employment;
monitoring and evaluating the state of the victim before and for one year after integration (in exceptional cases the period is extended individually);
children's access to educational services within the community: schools, kindergarten etc.

18. The quality of performed services shall be evaluated on a regular basis by the body responsible for the accreditation of social services.

CHAPTER III

Beneficiary accommodation

Section 1

Accommodation of adult beneficiaries within the Center

19. The accommodation of adult beneficiaries within the Center is performed in accordance with this Regulation, upon the submittal of the case profile of the adult by organizations/institutions (Chişinău Center for the rehabilitation of the victims of trafficking in human beings of the International Migration Organization; civil society; law enforcement bodies; local public administration authorities; sections/departments for social assistance and family protection; guardianship authorities) to the Ministry of Social Protection, Family and Child.

[Sec.19 amended by Gov. Dec. No. 462 din 24.03.2008, in effect as of 01.04.2008]

20. Center accommodation is temporary and includes:

compiling adult's file;
complex evaluation;
drafting the individual intervention plan.

21. Complex evaluation of the adult is performed by the multidisciplinary team.

22. The person appointed as coordinator of the multidisciplinary team at territorial level coordinates all interventions of specialists involved in the solving of the case. The individual intervention plan for each beneficiary of the Center is reviewed on a monthly basis, based on evaluations accomplished by the multidisciplinary team.

23. Beneficiary's leaving the Center is prepared by the social assistant under the supervision of the Center manager, in collaboration with the section/department for social assistance and family protection.

24. After the beneficiary's leaving the Center (following his/her (re)integration), counseling, accompaniment and emotional support services shall remain available to him/her until the complete reintegration into the family and community.

Section 2

Accommodation of children beneficiaries within the Center

25. The accommodation of children beneficiaries within the Center is performed as established by this Regulation, upon the submittal of the case profile of the referred child through the Chişinău Center for the rehabilitation of the victims of trafficking in human beings of the International Migration Organization; civil

society; law enforcement bodies; local public administration authorities; sections/departments for social assistance and family protection; guardianship authorities to the Ministry of Social Protection, Family and Child.

[Sec.25 amended by Gov. Dec. No. 462 din 24.03.2008, in effect as of 01.04.2008]

26. Child's accommodation within the Center takes place at the common decision of the multidisciplinary team at territorial level, which must include representatives of the guardianship authorities.

27. Children's accommodation in the Center is temporary and includes:

compiling child's file;

complex evaluation;

drafting the individual intervention plan.

28. The child's personal file is filled in by the coordinating specialist of the multidisciplinary team, based on the initial evaluation performed by the case-coordinating social assistant of the Chişinău Center for the rehabilitation of the victims of trafficking in human beings of the International Migration Organization, with the participation of the specialist for the protection of child's rights from the place of referral and the representative of the Ministry of Social Protection, Family and Child.

[Sec.28 amended by Gov. Dec. No. nr.462 din 24.03.2008, in effect as of 01.04.2008]

29. While at the Center, the child shall be ensured initiation and maintenance of relations with his/her biological/extended family and with his/her legal representative, if this does not conflict with the superior interest of the child.

30. The coordinator of the multidisciplinary team shall supervise all specialist interventions, shall contact the child's biological/extended family or, together with the team member, shall search for the best solution for the child's (re)integration into the community, by resorting to alternative services for child protection developed in the region, while institutionalization will be the last solution.

31. Child's (re)integration is accomplished under an established individual plan, which is reviewed on a monthly basis by the Center's multidisciplinary team. After the complex evaluation of the results, the child's plan for departing from the Center is drawn up.

32. The child's family (re)integration is the primary mission of the Center. The family (re)integration service ensures the maintenance of the direct and first-hand connection between the parents and the child and, as the case may be, the adaptation of the child and the preparation of his reintegration into the new family.

33. The family, where the child has reintegrated, shall be monitored for one year and the specialist of the institution shall evaluate the state of the child and of the family after (re)integration, in order to prevent a possible repeated trafficking or family violence. After child's integration into the family, the Center shall remain open for collaboration with the families, offering specialized counseling, accompaniment and emotional support.

CHAPTER IV

Center management

Section 1

Human resources

34. The Center is directed by a person with higher education in one the following fields: pedagogy, psychology, psycho-pedagogy, social assistance, medicine, law. The office of Center manager may be cumulated with other offices.

35. The Manager is hired and dismissed by the founders of the Center, as provided by law.

36. In his/her activity, the Center manager observes effective normative and legislative acts, the indications of central and local public administration authorities and this Regulation.

37. The Center manager is the administrator of all resources, is entitled to hire and dismiss personnel as provided by effective legislation and is responsible for the legal and administrative activity of the Center.

38. The Center manager is responsible for the organization of the Center's activity and the quality of services rendered.

39. The Center manager ensures:

the operation of the Center in accordance with the standards of quality;

the management of the Center's financial and material resources, in conformity with the national accounting standards;

The management and evaluation of the activity of Center's personnel, according to the job descriptions; ensuring the confidentiality of the program and of beneficiaries' records;

filling in and submittal of forms and reports concerning Center's activity to the central or local public administration authority;

Center's representation in relations with other public or private institutions; ensuring and supervising the continuous training of the personnel.

40. The Center manager convenes the meetings for planning the Center's activity ordinarily once a week, or, if the case, extraordinarily.

41. The Center manager concludes agreements for specialized service-rendering with other profile organizations/institutions.

42. The Center manager concludes operation agreements with territorial law enforcement bodies, in order to ensure the physical security of the beneficiaries and the security of the institution.

43. Where the manager is temporarily incapable of exercising his/her office, the responsibility for the good operation of the Center lies with the deputy manager.

44. The Center personnel consist of specialists in various fields, as provided by effective legislation, who fit the operational needs of the Center.

45. The Center personnel are hired by contest, in accordance with the law.

46. The contest commission consists of the manager, the representative of the Center's founder (founders), heads of sections/departments for social assistance and family protection, representatives of the guardianship authority.

47. Personnel are hired based on individual employment agreements, in accordance with effective legislation.

48. Personnel are subject to medical examination according to Ministry of Healthcare standards, upon employment and, thereafter, half-yearly.

[Sec.48 amended by Gov. Dec. No. 462 din 24.03.2008, in effect as of 01.04.2008]

49. Center's employees are bound to keep confidential the information on the private life of the victims, which the former may obtain during exercising their work duties, to refrain from claiming and from accepting undue benefits for the work performed.

50. The Center's staff schedule is established and approved by the founders in accordance with Standards of quality for assistance and protection services for victims of trafficking in human beings, with Center's goal and objectives and with the provisions of effective legislation.

51. The Center functions according to a special, round-the-clock schedule, based on the referral, assistance upon (re)integration and accommodation needs of the victims of trafficking in human beings.

52. The personnel carries out its activity in accordance with the job descriptions, in the premises of the Center, following the established work schedule and the individual programs for integration of the victims of trafficking in human beings.

53. The structure and the training of the Center's personnel must fit the objectives of the Center.

54. The remuneration of personnel is performed in conformity with effective legislation.

Section 2

Center property

55. The Center may own or use any property required for its activity, depending on the order of acquiring the respective assets.

56. Center's property consists of:

initial property conveyed to the Center by the founders into ownership and/or use;

property conveyed into temporary use during Center's activity by public authorities, other legal and natural persons;

donations (grants), other voluntary contributions from natural and legal persons;
property owned by the Center, acquired from its own means during its activity and from proceeds obtained from usage or alienation of such property;
other assets and liabilities not prohibited by law.

57. The initial property is conveyed to the Center under an agreement between the Center and the founders-owners of the property, within one month as of the state registration of the Center.

58. The Center property shall be used only for accomplishing its statutory goals.

59. The management of property is performed, depending on its value, as established by the incorporation deeds of the Center.

60. The Center is not entitled to deal with property, which does not belong to it with right of ownership, other than with the written consent of the owner, regardless of the value of such property. After ceasing of Center's activity or the expiry of the established term of usage, such property shall be conveyed to the owners.

61. The Center shall keep records of its financial and economic activity and shall submit accounting and statistical reports as established by legislation.

CHAPTER V

Final provisions

62. Center's activity ceases based on the decision of the founders, coordinated with the Ministry of Social Protection, Family and Child, as provided by effective legislation.

[Sec.62 amended by Gov. Dec. No. 462 din 24.03.2008, in effect as of 01.04.2008]

63. After the cease of Center's activity, property shall be conveyed to the founding members subject to such member's contribution.

20. DECISION

on the creation of Assistance and Protection Center for Victims and Potential Victims of Trafficking in Human Beings Nr. 847 of 11.07.2008**

With a view to the implementation of the provisions set forth in Law Nr. 241-XVI of 20 October 2005 on Preventing and Combating Trafficking in Human Beings (*Official Monitor* of the Republic of Moldova, 2005, Nr. 164-167, Art. 812), Government Decision Nr. 1362 of 29 November 2006 “On the Approval of Frame Regulation on the Organization and Operation of Assistance and Protection Centers for Victims of Trafficking in Human Beings” (*Official Monitor* of the Republic of Moldova, 2006, Nr. 186-188, Art. 1457), the Government

DECIDES:

1. To create the Assistance and Protection Center for Victims and Potential Victims of Trafficking in Human Beings with the premises located in Chisinau, at 93, Burebista Street.
2. The Center shall be a public institution subordinated to the Ministry of Social Protection, Family and Child, have a legal entity and funded from the state budget and other resources according to the legislation. The Center shall be specialized in rendering decent living conditions, including personal hygiene conditions, food, legal, social and psychological counseling, health emergency services, security and protection, as well as assistance in liaising with the victim’s relatives.
3. The Ministry of Health shall ensure the transfer by the Public Health-Sanitary Institution “Mother and Child Healthcare Scientific Research Institute” of the immovable property and adherent territory located in Chisinau, at 93, Burebista Street (certificate nr.0100/07/6865 of 13 June 2007, issued by the Chisinau Territorial Cadastre Office) under the management of the Assistance and Protection Center for Victims and Potential Victims of Trafficking in Human Beings as long as the statute and type of activity rendered by the Center are not modified.
4. The Ministry of Social Protection, Family and Child, within 1 month, shall:
negotiate and conclude a Partnership Agreement with the International Organization for Migration in Moldova with a view to the delimitation of attributions in terms of joint management of the public institution “Assistance and Protection Center for Victims and Potential Victims of Trafficking in Human Beings” in compliance with the provisions of Article 17 paragraph (2) letter d) set forth in Law Nr. 241-XVI of 20 October 2005 on Preventing and Combating Trafficking in Human Beings;
approve the framing scheme and Regulation on the Organization and Operation of the Center;
bring normative acts in compliance with the present Decision.
5. Land and Cadastre Agency shall effect the amendments deriving from the provisions set forth in the present Decision.

PRIME-MINISTER

Zinaida GRECEANII

Countersigned by:

Deputy Prime-Minister

Minister of Social Protection, Family and Child

Minister of Finance

Minister of Health

Victor Stepaniuc

Galina Balmos

Mariana Durlesteanu

Larisa Catrinici

Chisinau, 11 July 2008

Nr. 847.

* Official Monitor Nr. 127-130/851 of 18.07.2008

21. DECISION

on approving the Frame Regulation of the territorial commissions to combat trafficking in human beings Nr. 234 of 29.02.2008

Published : 07.03.2008 in Monitorul Oficial Nr. 47-48 Art Nr : 298

In view of implementation of provisions of the Article 9 of the Law Nr.241-XVI of 20 October 2005 on Preventing and Combating Trafficking in Human Beings (Monitorul Oficial of the Republic of Moldova, 2005, nr.164-167, Art.812), with the following amendments, the Government DECIDES:

1. To approve the frame regulation of territorial commissions to combat trafficking in human beings (attached).

2. District, municipal councils and People's Assembly of the autonomous territorial unit Gagauz-Yeri shall approve the regulations of territorial commissions to combat trafficking in human beings.

Prime-Minister

Vasile TARLEV

Countersigned by:

Minister of Interior Affairs

Gheorghe Papuc

Minister of Local Public Administration

Valentin Guznac

Nr. 234. Chişinău, 29 February 2008.

Approved
by the Government Decision nr.234
of 29 February 2008

FRAME REGULATION of the territorial commissions to combat trafficking in human beings

I. General provisions

1. In view of adjusting and aligning the normative framework to the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings, adopted on 3 May 2005 in Strasbourg, this Regulation establishes the procedure of formation of territorial commissions to combat trafficking in human beings, their basic tasks and attributions, ways of interaction of territorial commissions with the National Committee to Combat Trafficking in Human (hereinafter referred to as National Committee), as well as central and local public administration authorities.

2. Territorial commissions to combat trafficking in human beings (hereinafter referred to as territorial commissions) shall be created in districts, municipals and in the autonomous territorial unit Gagauz-Yeri under the executive body of local public administration in order to coordinate activities of preventing and combating trafficking in human beings. In Chişinău municipality such commissions shall be created in sectors. The commissions' activity shall be subordinated to the National Committee.

3. The expenditures related to the activities of the territorial commissions shall be made within the limits of allocations provided in the budgets of the corresponding administrative-territorial units.

4. The territorial commission shall carry out its activity based on the following principles:

- a) legality;
- b) respect for the fundamental human rights and liberties;
- c) separation and collaboration of powers;

- d) collegiality and mutual respect;
 - e) responsibility of its members in terms of exercising the competences attributed to them in the capacity of competent bodies and members of the commission;
 - f) disclosure and transparency according to the Law;
 - g) cooperation with civil society;
 - h) other basic principles in the field of combating trafficking in human beings.
5. Local public administration authorities shall ensure to the territorial commissions the premises for holding the meetings and other activities.

II. Members of the territorial commission

6. The nominal composition of the territorial commission shall be approved by the order of the Chairman of local public administration, a copy of such order being submitted to the National Committee. The number of commission members may be modified at the initiative of its members whenever it is required.

7. The Deputy Chairman of the local public administration authority on social matters shall be the Chairman of the territorial commission.

8. An employee of the local public administration authority shall act as the secretary of the territorial commission.

9. The following representatives with the rights of members shall be usually included: representatives of de-concentrated bodies of the ministries, other central administrative authorities vested with the attributions in the field of prevention and combating of trafficking in human beings, NGOs active in the field of prevention, combating and provision of support to the victims of trafficking in human beings and other organizations, whenever this is required.

III. Tasks and attributions of the territorial commission

10. The territorial commission is a counseling body tasked with the consolidation of efforts of the bodies vested with the attributions in the field of combating trafficking in human beings within administrative-territorial units, as well as with the establishment of coordinated objectives and measures aimed at preventing and combating trafficking in human beings.

11. In view of exercising their tasks, the territorial commission shall be liable for the following:

a) organization of awareness-raising campaigns, workshops and meetings in towns and rural localities of the corresponding administrative-territorial unit in order to inform population about the consequences of illegal migration and trafficking in human beings;

b) coordination of activities in the field of prevention and combating trafficking in human beings, protection and assistance of the victims of trafficking in human beings;

c) collaboration with the local public authorities, law enforcement bodies, NGOs and representatives of civil society in order to protect and assist the victims of trafficking in human beings and in particular with the International Organization for Migration, Mission to Moldova ;

d) implementation, on the local level, of the activities in the field of prevention of trafficking in human beings, including children and execution of actions provided in the National Action Plan on Preventing and Combating Trafficking in Human Beings and relevant legislation;

e) periodic monitoring and evaluation of activities in the field of prevention and combating trafficking in human beings implemented by state bodies in the territory, provision of information to corresponding authorities, to the National Committee and submission of proposals aimed at increasing the efficiency of these activities;

f) provision of informative, organizational and practical support to the state bodies involved in prevention and combating of illegal migration and trafficking in human beings;

g) collaboration with similar commissions from other territorial-administrative units;

h) implementation of training programs on preventing and combating trafficking in human beings for the persons from vulnerable groups and employees engaged in these activities;

- i) provision of assistance at the elaboration of research programmes, analysis and collection of statistical data on trafficking in human beings;
- j) elaboration of semester and annual reports, informative notes on the activity of the territorial commission, submitting them to the National Committee.

IV. Procedure of organizing the activity of the territorial commission

12. The territorial commission carries out its activity based on the annual plan of activities, which shall be approved by the chairman of the corresponding commission.

13. The meetings of the territorial commission shall be chaired by the Chairman, who shall exercise the following attributions:

- a) conduct the activity of the territorial commission;
- b) gather and moderate the meetings of the territorial commission;
- c) approve daily agenda of the meetings of the territorial commission;
- d) sign Minutes of Meetings and other documents envisaging the activity of the territorial commissions;
- e) represent the territorial commission in relations with public authorities and international organizations.

14. The activity of the territorial commission in between the working sessions shall be ensured by the secretary in charge, who shall exercise the following attributions:

- a) ensure organizational, informative and analytical support for the activity of the territorial commission;
- b) require proposals of members of the territorial commission related to the activity plan and agenda of the working sessions;
- c) elaborate and submit the activity plan and agenda of the working sessions of the territorial commission for a certain period of time for approval;
- d) require information on the issues included in the agenda from responsible persons at least 5 days beforehand the meetings;
- e) prepare materials for the meetings of the territorial commission;
- f) keep evidence of the matters examined and prepare the minutes of meetings of the territorial commission sessions;
- g) prepare reports on the activity of the territorial commissions;
- h) exercise control over the implementation of the adopted decisions, informing members of the territorial commission at the ordinary meeting.

15. The materials distributed at the meetings, correspondence, statistical data, minutes of meetings and other information on the activity of the territorial commission shall be maintained by the executive local public administration body.

16. Agenda of the territorial commission meetings shall be prepared by the secretary in charge based on the activity plan or proposals submitted by the chairman and members of the territorial commission.

17. Members of the territorial commission shall be informed about the agenda at least 5 days beforehand the meeting along with the materials to be examined during the meetings.

18. Meetings of the territorial commission shall be held based on the necessity, but not less than once in a trimester and are deliberative if the majority of members take part in these.

19. The territorial commission meetings shall be held during the working day. During the period of the commission activity, its members shall receive the average monthly salary of the permanent job.

20. The minutes of meeting of the territorial commission meeting shall be prepared by the secretary in charge within 3 days from the date of holding the meeting.

21. Each meeting shall be public and shall be closed by adopting a decision, which shall be publicly disclosed by means of mass-media.

22. Decisions of the territorial commission shall be approved by a majority vote of the members present at the meeting.

23. Decisions of the territorial commission shall be signed by the Chairman and the secretary.

24. Decisions of the territorial commission and excerpts of the minutes of meeting shall be presented to the National Committee.

V. Cooperation between the territorial commission and National Committee

25. Decisions of the National Committee shall be executed by the territorial commission.

26. The activity of the territorial commissions may be examined and evaluated at the meeting of the National Committee, which shall exercise control over the activity of the commission.

27. The territorial commission shall inform the National Committee by 10 January and 10 July about the activities held in the field of prevention and combating trafficking in human beings within the territory, submitting proposals on the increase of their efficiency.

22. DECISION

on Approval of Regulation on Procedure for Repatriation of Child and Adult Victims of Human Trafficking, Trafficking of Illegal Migrants, and Unaccompanied Children No. 948 of Aug. 07, 2008

Monitorul Oficial No. 152-153/949 of Aug. 12, 2008

* * *

The Government takes the **DECISION**:

1. The Regulation on procedure for repatriation of children and adults – victims of human trafficking, illegal migrants' trafficking, as well as unaccompanied children (Annex) is approved.
2. The central specialized public authorities shall ensure implementation of provisions of Regulation on procedure for repatriation of children and adults – victims of human trafficking, illegal migrants' trafficking, as well as unaccompanied children.
3. The Ministry of Finance shall allocate annually, starting in the 2009 budget year, state budget funds for repatriation of said persons pursuant to provisions of the abovementioned Regulation.
4. The National Committee for Combating Human Trafficking shall supervise implementation of this Decision.

PRIME MINISTER

Zinaida GRECEANII

Other signatures:

Vice Prime Minister, Minister of Foreign Affairs
and European Integration

Andrei Stratan

Minister of Internal Affairs

Valentin Mejinschi

Minister of Social Protection, Family and Child

Galina Balmos

Minister of Finance

Mariana Durllesteanu

Chisinau, August 07, 2008

No. 948.

REGULATION

on Procedure for Repatriation of Children and Adults – Victims of Human Trafficking, Illegal Migrants' Trafficking, as well as Unaccompanied Children

Chapter I GENERAL PROVISIONS

1. This Regulation establishes the procedures for:

repatriation into the country of human trafficking victims (adults and children); of children unaccompanied by parents or legal representatives that stay on the territory of foreign states (hereinafter, unaccompanied children) and of victims of illegal migrants' trafficking;

covering expenses incurred over the process of repatriation into the country of human trafficking victims (adults and children); of unaccompanied children and of victims of illegal migrants' trafficking;

identification of parents and other legal representatives of children, of human trafficking victims unable or with limited ability to take care of themselves;

emergency protection of persons stipulated in this Regulation by provision of competent protection services.

2. For the purpose of this Regulation, the following terms shall mean:

victim of human trafficking – physical person presumed or determined to have been subjected to trafficking actions mentioned in items 1) and 2) of Article 2 of the Law No. 241-XVI of October 20, 2005 on prevention and combating human trafficking;

victim of illegal migrants' trafficking – person, that has been subjected to actions stipulated in art. 362¹ of the Penal Code;

unaccompanied child – person under 18, that was found without an accompanying person on the territory of a foreign state.

3. The provisions of this Regulation shall be applied in respect to persons mentioned in item 2 of the Regulation, which are citizens of the Republic of Moldova or people with no citizenship that have been residing permanently in the Republic of Moldova prior to entering the territory of another state.

4. This Regulation provides for nominating contact persons in all responsible ministries (Ministry of Social Protection, Family and Child, Ministry of Foreign Affairs and European Integration, Ministry of Internal Affairs, Ministry of Education and Youth, Ministry of Informational Development), as well as consular offices of the Republic of Moldova abroad, diplomatic missions and other organizations in the area.

Chapter II PRINCIPLES

5. Repatriation into the country of persons specified in item 2 of this Regulation shall be done in a voluntary manner, based on a written agreement signed by them, except for children under ten or, as the case may be, signed by a legal representative of the person, under which the respective person accepts assistance in the repatriation process. Repatriation shall be also assisted when the legislation of the foreign state allows no possibility for a temporary or permanent stay of the person on the territory of that state.

6. The repatriation procedures shall be initiated only upon determination by competent authorities that the opinion of the person regarding repatriation has been taken into consideration.

7. Taking into account the age and level of maturity of the child, his/her opinion will be taken into consideration in all decisions and actions which might affect him/her, except for cases stipulated in item 5 of this

Regulation, including return to the country of origin, reunification with the biologic family, extended family or placement in other types of care, etc.

8. Repatriation of children shall be done with care for the best interests of the child, by submitting documents confirming a sustainable solution for the child's care.

9. The decision for repatriation of a child shall be taken only when a secure reunification of the child with his/her family may be attained in which, upon consultation with the Ministry of Social Protection, Family and Child, an appropriate institution agrees to provide and is capable of providing adequate protection and care upon arrival of the child in the Republic of Moldova. The competent authorities involved in the process recognize that repatriation may fail to take place. If, upon social and family assessment, risk and safety assessment, the evaluation of the level of integration of the child in the host country and his/her length of absence from the native country, desirability of continuing education of the child in the host country and ethnic, religious, cultural and language aspects related to the child, indices exist that repatriation is not in the best interests of the child, the competent authorities may take the decisions for nonrepatriation of the child.

10. When the age of the identified person is not known precisely, but grounds exist to believe that the person is a child, the respective person shall be treated as a child and he/she shall be granted all special protection measures, stipulated in this Regulation and in legal acts referring to child's rights and protection of the child until the exact age of the person is established.

11. The person shall be provided all relevant information related to rights, available services, communication means, means for family identification and for seeking a protection institution as well as other information regarding the country of origin in his mother tongue or other language known by the person taking into consideration the person's level of understanding.

12. Any information on the identity of the person shall be examined by competent institutions, with observance of confidentiality principles in order to avoid stigmatization and endangering the person and his/her relatives.

13. The identity and the details leading to identification of the child shall not be made public in mass media or other means, except in exceptional circumstances, when facilitating identification of the family members is necessary or aiming at child protection.

14. Personal data shall be processed (compiled, registered, stored, corrected, deleted and transmitted) with the consent of persons mentioned in item 2 of this Regulation, or, as the case may be, with consent of his/her legal representatives with due respect to right to privacy and identity. The person has the right to know which institution owns his/her personal data and to obtain a copy of the respective information.

15. The Ministry of Social Protection, Family and Child is responsible for undertaking all actions related to preparing for and initiation of repatriation procedures for persons mentioned in item 2 of this Regulation.

16. Activities related to identification of human trafficking victims and their families, provision of travel and identity documents for persons mentioned in item 2 of this Regulation, as well as translation/interpretation services as needed, pursuant to law provisions should be exempt from consular taxes and other existing taxes or/and fees.

17. Transportation expenses of the repatriated person and his/her accompanying persons shall be covered in compliance with the readmission agreements and other cooperation agreements signed by the Republic of Moldova with other states.

18. When no signed readmission agreements exists, the expenses shall be covered by the Ministry of Social Protection, Family and Child.

Chapter III

COOPERATION WITH COMPETENT AUTHORITIES OF THE DESTINATION COUNTRY FOR IDENTIFICATION OF PERSON'S PLACE OF RESIDENCE, HIS/HER PLACEMENT UNDER PROTECTION AND INITIATION OF REPATRIATION PROCEDURE

19. The authorities, responsible for implementation of this Regulation, shall enhance cooperation with authorities of other countries, national and foreign international and nongovernmental organizations with a view of improving and making more efficient the repatriation procedures as well as the procedures for search of

persons believed to be victims of human trafficking, victims of illegal migrants' trafficking or unaccompanied children.

20. Upon receipt of information about existence of persons stipulated in item 2 of this Regulation in a foreign country, competent state authorities, as well as other persons, institutions and associations of the Republic of Moldova shall, within 5 days of receiving the information, inform the Ministry of Social Protection, Family and Child in writing. This Ministry shall seek the assistance of diplomatic and consular missions of the Republic of Moldova in the matter through Ministry of Foreign Affairs and European Integration.

21. The provisions of item 20 shall be observed also when information about existence of persons stipulated in item 2 of this Regulation is received from the respective persons themselves or from their families, as well as when notification was made by a third party.

22. The diplomatic and consular missions of the Republic of Moldova, shall, immediately upon receipt of information about existence of persons stipulated in item 2 of this Regulation in a host country, undertake the necessary actions for identification of such persons and shall request information about data and identity documents of the respective person, other useful and necessary information, about applied protection actions, psychic and physical state of the person and his/her fitness to travel, repatriation agreement, etc. from competent authorities of the respective country.

23. The diplomatic and consular missions of the Republic of Moldova shall ensure transfer of information from authorized institutions of Moldova and of the destination country within five working days if the international agreements entered into by the Republic of Moldova do not provide otherwise.

24. The diplomatic and consular missions of the Republic of Moldova shall inform the Ministry of Social Protection, Family and Child through Ministry of Foreign Affairs and European Integration within five working days about persons specified in item 2 of this Regulation, which request or need repatriation.

25. The diplomatic and consular missions are responsible for addressing applications to authorities within the country or the country on the territory of which any person specified in item 2 of this Regulation has been detected and shall apply to the authorities of the respective country to obtain adequate protection and assistance prior to repatriation.

26. The diplomatic and consular missions shall provide to persons specified in item 2 of this Regulation assistance with translation, accommodation, emergency healthcare, and other care as needed pursuant to the law of the respective state.

Chapter IV PROCEDURES FOR CHILD REPATRIATION

Section 1

Checking child's identity, his/her documents and initiation of procedures for seeking his/her family or legal representative

27. When a detected child has no documents to confirm his/her identity, the diplomatic and consular missions shall check the child's identity through ACCES automated system or seek assistance from the Ministry of Information Development in the matter.

28. The Ministry of Information Development shall undertake the necessary actions for child identification and send the data to the Ministry of Foreign Affairs and European Integration and to the Ministry of Social Protection, Family and Child within three working days from receipt of request.

29. If the Ministry of Information Development has no information related to the child (its birth has not been registered in the Register of Births, Deaths and Marriages), the responsibility for checking the child's identity lies with the Ministry for Social Protection, Family and Child which, in cooperation with the Ministry of Information Development and local public authorities shall undertake the following actions:

- 1) identify birthplace of the child;
- 2) obtain information from structures of the Ministry of Health regarding birth of the child by parents which are citizens of the Republic of Moldova;

3) obtain information about parents when birth has not been registered with the authority for registration births, deaths and marriages or with consular offices of the Republic of Moldova abroad to find out facts about child's birth.

4) initiate procedures for late or subsequent registration of child's birth in offices for registration of births, deaths and marriages pursuant to provisions of Law No. 100-XV of April 26, 2001 on personal documents.

30. The Ministry for Social Protection, Family and Child shall notify through Ministry of Foreign Affairs and European Integration the authorities of the destination country about initiation and evolution of the child's identification process.

31. Upon receipt of the information about the child, the Ministry for Social Protection, Family and Child shall urgently initiate the procedure for identification of the family / legal representative of the child (or, as the case may be, an institution which has the responsibility for the child's care) and shall request their agreement for repatriation., except when the search activity or method of its implementation is contrary to the best interests of the child.

32. When the persons referred to in item 31 of this Regulation cannot be found at their place of residence or disagree with the child's repatriation, the Ministry for Social Protection, Family and Child shall notify the guardianship authority of child's or family's last known residence, which shall write a note for child's repatriation and ensure that actions for child's protection are taken, as needed.

33. When child's family may not be identified, the Ministry for Social Protection, Family and Child shall request that diplomatic or consular mission contacts local authorities in the destination country in order to secure the opportunity to talk with the child for collection of biographic and social data, either involving the representatives of the diplomatic or consular mission, or, as the case may be, other nominated specialists, which shall inform the Ministry for Social Protection, Family and Child about the results.

34. If the identity of the child may not be determined, the Ministry for Social Protection, Family and Child through the Ministry of Foreign Affairs and European Integration shall inform the protection authorities in the destination country about the fact that the child may not be included in the category of persons referred to in item 2 of Regulation and, thus, the Moldovan authorities do not undertake further responsibility for the respective child's repatriation.

35. During the repatriation process and after it, the Ministry for Social Protection, Family and Child in cooperation with the Ministry of Internal Affairs, shall organize the risk and safety assessment of the child and the family, including examination of possible stigmatization/harassment actions of the society or family, threatening, repression or coercion of the child or his/her relatives by traffickers or their accomplices; re-trafficking.

36. When it is found that the stay of the child on the territory of a foreign state is the result of a criminal act, the Ministry of Internal Affairs shall initiate criminal investigation procedures in respect to the case.

37. The Ministry for Social Protection, Family and Child shall request competent authorities of the territory of the last known place of residence of the child and family to carry out the emergency social assessment of the family and to develop an initial individual plan for preparing for social reintegration of the child.

38. As more relevant information about the child and family is collected (identity, primary evaluation of the family, initial individual plan, etc.), the Ministry for Social Protection, Family and Child shall pass it to the authorities of the destination country through the Ministry of Foreign Affairs and European Integration, diplomatic and consular missions. When the file is closed, the Ministry for Social Protection, Family and Child shall inform the destination country about: repatriation date, accompanying person, transportation means, border crossing points, actions necessary for preparing the child for travel, etc.

Section 2

Repatriation of the child and placing him/her under protection

39. Upon obtaining the consent for repatriation from the authorities of the destination country, the Ministry for Social Protection, Family and Child shall:

- 1) plan for the repatriation and carry out logistic arrangements taking into account available resources;
- 2) issue an order to nominate the accompanying persons, which should have the necessary abilities for carrying out the task;

3) prepare an accompanying letter comprising the data of the accompanying person/s and of the child to be repatriated, border crossing points, and, as the case may be, other relevant information to be presented by accompanying person/s upon request of authorities involved in repatriation;

4) carry out the translation of documents to be passed towards this aim to the authorities of the destination country.

40. When repatriation is done through a third country, the diplomatic and consular missions of the Republic of Moldova in the third country shall provide assistance to facilitate transit permission and issue of transit documents. When needed, the diplomatic and consular missions shall contact the authorities of the destination country to speed up transit, obtain necessary transit documents, provide assistance in finding/ identification/ transportation/ accompanying in entry/exit points to/from the transit country based on a readmission agreement, facilitate communication with parents residing in a third country and facilitate family reunification in a third country.

41. The Ministry of Foreign Affairs and European Integration shall provide assistance in obtaining the visa/s for the accompanying person to reach destination country, take actions to remove existing barriers in destination country associated with repatriation process.

42. Upon arrival, the child shall be met by parents or other legal representatives. Alternatively, the guardianship authority of the last residence of the parents or, as the case may be, the Ministry for Social Protection, Family and Child shall nominate a person to accompany the child to his/her home or to the assigned protection institution, which has been determined and informed beforehand.

43. When a child is met at the border crossing point by a staff member of a protection institution, the person, which accompanies the child, and the person nominated to receive the child shall sign Minutes regarding the transmission/receipt of the repatriated child.

44. If authorities of the destination country undertake responsibility for accompanying and repatriation of the children, the diplomatic and consular missions shall inform the Ministry for Social Protection, Family and Child about this decision in the matter and any relevant details related to planned repatriation.

Section 3

Rehabilitation, monitoring and reporting

45. The protection institution, that has taken over the child at the border crossing point or at the final destination point is responsible for the child's life and safety and shall initiate the process for child's rehabilitation, taking into account his/her age, problems, suggestions of authorities of the destination country involved in repatriation, etc.

46. The Ministry for Social Protection, Family and Child shall request that the guardianship authorities on the territory of the child's residence or local authorities in the community where the protection institution admitting the child is situated, take needed social and family reintegration actions or select and establish another type of protection pursuant to the legislation.

47. The guardianship authority shall monitor the situation of the child pursuant to law provisions and submits respective reports to the Ministry for Social Protection, Family and Child.

48. The relevant information on repatriation procedure, reintegration and monitoring of the child upon repatriation shall be concentrated in a special file of the child, which is stored with the Ministry for Social Protection, Family and Child Ministry.

49. Upon request of some information regarding the situation of persons specified in item 2 of this Regulation after repatriation by foreign competent authorities, the Ministry for Social Protection, Family and Child shall send the relevant information, upon consent of the respective persons or their legal representatives, through the Department for Consular Affairs of the Ministry of Foreign Affairs and European Integration.

Chapter V

PROCEDURES FOR REPATRIATION OF ADULTS

Section 1

Verification of person's identity and documentation for initiating the repatriation procedure

50. If the adult, specified in item 2 of this Regulation, has no identity documents, the diplomatic and consular missions shall check the identity of the person through the automated system ACCES or request the assistance of the Ministry for Informational Development in the matter.

The Ministry of Informational Development shall undertake the necessary actions for identification of the adult and pass the results to the Department for Consular Affairs and to the Ministry for Social Protection, Family and Child within three working days from the receipt of the request.

51. The diplomatic and consular missions shall issue the necessary documents to the person to be repatriated within three days.

52. The diplomatic and consular missions and the Honorary Consuls of the Republic of Moldova in a third country shall grant assistance for facilitating permission for transit and issue of travel documents for the repatriation of the respective person.

In case of need, the diplomatic missions and consular offices, as well as Honorary Consuls of the Republic of Moldova shall contact authorities of the third country to speed up physical transit, obtaining of necessary transit documents, provision of assistance in finding / identification / transportation / accompanying the person in entry / exit border crossings of the transit country based on a readmission agreement; facilitation of communication with parents or children staying in a third country and facilitation of family reunification in a third country.

53. During the repatriation process and upon repatriation, the Ministry for Social Protection, Family and Child in cooperation with the Ministry of Internal Affairs shall carry out the risk and safety assessment of the person to be repatriated and his/her family, including examination of possible stigmatization/harassment actions of the society or family, threatening, repression or coercion of the person or his/her relatives by traffickers or their accomplices; re trafficking.

54. For efficient and accurate risk assessment, the opinion of the respective person shall be taken into account throughout the process, while the repatriation decision shall be based on voluntary participation of the person in the repatriation procedure.

55. If risk and safety assessment has shown impending danger for the life and safety of the person to be repatriated, the competent service of the Ministry of Internal Affairs shall, upon request of the Ministry for Social Protection, Family and Child, nominate one or more accompanying policemen, that will travel to the destination country to accompany the person throughout the travel or meet the person at the border crossing point in the Republic of Moldova, thus ensuring the person's physical safety.

56. When the person to be repatriated has serious psychic or physical disorders, confirmed by a fit to travel certificate issued by competent authorities of the destination country, the Ministry of Health, upon request of the Ministry for Social Protection, Family and Child shall appoint one or more specialist doctors to travel to the destination country in order to accompany the person throughout the travel or meet the person at the border crossing point in the Republic of Moldova .

Section 2

Person's repatriation and placing under protection

57. The Ministry for Social Protection, Family and Child is responsible for implementing all actions for preparing and launching person's repatriation procedures (questionnaire on social and family circumstances, setting the repatriation conditions and date, nomination of an accompanying person, taking care of emergency placement and/or long term placement upon arrival in the country, referral to available services).

58. Upon finalizing risk and safety assessment, issue of travel documents and obtaining the consent for repatriation from the respective person, the Ministry for Social Protection, Family and Child shall plan repa-

triation, protection actions to be taken and send the diplomatic missions and consular offices, the Ministry of Internal Affairs, the Border Service the last and first names of the person to be repatriated, number and series of the travel documents, transportation means, date and hour of arrival in the border crossing point for entering the territory of the Republic of Moldova. When there is an accompanying person, the identity data of the accompanying person/s shall be provided.

59. The Border Service of the border crossing point of the Republic of Moldova shall facilitate the access of the representatives of the Ministry for Social Protection, Family and Child, Ministry of Internal Affairs, Ministry of Health appointed to meet the repatriated person and to accompany him/her home or to the specialized institution determined beforehand.

Section 3 **Rehabilitation, monitoring and reporting**

60. Upon conclusion of repatriation procedure, the Ministry for Social Protection, Family and Child shall, in accordance with the voluntary consent of the repatriated person, undertake all actions for his/her rehabilitation and reintegration within the National Referral System for providing assistance and protection to human trafficking victims and potential victims.

61. Any documentation and monitoring of individual cases should be done with observance of the right to privacy and international and regional standards for protection of information.

62. When foreign competent authorities request data regarding the circumstances of the person after repatriation, the Ministry for Social Protection, Family and Child shall provide any relevant data in the matter with prior consent of the respective person.

23. DECISION

on the Approval of the Strategy of the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking in Human Beings and of the Action Plan for the Implementation of the Strategy on the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking in Human Beings during 2009-2011
No. 257-XVI of 05.12.2008*

Parliament adopts this Decision.

Art.1. – The following are approved:

- the Strategy of the National Referral System to protect and assist victims and potential victims of trafficking in human beings, as presented in annex no. 1, which is a component part of this decision, and
- the 2009-2011 Action Plan to implement the National Referral System to protect and assist victims and potential victims of trafficking in human beings, as presented in annex no. 2, which is a component part of this decision.

Art.2. – The implementation of the above mentioned strategy will be funded within the limits of allocations from relevant budgets and from funds received from other sources, according to legislation.

Art.3. – Specialized central public administration authorities and local public administration authorities will take appropriate measures for the implementation of the above mentioned strategy and action plan, within the limits of their competences, and will submit semester reports on the results to the Ministry of Social Protection, Family and Child.

Art.4. – The Ministry of Social Protection, Family and Child:

- will monitor and coordinate the process of implementation of the above mentioned strategy and action plans, and
- will synthesize the information and annually, before March 30th, submit a report on the implementation of the strategy and action plan to the Government and the National Committee to Combat Trafficking in Human Beings.

Art.5. – The Government will insure the implementation of this Decision and will periodically inform the Parliament about the implementation of the above mentioned strategy.

Chairperson of Parliament
Chişinău, 5 December 2008.
No.257-XVI.

Marian LUPU

* Monitorul Oficial nr.27-29/66 of 10.02.2009

THE STRATEGY of the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking in Human Beings

INTRODUCTION

Human trafficking is a pressing issue for modern society. The dimension of the phenomenon on the global scale requires the governments of countries affected by this problem to take immediate action. Human trafficking is a violation of human rights and human dignity and integrity. The principles of democratic society are incompatible with treating human beings as goods for sale. International organizations estimate that there are about 2.45 million victims of trafficking, most of them women and children.

The proportion of the phenomenon requires massive action to mobilize the resources and strengthen the efforts of the governments and civil society in an efficient partnership to prevent and combat trafficking in human beings. Developing a strong system of action against trafficking in human beings is an adequate solution for diminishing this phenomenon. Implementing such a system is a major concern for the Republic of Moldova.

I. SITUATION ANALYSIS

1. Trafficking in human beings continues to be a complex problem for the Republic of Moldova and it needs to be addressed without delay. Existing data proves that citizens of the Republic of Moldova in 2000-2007 were subjects of exploitation in 32 countries around the world. The seriousness of the situation shows that the Republic of Moldova is still a country of origin for trafficking in human beings. Also, to a lesser extent, the Republic of Moldova is a transit country for victims of human trafficking from ex-Soviet countries to the European states. Cases of trafficking for organ and tissues transplantation have also been registered. In most of the cases, victims are individual persons. Victims of trafficking for exploitation and forced begging are minors and mothers with children. The majority of victims of trafficking come from rural areas. Most of them, including the victims of domestic violence, are young people without a profession or a job. Internal trafficking also exists in the Republic of Moldova. Inhabitants of rural areas are trafficked to bigger cities. Under these circumstances, nongovernmental organizations (public and religious) and international organizations make considerable effort, through the implementation of programs to prevent and combat this phenomenon and to prevent, identify and assist victims of human trafficking.

2. Existing tendencies show that the age range of the victims of trafficking is continuously expanding. The cases where victims of trafficking are either more than 25 years of age or children are more frequent than compared with the two previous years when most of the victims were aged 18-25. The methods to recruit and transport the victims of human trafficking abroad and the forms of exploitation have become more diverse. The number of cases when former victims of trafficking have become traffickers and recruited others has also increased. An integrated system to collect data on trafficking in human beings does not exist at the national level. Agencies active in preventing and combating human trafficking and assisting victims of human trafficking offer different statistics, depending on their specific responsibilities.

3. During the last few years, the Government took a range of measures to suppress human trafficking and to protect the victims. The Republic of Moldova ratified several international acts on human trafficking: the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000); the Council of Europe Convention on Action against Trafficking in Human Beings (2005), and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000). Also, the Law no. 241-XVI to Prevent and Combat Trafficking in Human Beings was adopted on 20 October 2005 and the Criminal Code and the Code of Administrative Offences were harmonized with international normative acts in the field (2005). Several documents regulating activities in the field were developed and approved: the National Plan of Action to Prevent and Combat Trafficking in Human Beings during 2008-2009; the Framework/Regulations

on the Organization and Functioning of the Centers to Protect and Assist Victims of Trafficking in Human Beings (2006), and bilateral agreements concerning combating human trafficking were reached with several states (Turkey, Russian Federation, Romania, Ukraine, etc.). Simultaneously with the legal framework development, the Government set up institutional structures: the National Committee to Combat Trafficking in Human Beings (2001); the Coordination Council for Law Enforcement Agencies of the General Prosecutor's Office (2007), and territorial commissions to combat trafficking in human beings (2002). With the support of donors, the Center to Combat Trafficking in Persons was created within the Ministry of Interior (2006). At the same time, the Coordination Unit for the National Referral System to protect and assist victims and potential victims of human trafficking (hereinafter referred to as NRS) was created within the Ministry of Social Protection, Family and Child with the financial support of the International Organization for Migration, based on the Memorandum of Cooperation signed between the two parties in 2006.

During the last years the number of criminal cases and the number of persons convicted for crimes related to human trafficking increased considerably. The Supreme Court of Justice compiled the results of cases related to human trafficking, including trafficking in children, smuggling of children and pimping (2006).

4. The measures taken during the last two years contributed to the stabilization of the situation in this field, however the dimension of the phenomenon requires the Government to define concrete actions and new ways to prevent and combat trafficking in human beings.

II. ARGUMENT REGARDING THE NEED TO STRATEGICALLY ADDRESS TRAFFICKING IN HUMAN BEINGS

5. To better organize the protection and assistance of victims of human trafficking, to implement measures to prevent human trafficking, and to consolidate the efforts of all actors involved in combating this phenomenon in the Republic of Moldova, a systemic approach is needed. The NRS was created to reflect a special framework for cooperation, through which governmental structures would fulfil their obligations related to the protection and promotion of human rights of the victims of human trafficking and coordinate their efforts in a strategic partnership with civil society and with other actors in the field. The NRS is based on common principles guiding the implementation of activities in this field and on international standards on actions against trafficking in human beings.

6. Development and implementation of referral systems at the national level are set forth in the OSCE Action Plan to Combat Trafficking in Human Beings, which was approved by the Council of Ministers in Maastricht in December 2003, and in the Action Plan "Republic of Moldova – European Union" (paragraph 52), which was approved on 22 April 2005 in the Government Decision No. 356. The creation of the NRS contributes to the creation and development of state democratic institutions based on the rule of law, and ensures the protection of fundamental human rights and freedoms through a system of political and legal guarantees. The structure and the organization of the NRS is designed to involve all levels of society: private persons, non-governmental organizations and governmental structures at the local, national and transnational levels.

7. The following are the goals of NRS implementation in the Republic of Moldova:

- prevention of trafficking in human beings by providing social assistance to potential victims, and
- development of transnational cooperation, which is so important for the Republic of Moldova.

8. The goal of the NRS Strategy (hereinafter referred to as the *Strategy*) is to integrate the system to protect and assist victims of human trafficking into the social assistance system.

9. The reform of the existing method to protect and assist victims of human trafficking will be implemented in phases to maintain the quality of the provided assistance and of the victims' legal rights protection.

10. Often victims of trafficking are children at risk (children left without parental care or children from a family at risk, etc.) or victims repatriated from the Russian Federation and Ukraine by the Ministry of Social Protection, Family and Child in partnership with the IOM Mission in Moldova and the "Terre des hommes" Foundation. The National Strategy on Child and Family Protection, approved on 16 June 2003 by Government Decision no. 727, defined the framework for addressing children and families' problems and promoted the quality and accessibility of the social assistance and the development of a system of services at the local level.

Specialists in preventing and combating trafficking in human beings (police, social assistants, representatives of local agencies) face some difficulties in identifying child victims. Children's need for special protection and care is not fully understood. Furthermore, there is a lack of cooperation and communication among the

actors responsible for preventing and combating the phenomenon. The Strategy is designed to contribute to the implementation of the objectives related to child and family protection against human trafficking.

11. The provisions of the Strategy are in line with the national medium term priorities set by the National Development Strategy for 2008-2011, adopted in Law no.295-XVI of 21 December 2007 and with the activities included in the Action Plan to Implement the National Development Strategy for 2008-2011, approved by the Government's Decision no. 191 of 25 February 2008.

III. GOALS, OBJECTIVES AND PRINCIPLES OF THE STRATEGY

12. **The goal** of the Strategy is to ensure a systemic approach to the protection and assistance of victims and potential victims of human trafficking and to ensure respect for human rights.

13. **The general objective** of the Strategy is to implement the systemic approach to the protection and assistance of victims and potential victims of human trafficking.

14. The Strategy is oriented toward achieving the following **specific objectives**:

- developing the system to protect and assist victims of trafficking in human beings based on a systemic approach;
- harmonizing the legal and normative framework to prevent and combat trafficking in human beings with the requirements of the international treaties in this field;
- ensuring the access to qualitative services for victims and potential victims of trafficking in human beings;
- strengthening the professional capacities of human resources concerning the protection and assistance to victims and potential victims of trafficking in human beings;
- strengthening the institutional framework to prevent and combat human trafficking at all levels of public administration;
- developing the system to protect the victims and witnesses of human trafficking participating in the criminal process;
- developing the mechanism to finance the measures to protect and assist victims and potential victims of human trafficking;
- developing instruments and procedures to refer victims and potential victims of human trafficking within the NRS;
- developing a system to monitor and evaluate the victims and potential victims of human trafficking;
- setting up a system to collect data on preventing and combating trafficking in human beings, ensuring the application of personal data protection;
- developing within the NRS, social partnerships in the field of preventing and combating trafficking in human beings, and
- raising public awareness about preventing and combating trafficking in human beings.

15. **The principles** of the Strategy:

- respect for and restoration of fundamental human rights;
- respect for the best interests of the child victim or potential victim of human trafficking;
- confidentiality of information and inviolability of the private life of the victims and potential victims of trafficking in human beings;
- responsibility of the state to ensure the protection of the victims of trafficking in human beings;
- nondiscrimination;
- focus on the individual;
- the victim's agreement to benefit from protection and assistance;
- unconditioned access to protection and assistance for the victims and potential victims of trafficking in human beings;
- a social partnership;
- a multidisciplinary and interdisciplinary approach, and
- the development of transnational cooperation.

IV. BENEFICIARIES OF THE STRATEGY

16. The following are the beneficiaries of the Strategy:

- children and adult victims of trafficking in human beings;
- children and adult potential victims of trafficking in human beings;
- families of victims and potential victims of trafficking in human beings, including extended families;
- professionals working to protect and assist victims and potential victims of trafficking in human beings;
- representatives of the specialized bodies of the central public authorities and local public administration authorities, and
- civil society representatives.

V. MEASURES TO IMPLEMENT THE STRATEGY

17. The system to protect and assist victims of trafficking in human beings will be developed based on a systemic approach through:

- consolidating the institutional framework concerning the prevention and combating of trafficking in human beings at all levels of public administration;
- setting up the NRS;
- defining the responsible structure for the general coordination of activities within the NRS, and
- developing a system to monitor and evaluate the victims and potential victims of human trafficking.

18. The harmonization of the legal and normative framework to prevent and combat trafficking in human beings with the requirements of international treaties in this field involves:

- drafting regulations on organizing and ensuring the protection and assistance of victims and potential victims of trafficking in human beings, including the protection of victim-witnesses, etc.;
- amending the regulations of the Ministry of Social Protection, Family and Child on the coordination of activities at all levels of the NRS. The coordination will be conducted as follows:
 - at national/transnational level – by the National Committee to Combat Trafficking in Human Beings;
 - at the local level – by the territorial commissions to combat trafficking in human beings; general coordination – by the Ministry of Social Protection, Family and Child, and
 - at the operational coordination level – by the multidisciplinary team at local/ national/transnational levels;
- developing regulations on the operations of the territorial multidisciplinary team within the NRS;
- drafting and concluding bilateral agreements with other states on identification and repatriation of victims and potential victims of human trafficking;
- developing minimum quality standards for services to protect and assist victims and potential victims of trafficking in human beings, and
- developing the mechanism for accreditation of the services to protect and assist victims and potential victims of trafficking in human beings.

19. Access to qualitative services for the victims and potential victims of trafficking in human beings will be insured through:

- providing protection and special assistance to child victims and potential victims of trafficking in human beings, based on the best interests of the child, with a special focus on: the integration (reintegration) of the child into the family and society; the presence and agreement of the child's parents or legal representatives; providing immediate protection, taking into consideration the child's opinion and the maturity of his/her judgment;
- developing the system of social assistance provided by the state to protect and assist victims and potential victims of trafficking in human beings, including children, in line with the state policy regarding the reform of the system for the social protection of the family and child rights;
- developing the local network of services for the protection and assistance to victims and potential victims of trafficking in human beings in partnership with donors and civil society, and
- equipping a system of services with the necessary supplies and support materials.

20. The professional capacities of the human resources providing protection and assistance to victims and potential victims of trafficking in human beings will be consolidated through:

- developing the curriculum/modules for the initial and in-service professional training of the specialists working within the NRS on preventing trafficking in human beings and assisting victims and potential victims;
- developing didactical materials for the implementation of the professional training modules;
- implementing the curriculum for the professional training of social protection specialists on preventing trafficking in human beings and assisting victims and potential victims, and
- creating a system for the certification of social protection personnel in preventing trafficking in human beings and assisting victims and potential victims.

21. The development of the mechanism to finance the measures of protection and assistance of victims and potential victims of trafficking in human beings, including the creation of a support program for the victims of trafficking in human beings.

22. A system to collect data on preventing and combating trafficking in human beings, respecting the principle of personal data protection, will be created through developing:

- the concept of the data-collection informational system;
- the regulations on the administration of the informational system, and
- the framework agreement on collecting, processing and exchanging information on cases of trafficking in human beings (between the information providers and the possessor – the Ministry of Social Protection, Family and Child).

23. Social partnerships in the field of prevention and combating of human trafficking will be created within the NRS through:

- concluding a common agreement between the parties to the NRS and bilateral cooperation agreements;
- strengthening the interdepartmental structures to coordinate the actions of different NRS actors at different levels:
 - at the central level – the groups of experts, and
 - at the raion level – territorial commissions to combat trafficking in human beings and multidisciplinary coordination teams, and
- promoting partnerships between governmental structures and civil society while developing and implementing the policies in the field.

24. The public awareness about preventing and combating trafficking in human beings will be raised through:

- developing a communication strategy within the NRS;
- developing information materials on trafficking in human beings;
- encouraging media promotion of the activities on human trafficking, and
- implementing communication campaigns concerning preventing trafficking in human beings.

VI. FINANCIAL RESOURCES

25. The development of the NRS requires a gradual increase in allocated financial resources and diversified and flexible financial mechanisms. The activities to implement the Strategy will be funded within the limits of the financial resources approved for the relevant years from the state budget, the budgets of the administrative territorial units and other sources, according to the relevant law.

VII. EXPECTED RESULTS AND PROGRESS INDICATORS

26. The implementation of the Strategy will contribute to ensuring the protection and assistance to victims and potential victims of trafficking in human beings, increasing the efficiency of the entire system of preventing and combating human trafficking, and improving the coordination between the structures and institutions involved in the process.

27. The expected results are:

- a developed NRS;
- the Ministry of Social Protection, Family and Child will be responsible for the coordination of the activities at all levels of the NRS from the operational point of view;
- optimization of measures to prevent trafficking in human beings;
- harmonization of the legal framework in the field of prevention and combating of trafficking in human beings;
- improved quality of protection and assistance provided to victims of trafficking in human beings (length and diversification of the assistance, new services at local level, etc.);
- increased efficiency of the actions to protect and assist identified victims and potential victims of trafficking in human beings;
- more efficient prosecution of the criminals for trafficking in human beings;
- developed standard procedures for the protection and assistance of victims and potential victims of trafficking in human beings (procedures for identification, repatriation, referral, protection and assistance);
- the curriculum for initial and in-service professional training developed and implemented;
- informational and didactical materials developed and distributed;
- training for human resources in the field of preventing human trafficking and assisting victims and potential victims, and
- increased awareness about trafficking in human beings.

28. The indicators of progress are the following:

- integration of the NRS in the protection system;
- increased number of identified and assisted potential victims of trafficking in human beings;
- increased identification of victims of trafficking in human beings;
- increased number of addressed cases;
- increased number of professionals trained in the field of preventing and combating trafficking in human beings;
- decreased number of victims and potential victims of trafficking in human beings;
- increased number of victims and potential victims of human trafficking included in protection and assistance programs;
- defined standard procedures for the protection and assistance to victims and potential victims of trafficking in human beings;
- increased number of criminal cases investigated by the law enforcement bodies, and
- increased number of victims of human trafficking whose rights are restored by the courts of justice.

VIII. IMPLEMENTATION STAGES

29. The Strategy will be implemented during 2009-2016.

30. The Strategy will be implemented according to the Action Plan presented in the annex no. 2.

31. The implementation of the Action Plan for the implementation of the Strategy during 2009-2011 requires an intersectorial and multidisciplinary approach of the protection and assistance of victims and potential victims of trafficking in human beings.

32. The Action Plan, as an instrument to implement the Strategy, updated at the end of each year, ensures flexible adjustments to the immediate changes and needs.

IX. CONSTRAINTS

33. The following are potential constraints for the implementation of the Strategy:

- opposition to the cooperation between representatives of state structures and civil society;
- prejudices against the victims of trafficking in human beings;
- limited knowledge and skills of the professionals working in the fields related to the NRS;

- high turnover and insufficient human resources in the field of protection and assistance of victims and potential victims of trafficking in human beings;
- insufficient financial allocations to insure protection and assistance of victims and potential victims of trafficking in human beings, and
- insufficient services for the protection and assistance of victims and potential victims of trafficking in human beings.

X. MONITORING AND EVALUATION

34. The monitoring and the evaluation of the system to protect and assist victims and potential victims of trafficking in human beings are based on the coordination of activities of NRS participants at all levels.

35. The monitoring will be conducted on permanent basis by completing standard monitoring forms and drafting quarterly monitoring reports.

36. The evaluation of the Strategy implementation will be conducted every 6 months by the permanent experts group.

37. The Ministry of Social Protection, Family and Child will:

- based on the results of the evaluations, annually prepare and submit to the Government and the National Committee to Combat Trafficking in Human Beings a general report on the implementation of the Strategy, and

- based on the results of the evaluations and identified needs, develop proposals at the end of each year for updating the Action Plan for the implementation of the Strategy during 2009-2011.

ACTION PLAN
for the Implementation of the Strategy of the National Referral System to Protect
and Assist Victims and Potential Victims of Trafficking in Human Beings during 2009-2011

No.	Action	Responsible agency	Partners	Deadline for implementation	Costs, thousand lei	Funding source	Expected result
1	2	3	4	5	6	7	8
I. Legal and institutional framework							
I.	Harmonization of the national legal framework with the requirements of international treaties in the field						
I.1.	Drafting regulations on the identification of victims and potential victims of trafficking in human beings	Ministry of Social Protection, Family and Child; Ministry of Local Public Administration;	Local public administration authorities; International Organization for Migration; UNICEF; International Center "La Strada"; Center to Prevent Trafficking in Women; National Center for Child Abuse Prevention; Swiss Foundation "Terre des Hommes," and Ministry of Finance	2009	2,5	International Organization for Migration	Approving the regulations on the identification of victims and potential victims of trafficking in human beings
I.2.	Drafting regulations on the protection and assistance for victims and potential victims of trafficking in human beings	National Council for the Protection of the Rights of the Child; Ministry of Foreign Affairs and European Integration;		2009	Within the limits of budget allocations	State budget, International Organization for Migration and other sources	Approving the regulations on the protection and assistance for victims and potential victims of trafficking in human beings
I.3.	Drafting regulations on the protection of victims witnesses of trafficking in human beings	Ministry of Interior; Ministry of Health; Ministry of Education and Youth, and Ministry of Economy and Trade		2009	Within the limits of budget allocations	State budget, International Organization for Migration and other sources	Approving the regulations on the protection of victims witnesses of trafficking in human beings
I.4.	Drafting regulations on the accreditation of protection and assistance services for the victims and potential victims of trafficking in human beings			2010-2011	Within the limits of budget allocations	State budget, International Organization for Migration and other sources	Approving the regulations on the accreditation of protection and assistance services for the victims and potential victims of trafficking in human beings
I.5.	Drafting/reviewing the regulations on the coordination of the activities at all levels of the NRS, including the operation level			2009-2010	Within the limits of budget allocations	State budget and other sources	Approving the regulations on the activity of the NRS coordination unit and the territorial multidisciplinary team
I.6.	Drafting/reviewing bilateral agreements between the states on the identification and repatriation of victims and potential victims of trafficking in human beings			2009-2011	Within the limits of budget allocations	State budget and other sources	The agreements are concluded.

1.7.	Drafting minimum quality standards for protection and assistance services for victims and potential victims of trafficking in human beings	Ministry of Social Protection, Family and Child; Ministry of Local Public Administration; National Council for the Protection of the Rights of the Child; Ministry of Interior; Ministry of Health; Ministry of Education and Youth, and Ministry of Economy and Trade		2009-2010	Within the limits of budget allocations	State budget and other sources	Approving minimum quality standards for the protection and assistance services for victims and potential victims of trafficking in human beings
2.	Developing the system to protect and assist victims of trafficking in human beings based on a systemic approach						
2.1.	Creating and consolidating the NRS	Ministry of Social Protection, Family and Child; Ministry of Local Public Administration; National Council for the Protection of the Rights of the Child; Ministry of Interior; Ministry of Health; Ministry of Education and Youth, and Ministry of Economy and Trade	Local public administration authorities; International Organization for Migration; UNICEF; International Center "La Strada"; Center to Prevent Trafficking in Women; National Center for Child Abuse Prevention, and Swiss Foundation "Terre des Hommes"	2009-2011	179,0 168,0 370,5 103,7 103,7	State budget and other sources International Organization for Migration	The NRS has been created and developed. The NRS coordination unit is consolidated and equipped. Consolidating the multidisciplinary team (equipment, training, communication tools, support materials) The monitoring and evaluation system is developed. Standard forms are developed for reporting on monitoring and evaluation.
2.2.	Developing the system to monitor and evaluate the victims and potential victims of trafficking in human beings			2009-2010	Within the limits of budget allocations	State budget and other sources	
II. Protection and assistance services for victims and potential victims of trafficking in human beings							
3.	Ensuring access to quality services for victims and potential victims of trafficking in human beings						
3.1.	Developing protection and assistance services for children and adults	Ministry of Social Protection, Family and Child; Ministry of Local Public Administration; National Council for the Protection of the Rights of the Child; Ministry of Foreign Affairs and European Integration; Ministry of Interior; Ministry of Health; Ministry of Economy and Trade, and Ministry of Education and Youth	Local public administration authorities; International Organization for Migration; UNICEF; International Center "La Strada"; National Center for Child Abuse Prevention; Swiss Foundation "Terre des Hommes," and Center to Prevent Trafficking in Women	2009-2011	Within the limits of budget allocations	State budget and other sources	Services are being provided
3.1.1.	Repatriation, rehabilitation (300 persons), reintegration (500 persons)			2009-2011	9386,0 1400,0 1400,0 1400,0	International Organization for Migration	

3.2.	Co-funding the Center to Assist and Protect Victims and Potential Victims of Trafficking in Human Beings	Ministry of Social Protection, Family and Child	International Organization for Migration	2009-2011	512,5 608,6 769,0* 769,0*	State budget and other sources	The Center is functioning
III. Human Resources							
4.	Consolidating the professional capacities of human resources in the field of protection and assistance of victims and potential victims of trafficking in human beings						
4.1.	Developing the curriculum/ modules for initial and in-service professional training for the specialists within the NRS on topics related to prevention and assistance to victims and potential victims of trafficking in human beings	Ministry of Social Protection, Family and Child; Ministry of Local Public Administration; National Council for the Protection of the Rights of the Child; Ministry of Interior, and Ministry of Education and Youth	Local public administration authorities; International Organization for Migration; UNICEF; International Center "La Strada"; Center to Prevent Trafficking in Women; Swiss Foundation "Terre des Hommes," and National Center for Child Abuse Prevention	2009	Within the limits of budget allocations	State budget and other sources	Curriculum/modules are developed
4.2.	Developing didactical materials for the implementation of professional training modules			2009-2011	Within the limits of budget allocations	State budget and other sources	Didactical materials are developed
4.3.	Implementing the curriculum for the professional training of social protection specialists on topics related to prevention and assistance to victims and potential victims of trafficking in human beings			2009-2011	714,0	International Organization for Migration	The curriculum was developed and included in the professional training plan. The curriculum was implemented and the trainers trained.
IV. Integrated information system							
5.	Creation of an integrated system to collect data on preventing and combating trafficking in human beings						
5.1.	Developing the concept of the informational data-collection system	Ministry of Social Protection, Family and Child; Ministry of Local Public Administration; National Council for the Protection of the Rights of the Child; Ministry of Interior; Ministry of Health, and Ministry of Education and Youth	Local public administration authorities; International Organization for Migration; UNICEF; International Center "La Strada"; Center to Prevent Trafficking in Women; Swiss Foundation "Terre des Hommes," and National Center for Child Abuse Prevention	2009	Within the limits of budget allocations 56,0	State budget and other sources International Organization for Migration	The concept is developed
5.2.	Drafting regulations on the administration of the informational system			2009-2010			The regulations are developed.
5.3.	Developing the framework agreement on collecting, processing and exchanging information on cases of trafficking in human beings			2009-2011			Approving the framework agreement on collecting, processing and exchanging information on cases of trafficking in human beings

V. Communication and information						
6.	Raising the public awareness about preventing and combating trafficking in human beings	Ministry of Social Protection, Family and Child; Ministry of Local Public Administration; National Council for the Protection of the Rights of the Child; Ministry of Interior; Ministry of Health, and Ministry of Education and Youth	Local public administration authorities; International Organization for Migration; UNICEF; International Center "La Strada"; Center to Prevent Trafficking in Women; Swiss Foundation "Terre des Hommes," and National Center for Child Abuse Prevention	2009	Extra budget sources	The Strategy is developed.
6.1.	Developing the NRS communication strategy			2009-2011	Extra budget sources	The materials are developed and have been distributed.
6.2.	Developing information materials on trafficking in human beings			2009-2011	Extra budget sources	The activities have been implemented.
6.3.	Promoting in the media activities related to trafficking in human beings			2009-2011	Extra budget sources	The campaigns have been implemented.
6.4.	Implementing communication campaigns on prevention of trafficking in human beings			2009-2011	Extra budget sources	
VI. Funding						
7.	Promoting the mechanism of funding and co-funding the protection and assistance measures for victims and potential victims of trafficking in human beings from the state budget, from the budgets of administrative territorial units and from other sources					
7.1.	Developing the mechanism of funding the protection and assistance services for victims and potential victims of trafficking in human beings	Ministry of Social Protection, Family and Child; Ministry of Finance; Ministry of Local Public Administration; National Council for the Protection of the Rights of the Child; Ministry of Interior; Ministry of Health, and Ministry of Education and Youth	Local public administration authorities; International Organization for Migration; UNICEF; International Center "La Strada," Center to Prevent Trafficking in Women; Swiss Foundation "Terre des Hommes," and National Center for Child Abuse Prevention	2009-2011	State budget and other sources	The mechanism is developed and has been implemented.
					Within the limits of budget allocations	

* Included in the Expenditure Framework for medium term (2009-2011).

Parliament's Decision 257/05.12.2008 Decision on the approval of the Strategy of the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking in Human Beings and of the Action Plan for the Implementation of the Strategy on the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking in Human Beings during 2009-2011 // *Monitorul Oficial* 27-29/66, 10.02.2009

24. DECISION

on the approval of the action plan for preventing and combating violence against children for 2009-2011 Nr. 1344 Of 01.12.2008

Monitorul Oficial nr.218-220/1362 of 09.12.2008

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In view of harmonisation of the national normative framework with the provisions of the reviewed European Social Chart, partially ratified by Law Nr.484-XV from 28 September 2001 (Monitorul Oficial of the Republic of Moldova, 2001, Nr.130, Art. 959), with the following amendments, as well as in view of promoting the policy in the field of child rights protection, the Government

DECIDES:

1. To approve the National Action Plan for preventing and combating violence against children for 2009-2011 (attached).

2. The Ministry of Social Protection, Family and Child, Ministry of Education and Youth, Ministry of Health, other ministries shall observe the provisions set forth in the National Action Plan preventing and combating violence against children for 2009-2011 in the process of elaboration of strategic plans for the midterm expenditure framework.

3. Monitoring and coordination of activities for the implementation of actions included in the above-mentioned Action Plan shall rest with the Ministry of Social Protection, Family and Child and Ministry of Education and Youth.

4. Ministries, other central administrative authorities and local public administration authorities shall ensure, within the limits of their competence, the implementation of the present Decision and of the actions included in the Plan, annually reporting to the Ministry of Social Protection, Family and Child, which will aggregate the information and will submit the entire progress report of the Decision in question to the Government by 31 March.

PRIME-MINISTER

Zinaida GRECEANÎI

Countersigned by:

Deputy Prime-Minister

Victor Stepaniuc

Minister of Social Protection, Family and Child

Galina Balmoş

Minister of Health

Larisa Catrinici

Minister of Interior Affairs

Gheorghe Papuc

Minister of Finance

Mariana Durleşteanu

Minister of Education and Youth

Larisa Şavga

Chişinău, 1 December 2008.

Nr.1344.

**National Action Plan for preventing and combating violence
against children for 2009-2011**

Nr. d/o	Type of activity	Monitoring/evaluation indicators	Structures responsible for implementation	Partners	Time Limit	Estimative cost (thousand Lei)			Remarks
						total	State budget (basic component)	Including funding sources external sources (donations, grants)	
1	2	3	4	5	6	7	8	9	10
I. DEVELOPMENT OF THE LEGAL FRAMEWORK									
General objective: improving national legislation on preventing and combating violence against children									
Objective 1. Harmonisation of national legislation with international and regional standards in the field of preventing and combating violence against children									
1.	Harmonisation of legislation in force with the Law on combating family violence	Approved amendments and addenda	Ministry of Social Protection, Family and Child	Ministry of Education and Youth, Ministry of Interior, Ministry of Economy and Trade, Ministry of Justice, local public administration authorities, Ministry of Local Public Administration	2009-2010	X			Within the limits of allocations approved by the budgets of central and local public authorities.
2.	Amendments and addenda of norms on combating corporal punishment in family and in institutions to the Code on administrative contraventions and to the Criminal Code	Criminal Code and Code on administrative contraventions are amended; effective and proportionate punishment for all forms of violence against children is set forth	Ministry of Justice, Ministry of Interior, Ministry of Education and Youth, Ministry of Social Protection, Family and Child	General Prosecutor's Office, local public administration authorities	2009-2010	X			Within the limits of allocations approved by the budgets of central and local public authorities.

3.	Review of the legal framework on: depriving parents of parental rights for the abuse and violence exercised against children; separation of children from the abusive family without depriving parents of their parental rights	Laws on amendments and addenda to the legislation are adopted	Ministry of Social Protection, Family and Child, Ministry of Local Public Administration, Ministry of Justice, Ministry of Interior	General Prosecutor's Office, Ministry of Education and Youth, local public administration authorities	2009-2010	X			Within the limits of allocations approved by the budgets of central and local public authorities.
4.	Completion of legislation by protection measures for specialists and persons, who are reporting about cases of violence against children	Laws on amendments and additions to the legislation are adopted	Ministry of Interior	Ministry of Education and Youth, Ministry of Social Protection, Family and Child, Ministry of Justice, General Prosecutor's Office, local public administration authorities	2009-2010	X			Within the limits of allocations approved by the budgets of central and local public authorities.
5.	Review of legal framework on moral norms aiming at limiting the flow of messages promoting violence in written press, audiovisual media, Internet, etc.	Laws on amendments and addenda to legislation are adopted; efficient mechanism for reinforcing the Audiovisual Law is elaborated.	State Agency for the protection of moral norms	National Audiovisual Council, Ministry of Culture and Tourism, Ministry of Justice	2009-2010	X			Within the limits of allocations approved by the budgets of central and local public authorities.
6.	Completion of legislation by provisions on free mandatory legal assistance provided to the child	Amendments/ addenda to the legislation are adopted.	Ministry of Justice	Ministry of Interior, General Prosecutor's Office	2009-2010	X			Within the limits of allocations approved by the budgets of central and local public authorities.
Objective 2. Elaboration and promotion of the normative framework on regulation of prevention and intervention in the cases of violence against children									
7.	Elaboration of standard legal procedures for the identification, evaluation, referral, assistance and reintegration in the cases of violence against children	Standard procedures are elaborated	Ministry of Social Protection, Family and Child, Ministry of Education and Youth, Ministry of Health	General Prosecutor's Office, Ministry of Interior, local public administration authorities	2009-2010	X			Within the limits of allocations approved by the budgets of central and local public authorities.

8.	Elaboration of the Framework regulation on creating a rehabilitation Centre for the victims of family violence	The Regulation is approved	Ministry of Social Protection, Family and Child, Ministry of Education and Youth, Ministry of Local Public Administration	Ministry of Finance, Ministry of Interior, Ministry of Justice, General Prosecutor's Office, local public administration authorities.	2010	10,0	X	10,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
9.	Elaboration of minimal quality standards for assistance services provided to the victims of family violence	Standards are elaborated	Ministry of Social Protection, Family and Child, Ministry of Education and Youth, Ministry of Interior, Ministry of Local Public Administration	Ministry of Finance, General Prosecutor's Office, local public administration authorities	2011	20,0	X	20,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
10.	Elaboration of normative framework on the regulation of activity of a social assistant in pre-school educational institutions, in health institutions and other institutions active in the field of child protection	Normative framework is elaborated	Ministry of Social Protection, Family and Child, Ministry of Education and Youth, Ministry of Health	Ministry of Finance	2009-2010	X			Within the limits of allocations approved by the budgets of central and local public authorities
II. INSTITUTIONAL FRAMEWORK									
General Objective: Development of institutional framework for preventing and combating violence against children									
Objective 1. Strengthening institutional structures for preventing and combating violence against children									
11.	Organization and equipping of special rooms for child interviews within the courts of justice	Rooms are organized and equipped	Supreme Council of Magistracy, Ministry of Justice	Ministry of Finance	2009-2011	X			Expenditures for the implementation of this measure shall be made within the limits of budgets approved by the corresponding institutions.

Objective 2. Development of Human Resources capacities in the child protection system for preventing and combating violence against children

12.	Elaboration of modules for ongoing professional training of HR on combating violence against children for the psychologists, teachers, social assistants, doctors, police officers and lawyers.	Ongoing professional training programmes for psychologists, teachers, social assistants, doctors, police officers and lawyers are elaborated.	Ministry of Education and Youth, Ministry of Social Protection, Family and Child, Ministry of Health, Ministry of Interior, Ministry of Justice	Ministry of Economy and Trade, universities, agencies on vocational training and re-qualification for HR	2009	50,0	X	50,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
13.	Elaboration of ongoing professional training modules for HR on combating violence against children for psychologists, social assistants, police officers, doctors, lawyers, teachers.	Number of professionals trained	Ministry of Education and Youth, Ministry of Social Protection, Family and Child, Ministry of Health, Ministry of Interior, Ministry of Justice.	Ministry of Economy and Trade, universities, agencies on vocational training and re-qualification for HR	annually				The cost could be estimated by each ministry following the elaboration of modules and estimation of number of persons to be enrolled in the corresponding programs.
14.	Elaboration of practical guides for preventing, identification and intervention in the cases of violence against children for psychologists, teachers, social assistants, doctors, law enforcement bodies (police officers, lawyers, judges, prosecutors, attorneys) are elaborated.	Practical guides for psychologists, teachers, social assistants, doctors, law enforcement bodies (police officers, lawyers, judges, prosecutors, attorneys) are elaborated.	Ministry of Social Protection, Family and Child, Ministry of Education and Youth, Ministry of Health, Ministry of Interior, Ministry of Justice	Ministry of Economy and Trade, General Prosecutor's Office, universities, agencies on vocational training and re-qualification for HR	2009	70,0	X	70,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
15.	Editing of practical guides for psychologists, teachers, social assistants, doctors, law enforcement bodies (police officers, lawyers, judges, prosecutors, attorneys)	Practical guides for psychologists, teachers, social assistants, and doctors, law enforcement bodies (police officers, lawyers, judges, prosecutors, attorneys) are edited.	Ministry of Social Protection, Family and Child, Ministry of Education and Youth, Ministry of Health, Ministry of Interior, Ministry of Justice.	Ministry of Economy and Trade, General Prosecutor's Office, universities, agencies on vocational training and re-qualification for HR.	2009	94,0 50,0 70,0 85,0	X	94,0 50,0 70,0 85,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.

16.	Elaboration of information/didactic materials on preventing and combating violence against children	Information/didactic materials are elaborated	Ministry of Social Protection, Family and Child, Ministry of Education and Youth, Ministry of Interior	Universities	2009	365,0	X	365,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
17.	Organization of initial and ongoing vocational training courses for professionals with competencies in the field of child rights protection.	Training courses; internships	Ministry of Social Protection, Family and Child, Ministry of Interior	Ministry of Education and Youth, Ministry of Local Public Administration, local public administration authorities.	2009-2011	X			Within the limits of the allocations approved by the budgets of central and local public authorities
III. PREVENTING VIOLENCE AGAINST CHILDREN									
General objective: capacity-building in the field of preventing violence against children									
Objective 1. Building of parental capacities in the field of non-violent child care and education and reporting of abuse cases									
18.	Elaboration/editing/distribution of methodical recommendations on the collaboration of educational institutions with parents	Methodical recommendations are elaborated/edited/distributed	Ministry of Education and Youth	Ministry of Social Protection, Family and Child, universities	2009	X			Within the limits of the allocations approved by the budgets of central and local public authorities.
19.	Organization of educational activities by means of prenatal family education corners in the framework of Healthy Child Cabinets under the Family Doctor's Centres and Educational Cabinets within maternal centres	Educational programs for pregnant women are elaborated	Ministry of Health	Ministry of Social Protection, Family and Child, health institutions and scientific research institutions	2010	15,0	X	15,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.

20.	Elaboration of the mini-course/module "Effective Communication" and "Pedagogical counselling for children and parents"	Mini-course/module elaborated	Ministry of Education and Youth, Institute of Educational Science, pedagogical universities, Ministry of Social Protection, Family and Child, Ministry of Health.		2009	X				Within the limits of the allocations approved by the budgets of central and local public authorities
Objective 2. Capacity-building in the field of interpersonal non-violent child communication										
21.	Elaboration and promotion of child-targeted educational programs for preventing violence against children	Prevention programs for children are diversified and applied on the national level; children are informed about the procedures of submission of claims related to violence/abuse against children	Ministry of Education and Youth, Ministry of Interior, Ministry of Social Protection, Family and Child		2009-2010	X				Within the limits of the allocations approved by the budgets of central and local public authorities
22.	Capacity-building of the peer educators' network for preventing violence against children	Training programs are elaborated and implemented	Ministry of Education and Youth	Ministry of Social Protection, Family and Child, Ministry of Interior, local public administration authorities, vocational universities, vocational training and requalification agencies	Permanent	X				Within the limits of the allocations approved by the budgets of central and local public authorities
23.	Elaboration of information/didactic materials for children on preventing violence against children	Information/didactic materials are elaborated and distributed	Ministry of Social Protection, Family and Child, Ministry of Education and Youth	Ministry of Interior, local public administration authorities	2009	1140,0	X		1140,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
24.	Improvement of the technical-material base for the artistic extra-school educational institutions	Equipping of educational institutions by musical instruments	Ministry of Culture and Tourism, Ministry of Finance	Ministry of Local Public Administration, local public administration authorities	2009 2010 2011	1100,0 1100,0 1100,0			X 1100,0 1100,0	Within the limits of the allocations approved by the budgets of central and local public authorities.

IV. ASSISTANCE AND PROTECTION OF VICTIMS AND WITNESSES OF VIOLENCE AGAINST CHILDREN									
General objective: Provision of assistance and protection to children, who became victims of violence									
Objective 1. Elaboration of tools for the identification, reporting and intervention in the cases of violence against children									
25.	Elaboration of criteria for the identification of situations, where abuse, child labour exploitation, neglecting and violence against children occurred	Criteria elaborated and approved	Ministry of Social Protection, Family and Child	Ministry of Education and Youth, Ministry of Interior, local public administration authorities	2009	5,0	X	5,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
26.	Elaboration of tools for the application of standard procedures aimed at the identification, referral, assistance and reintegration in the cases of violence against children	Tools are elaborated and approved (evidence fiches, informative notes, etc.)	Ministry of Social Protection, Family and Child, Ministry of Health, Ministry of Education and Youth, Ministry of Interior	Local public administration authorities	2009	20,0	X	20,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
27.	Creation and ensuring of the functioning of the emergency telephonic service (helpline) with a unique dialling number (national/local)	The telephonic service is created; number of abuse, child labour exploitation and violence cases are reported.	Ministry of Interior, Ministry of Economy and Trade	Ministry of Local Public Administration, Ministry of Social Protection, Family and Child, local public administration authorities	2009	X			Within the limits of the allocations approved by the budgets of central and local public authorities
Objective 2. Developing assistance and reintegration services in the cases of violence against children									
28.	Developing, jointly with the local public administration authorities of tier 2, of the specialised assistance services for the victims of family violence.	Specialised assistance services for the victims of family violence are developed (Bălți, Hîncești)	Ministry of Social Protection, Family and Child, Ministry of Local Public Administration	Local public administration authorities, Ministry of Interior, Ministry of Education and Youth, General Prosecutor's Office	2009	1626,3	1626,3	X	Within the limits of the allocations approved by the budgets of central and local public authorities.
					2010	2269,2	2269,2		
					2011	2513	2513		

29.	Provision of methodological assistance to the local public administration authorities in the field of development of specialized assistance services for the child victims of violence	Methodological assistance is provided	Ministry of Social Protection, Family and Child, Ministry of Health	Ministry of Education and Youth, Ministry of Interior, Ministry of Finance, Ministry of Justice, General Prosecutor's Office, local public administration authorities	Ongoing	X				Within the limits of the allocations approved by the budgets of central and local public authorities
V. PUBLIC AWARENESS-RAISING										
General objective: awareness-raising of the society on violence against children										
Objective 1. Awareness-raising of the population on the scope of violence against children phenomenon										
30.	Elaboration of the concept and transmission of a TV broadcast for parents	The concept is elaborated, the broadcasts are transmitted	Ministry of Social Protection, Family and Child, Ministry of Education and Youth, Ministry of Health	Ministry of Interior, General Prosecutor's Office	2009	524,0	X	524,0		Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
31.	Placement and ongoing updating of the web pages of the line ministries with the information on measures taken in the field of preventing and combating violence against children	Headings created on the web pages of the ministries	Ministry of Education and Youth, Ministry of Social Protection, Family and Child, Ministry of Interior	Ministry of Justice, General Prosecutor's Office	Ongoing	X				Within the limits of the allocations approved by the budgets of central and local public authorities
Objective 2. Change of the social attitudes against the phenomenon of violence against children										
32.	Launch of the awareness-raising campaign on eliminating child labour exploitation	The campaign concept is elaborated; partnerships with the social actors are available; the campaign is launched.	Ministry of Social Protection, Family and Child, Ministry of Economy and Trade, Ministry of Education and Youth	National Confederation of Syndicates, National Public Audiovisual Institution, "Teleradio-Moldova" Company	2009 2010	720,0 1080,0	X	720,6 1080,0		Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.

33.	Launch of the awareness-raising campaign on combating and prevention of violence in schools.	The campaign concept is elaborated; partnerships with social actors are available; the campaign is held	Ministry of Education and Youth	Ministry of Social Protection, Family and Child, Ministry of Interior, Ministry of Culture and Tourism, local public administration authorities, national public audiovisual institution "Teleradio-Moldova" Company	2009 2010	720,0 1080,0	X	720,0 1080,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
34.	Launch of the campaign on reduction of violent messages via mass-media and Internet	The campaign concept is elaborated; partnerships with social actors are available; the campaign is held	State Agency for Protecting Moral Norms	National Audiovisual Council, Ministry of Culture and Tourism	2010 2011	144,0 216,0	X	144,0 216,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities.
VI. ANALYSIS AND MONITORING									
General Objective: Collection and systematization of the relevant data related to the cases of violence against children									
Objective 1. Introduction of the subject on preventing and combating violence against children in the educational system									
35.	Monitoring of implementation of curricular objectives from the perspective of combating violence in school	The report is elaborated and published; recommendations for the interventions are formulated	Ministry of Education and Youth	Ministry of Interior, local public administration authorities	2009	50,0	X	50,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities

Objective 2. Documentation of cases identified by violence against children and implemented interventions								
				2010	20,0	X	20,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities
36.	Elaboration of a standard package for the documentation of the cases of violence against children	Standard package is elaborated and tested; standard fiche for statistical reporting is elaborated and applied	Ministry of Social Protection, Family and Child, Ministry of Interior, Ministry of Education and Youth, Ministry of Health	General Prosecutor's Office	2010	X	20,0	Means accrued as a result of donations, grants and other sources according to legislation, as well as allocations approved by the budgets of central and local public authorities
37.	Elaboration of annual reports on monitoring of cases of violence against children	Edited annual reports	Ministry of Social Protection, Family and Child, Ministry of Education and Youth, Ministry of Interior, Ministry of Health, Ministry of Local Public Administration, Ministry of Economy and Trade, Ministry of Culture and Tourism	General Prosecutor's Office, local public administration authorities	2010-2011	X	X	Within the limits of the allocations approved by the budgets of central and local public authorities
				TOTAL				
				2009	12726,3	3963,0		
				2010	13369,2	2349,0		
				2011	13613,0	236,0		

&

Governmental Decisions
 1344/01.12.2008 Decision on the approval of the National Action Plan for preventing and combating violence against children for 2009-2011 // Monitorul Oficial 218-220/1362. 09.12.2008

25. DECISION

With regard to the approval of the National Programme on the Development of an Integrated System of Social Services for 2008 to 2012 no.1512 of December 31st 2008

According to Law no. 295-XVI as of 21st December 2007 with regard to the approval of the National Development Strategy for 2008 to 2011 (the Official Monitor of the Republic of Moldova, 2008, nos. 18 to 20, article 57), the Government Decision no. 191 as of 25th February 2008 “With regard to the approval of the Action Plan for the implementation of the National Development Strategy for 2008 to 2011” (the Official Monitor of the Republic of Moldova, 2008, nos. 42 to 44, article 257), and the Government Decision no. 1360 as of 7th December 2007 “With regard to the approval of the Programme of raising of the efficiency of the system of social assistance for 2008 to 2010” (the Official Monitor of the Republic of Moldova, 2007, nos. 194 to 197, article 1412), and in order to ensure the quality and efficiency of the system of social services, the Government issues the following DECISION:

1. To approve:

The National Programme on the Development of an Integrated System of Social Services for 2008 to 2012 according to the Annex no. 1;

The Action Plan for the implementation of the National Programme on the Development of an Integrated System of Social Services for 2008 to 2012 according to the Annex no. 2.

2. The Ministries, other central and local public authorities shall ensure the implementation of the provisions of the National Programme on the Development of an Integrated System of Social Services for 2008 to 2012 and the Action Plan for the implementation of the National Programme on the Development of an Integrated System of Social Services for 2008 to 2012.

3. The monitoring and the coordination of the process of implementation of the National Programme on the Development of an Integrated System of Social Services for 2008 to 2012 and the Action Plan for the implementation of the National Programme on the Development of an Integrated System of Social Services for 2008 to 2012 shall be the responsibility of the Ministry for Social Protection, Family and Child and the Ministry for Local Public Administration, which shall report to the Government about the implementation of the National Programme and the Action Plan for the implementation of the National Programme once a year (by the 1st of February).

4. The control of the execution of this decision shall be the responsibility of the Ministry for Social Protection, Family and Child.

PRIME-MINISTER

Countersigned by:

Deputy Prime-Minister

Minister of Social Protection, Family and Child

Minister of Finance

Minister of Local Public Administration

Zinaida GRECEANII

Victor Stepaniuc

Galina Balmos

Mariana Durlesteanu

Valentin Guznac

National Programme on the Development of an Integrated System of Social Services for 2008 to 2012

I. Introduction

1. The National Programme on the Development of an Integrated System of Social Services for 2008-2012 (hereafter the Programme) represents a comprehensive policy on supporting people in difficulty by providing high quality and effective social services. These services are intended to provide short- or long-term support to people with a view to address their social needs, reduce social exclusion and improve quality of life.

2. The need for the development of this Programme is determined by the visible deficiency of current social care system: lack of community social care services; fragmentation of social care services at different levels, programs and measures for people in difficulty; excessive institutionalization; lack of needed coordination and collaboration for the implementation of coherent integrated social policies.

3. An integrated system of social assistance services will have the following characteristics:

- (i) it will identify and prioritize the individual needs of people in difficulty;
- (ii) it will aim to respond to cases at the community level, but also to provide specialized services to beneficiaries in accordance with their needs;
- (iii) it will integrate services, avoiding duplication, overlapping or gaps in service provision;
- (iv) it will coordinate the efficient use and development of human resources within the system;
- (v) it will be governed by a single set of quality standards and mechanisms for ensuring the effective and efficient delivery of services.

4. The development of an integrated system of social assistance services will create a better opportunity for the social inclusion of persons in difficulty, ensuring also the respect of their basic rights. By combining prevention, and recovery measures, and by treating cases at community level before they become more severe (and more costly to address), the system will be more cost effective, reach everyone who needs social support, and have a positive impact on people's quality of life.

5. The creation of the integrated system of social assistance services will contribute to the fulfillment by the Republic of Moldova of commitments in social protection. These include the National Development Strategy 2008-2011; the National Strategy on reforming the residential child care system 2007-2012, the National Human Rights Action Plan, and the National Action Plan "Education for All" (2004-2015), Millennium Development Goals, the Republic of Moldova-European Union Action Plan, as well as the United Nations Convention on Human Rights and the United Nations Convention on Child Rights.

II. Current situation Factors influencing the demand for services

6. A number of socioeconomic factors contribute to the demand for social assistance services in Moldova. These include high rates of poverty and migration, changes in the population structure, and cultural attitudes.

7. Although current situation in Moldova registered progresses during the last years, the improvement in social assistance is still modest. The increase of public expenditures for social assistance (in 2007 these expenditures constituted 12.4% from GDP) had a limited effect and the resources were not targeted to the families and social groups who are most in need. The major part of social assistance system represents the cash transfer that is not always contributing to the improvement of beneficiary's situation. In some cases the intervention is more efficient, if in parallel with cash transfer the beneficiary gets also social services. On the same time current social care services do not cover the existing demand.

8. The population has been decreasing since the beginning of the 1990s. Until 1999 this was due to migration patterns alone, but since that date the death rate has exceeded the birth rate which has compounded the decline. Between 2009 and 2020 the overall population is predicted to decline by a further 121,000, characterized by a decrease in the number of children and adults under 60, and a marked increase in the number of

elderly people. The share of old people in the population is predicted to increase from 13% to 18%. This considerable rise in the elderly population means that the overall number of people requiring social service support is likely to increase by the year 2020 even though the total population is declining.

9. Whilst there has always been consideration in many communities of the need to support individuals and families who find themselves in temporary or long-term difficulty, cultural traditions in recent decades have often favored the institutionalization of children and adults as a response to these social needs. According to the most recent figures the rate of children in residential care in Moldova remains among the highest in the former Soviet republics.

10. It is estimated that in 2009 approximately 12% of the population is likely to require some social service support during the year. The support required includes community-level support as well as specialist care, in the form of either in-kind services or emergency cash funds (separate from the regular system of cash benefits) to help people overcome a specific short-term crisis.

Current provision of social assistance services

11. The types of service that people receive can be divided into three levels which may be classified as primary (or 'community') care, specialist care and very high need care services. These differ in how specialized they are. Many of the people currently using 'very high need care' services, especially residential care services, do not need such intensive levels of care: often they use these services because there is no alternative. It is important to note that these three levels of service do not correspond exactly to the three administrative levels of government in Moldova. The *mayorality* administration funds some community services, and the central government currently provides most of the services for people in very high need, but the rest of the services (the remaining community services, nearly all the specialist services and some of the very high need care services) are all provided by the *district* administration.

Primary (community based) social services

12. These services should be a first port of call for users of the social service system. At community level there are a limited number of social assistance services, including home care, social canteens, support from some community social assistants, cash and in-kind support from the Republican Fund for the Social Support of the Population, and community centre services.

13. The **home care** service is provided by social workers to older people and people with disabilities. In 2007 about 25,566 people received this support, which was delivered by 2,428 social workers. There is a need to extend this type of service given the registration of applications from more than 8,505 people who do not currently receive home care, and given that service provision is currently restricted to single elderly people and those who are unable to work.

14. **Social canteens** provide meals, usually for older people and people with disabilities, for a period not exceeding 30 days per quarter. This service is funded mainly from local budgets and subventions from the Republican Fund for the Social Support of the Population, as well as from private donations and non-governmental organizations. The number of social canteens has increased significantly in recent years: in 2007 there were 99 canteens—nine times more than in 2001—serving just over 5,000 people. There is a concern that the restriction of the service to a fixed number of days per person, regardless of individual circumstances, is limiting the ability of the service to satisfy actual needs.

15. Some broad community care services have started developing, especially in the last five years, under the responsibility of a **community social assistant**. These services include the provision of counseling, information and case management. They are based on the complex assessment of the beneficiary and his or her individual needs. Actions are focused on mobilizing the person's efforts and increasing family and community support with a view to overcoming the difficult situation and ensuring efficient social integration. In 2006 there were only 48 social assistants carrying out these activities in the country, but since then the network of social assistants has increased very rapidly having now 936 units approved.

16. A major community-level service is the provision of **cash support** from the Republican Fund for the Social Support of the Population. This kind of support is offered only once per year and is not always targeted to the most needed.

17. Some **community centers** provide essential general community support activities such as after-school clubs and social support groups for different beneficiaries.

Specialist care services

18. These services are expected to serve the small number of people whose needs cannot be resolved at the community level. It is expected that the number of people who need specialist services is much less than the number who use community services. Current services include specialist day care services, temporary placement centers, support for substitute families, and reintegration support for children who return to their families from full-time residential care.

19. **Specialist day centers** have begun to be developed, particularly in the last five years. The specialist services may include medical and psychological support. There are 25 day care centers for adults and disabled persons, 25 centers for families with disabled children and 30 day care centers for families with children at risk. Often the centers combine specialist care with community care activities.

20. **Temporary placement centers** are usually created by NGOs and with the support of international organizations. These include 14 centers for adults, including those with disabilities, and 16 for children with disabilities, as well as a shelter for the homeless in Chisinau.

21. Specialized protection for children in difficulty is provided mainly through the traditional **family substitute** services. At the end of 2007 more than 5,965 children were being supported by guardians; 353 children were adopted by Moldovan families and 95 adopted internationally; 53 family-type homes caring for 241 children, 42 foster families with 41 children. Gate keeping system for children, which aims to reduce the flow of children into residential institutions, is in place in several regions of the country.

Very high need care services

22. The most solicited type of social care provided to all groups of beneficiaries continues to be care services provided in **residential institutions** because of the limited access to other types of social services. Such 24-hour continuous care services should be provided only to the very small number of people who need specialized social service support. Residential services imply high costs, do not reflect and do not meet beneficiaries' needs entirely. They could receive social services in their family and community.

23. Residential institutions are operated by the national government or by the local public administration authorities at the second (*district*) level. National institutions comprise 2 infant homes for babies and very young children; 65 for older children; two institutions for children with mental disabilities; one institution for children in conflict with the law; two social institutions for older people and with disabilities and 4 psycho-neurological institutions for adults. District administrations run some 170 social institutions.

24. In the last five years the number of people in residential care has increased. In 2007 more than 11,000 children were living in residential institutions. This is almost twice the number of those living in alternative substitute families. Nearly 1,700 older people and people with disabilities were in residential care; almost 645 elderly people were accommodated by asylums run by district administrations, and some 600 persons in national-level institutions. In 2007 the number of applications for adults for placement in residential institutions exceeded the accommodation and maintenance capacities stipulated for these institutions.

25. A number of problems are identified with regard to residential institutions as they are currently used:

(vi) institutional care does not ensure an individualized approach to beneficiaries;

(vii) employees are not sufficiently trained to provide assistance adequate to the beneficiaries' needs and often they are not included in continuous professional development programmes;

(viii) the system does not stipulate a review of the beneficiary's situation, to assess the possibility of his or her reintegration into the family and community. This can lead to a deterioration in family relations, social isolation and chronic dependency on the residential system;

(ix) this long-lasting and indeterminate placement imposes the need to allocate financial resources to the same contingent of beneficiaries for long periods;

(x) the residential care system is in any case extremely expensive. The biggest cost of residential services is in institutions for disabled children. After the development and implementation of minimum quality standards, the cost of residential services will increase significantly; and

(xi) by its nature institutional care requires extra safeguards for the protection of the resident's rights. Reliance on this type of care as anything other than an exceptional option will make it very difficult for Moldova to honor its commitments to international conventions.

26. A few **very specialized services** of other types exist in Moldova. These include a temporary placement centre for street children and a shelter for the rehabilitation of victims of human trafficking. However, there is an evident shortage of specialized social assistance services for people experiencing many serious types of social problem such as domestic violence and alcohol and drug addiction. Some services of this type have been developed at the pilot region level mainly by NGOs. At the moment, there are no analyses regarding the sufficiency of these services to cover the real needs of the population.

27. The **orthopedic services** are offered by the Centre for Prosthesis, Orthopedics and Rehabilitation that is subjected to the MSPFC. The centre's services are delivered to people with locomotion disabilities: they receive the orthopedic footwear, non-mechanical means of locomotion and rehabilitation services. The centre registered 87,727 people. The services are delivered within the centre as well as at home via the medico-technical teams and orthopedic nurses that are part of the staff of social assistance department.

28. **Sanatoria** are institutions that deliver short-term very intensive care in republican centers for the rehabilitation of people with disabilities and elderly people at the "Speranta" centre in Vadul lui Voda town and in "Victoria" centre in Serghievca town, Odessa region, Ukraine. These services are provided as facilities to the above mentioned people with a discount of 100% or 70% depending on the category. The total number of beneficiaries of both centers during one year - 8790, each centre has a capacity of 260 places.

Legislation

29. Numerous laws and regulations govern the social assistance system. However, not all types of social assistance service are covered by the legal framework. Part of the existing legislation is formal and declaratory only and lacks adequate mechanisms needed for the implementation and monitoring of its provisions. In particular, there is often not full financial coverage to achieve the set objectives, and there is insufficient stimulation of partnership between the state and civil society. The legislation in the field, in some aspects, is inconsistent and even contradictory. The revised legal framework covering a larger range of social services is in process of completion and needs to be improved.

Institutional framework

30. **I-level local public authorities (mayoralities)** are represented by Local Councils and Municipal Councils and have the tasks to identify social problems, administer and manage local funds for social assistance, develop and support financially community-based social assistance services, and form partnerships with NGOs to develop social assistance services.

31. **II-level local public authorities (districts)** are represented by the Social Assistance and Family Protection Departments/Directorates, Chisinau and Balti municipalities, Directorate for the Protection of Child Rights in Chisinau municipality and the autonomous territorial unit Gagauzia that implement social policies and create and develop social assistance services at district level. District Councils and the Funds for Social Support of Population are important strategic institutional resources that can have a positive influence on the creation and development of social assistance services, and a positive impact on people's lives.

32. **The central public authorities** involved in social service provision (especially residential care) include the Ministry of Social Protection, Family and Child (MSPFC), the Ministry of Education and Youth, and the Ministry of Health. The MSPFC is the public administration's specialized central body that is responsible for leading the development, promotion and implementation of national policies and programmes in social assistance. This includes directing and managing the mechanisms for overseeing the delivery of the entire sys-

tem at all levels; the methodological coordination of the activity of Social Assistance and Family Protection Directorates / Departments, social assistants, social workers and social service providers; and the supervision of the collection and distribution of the Republican Fund for Social Support of the Population. The MSPFC is mandated to lead the sector working group for the development and delivery of the medium-term expenditure framework in social protection, coordinating activities in this field across ministries, between different levels of national and local government, and with international development partners. It also leads the Social Protection Coordination Group which is one of the main forums for discussion with international development partners.

33. An important resource for social service development is the civil society structures operating in the social field, consisting of over 400 NGOs. These organizations have implemented a number of social assistance services, some of which are models of best practice that are being replicated at national level. It is important to take these organizations into consideration in planning and delivering social assistance services. International donors also provide technical and financial support in social service development, providing international models for capacity building.

Operational framework

34. The existing institutional framework does not have sufficient resources and capacities to fulfill some basic operational functions such as monitoring (including a full record of social assistance services and numbers of beneficiaries), evaluation of impact, inspection, accreditation and in-service training for social service staff. Quality standards have been developed and approved only for certain types of social services. Many complaints are addressed directly to the MSPFC and a lot of ministry time is spent answering them.

Human resources

35. At community level, the social assistance activity is carried out by social workers and social assistants employed by II-level local public administration authorities and by I-level local public administration authorities in the autonomous territorial unit Gagauzia. In 2007 about 600 social assistants have been recruited to work at community level and for 2008 is envisaged the recruitment of 396 community social assistants. The number of social assistants is still insufficient comparing with the diversity of social needs and demand of population for these services. Only 10 % of community-level staff has adequate qualification. Low salaries lead to a high turnover. *Districts* employ some specialists in families and children, older people and people with disabilities and specialists that distribute and record the distribution of resources from the fund for social support of population. By far the largest proportion of staff providing social services, though, are employed in residential institutions. The most recent figures show that 5,400 staff work in residential institutions for children, and almost 1,500 more in the MSPFC's institutions for older people and people with disabilities. This is a ratio of about one staff member for every two people in residential care, which is neither necessary in the light of the needs of many of the individuals, nor cost effective in a resource-constrained environment.

Finance

36. The resources for social services funding are diverse. The state budget provides funds for residential institutions of specialized social assistance and for national social protection programmes; the budgets of administrative-territorial units provide funds for social services developed on the subordinated territory and for local beneficiaries; and the funds from the Republican Fund and Local Funds for Social Support of Population are used to provide one-off material support to persons in difficulty. Funds from allocations, sponsorship and other contributions from individuals or legal entities from the country and abroad are sporadic.

37. In 2007, the national public budget allocated 6596.9 million lei for social protection, of which 2157.2 million lei via the social assistance system and 4439.7 million lei via the social insurance system. The Republican Fund for Social Support of Population as well as Local funds for Social Support of Population managed 112.4 million lei and supported 329,700 beneficiaries. 248.9 million lei were spent on social services, which represents 11.5% from total expenditures in social protection. Of these, the expenditure for community social care services constitutes 28.4% (70.6 million lei), for specialized social care services – 18.0% (44.7 million lei)

and for very high need social care services (residential services mainly) - 53,6% (133,5 million lei). If we compare the funds and the number of beneficiaries, it is obvious that the cheapest services are community social care services provided at 1506.3 lei per beneficiary, and the most expensive are the very high need social care services that cost 10728.9 lei per beneficiary.

III. Definition of the problems that require the development of the Programme

38. The social assistance services that exist do not always meet all people's needs in either quantitative or qualitative terms.

39. In respect of the **quantity** of services sought and provided, there are problems of two sorts: on the one hand, many people do not receive services even though they need them (i.e. there are errors of exclusion), and on the other some people receive services which they do not need (i.e. errors of inclusion). The reasons are:

(vi) the existing social services are mainly located in urban areas, while in rural areas these are insufficient or even missing, which limits the access of many people in difficulty to social assistance services;

(vii) a lack of knowledge about social services does not fully contribute to the fulfillment of the right to social assistance, particularly among the rural population;

(viii) the requirements to be eligible for social services are considered complicated, which generates the refusal of the applicant;

(ix) the inadequate attitudes towards beneficiaries, either deliberate or unintended can prevent people from applying for social services they need;

(x) some social services are limited to certain groups of people, which means that others who could receive them do not have this possibility;

(xi) there is not a regular review of cases to ensure that all people get the services that they need, and that they are able to exit the social service system if their circumstances improve.

40. As for the **quality** of services, the following deficiencies are highlighted:

(xiii) services are not provided on the basis of individual and community needs assessment;

(xiv) the current system is based more on intervention services than on prevention so cases can become more severe than if they had been identified earlier. This means that people are more likely to have to leave their family or community environment to be given more specialist and more costly treatment elsewhere. Late intervention leads to negative effects both for the beneficiary and his/her family and for the community;

(xv) rehabilitation and reintegration of beneficiaries is not always the responsibility of primary social services;

(xvi) there is a lack of a comprehensive operational framework to guide the provision of services; and

(xvii) there is an inefficient distribution of financial and human resources. In 2007 the very high need services covered 3% of social service cases yet accounted for some 53.6% of known total expenditure, while the 28.4% of expenses for social services cover 11.3% of beneficiaries of community social services. On the same time very high need services are using a disproportionate number of staff.

41. Some measures have already begun to be taken to pilot solutions to some of the identified problems. This Programme aims to build on those positive efforts to provide more care to people who need it, ensuring that care is appropriate to needs.

IV. Programme goal

42. The goal of the Programme is to improve the quality of life of people in difficulty.

43. The integrated system of social assistance services is a component of the broader system of social protection by which the state, local public authorities and civil society ensure the prevention, restriction and elimination of temporary or permanent effects of certain situations generated by poverty and increased vulnerability.

44. The development and delivery of social assistance services implies several integrative approaches, including integration for all groups of beneficiaries in a unified system; alignment of services to social benefits; integration at the level of comprehensive approach of the family; unification of the system's work methodology; multidisciplinary integration at the group level. The integration of social assistance system will also be achieved

through inter-sector programmes based on the promotion of strategic policies that cover social services for all groups of beneficiaries, such as deinstitutionalization, anti-trafficking, equal opportunities and gender-based approaches.

45. Besides the principle of systemic integration, the Programme is guided by the following **principles**:

(i) the principle of **targeted social assistance** stipulates the priority targeting of social assistance services towards the poorest and the most vulnerable persons, identified following an assessment of individual needs;

(ii) the principle of **focusing on the user** stipulates the adjustment of services to beneficiaries' needs, in a process of continuous change, based on systematic assessment of their impact on the situation of the beneficiary. This includes building capacity and motivating the beneficiary to overcome the difficult situation wherever possible, and encouraging the active involvement of the beneficiary in needs identification, planning, implementation and monitoring of social services;

(iii) the principle of **delivering services in the community** stipulates the priority support of the beneficiary in the family and in the community;

(iv) the **accessibility principle** ensures the access of persons in difficulty to all services: informing the population about existing services, developing new services and locating them close to beneficiaries, and adjusting the environment to beneficiaries' needs; and

(v) the principle of **equal opportunities** ensures the rights to social assistance services to all the persons in difficulty, without discrimination based on gender, age, religion, culture, language.

V. Objectives and Areas of Intervention

46. In order to achieve the objectives of this Programme it is necessary to consider the expected outputs and what inputs are needed (including human and financial resources) to deliver those outputs.

OBJECTIVE I:

To ensure the quality and efficiency of the integrated system of social assistance services

47. Quality and efficiency are improved by the effective functioning of the five components of the framework that governs the integrated system of social assistance services.

(i) Legislation

(ii) Institutional framework (including the delimitation of functions and responsibilities by administrative levels)

(iii) Operational framework (the development and standardization of work procedures)

(iv) Human resources

(v) Finance.

48. The efficient and coherent functioning of integrated system of social care services is ensured via procedures of monitoring of quality and efficiency of the system, creation of the accreditation mechanism for service providers based on indicators set in the quality standards for each type of services. On the same time the quality of services depends on the level of professional competence of personnel engaged in the system.

Development, adjustment and promotion of normative framework

49. The normative framework will be revised and adjusted in compliance with the present Programme. This process will take into account the progress and gaps of the national normative framework, the provisions of international treaties to which the Republic of Moldova is party, the national and international experience in social service provision, and the recommendations of international reports on the observance of beneficiaries' rights.

50. The Law on Social Assistance no. 547-XV as of 25th December 2003 will be amended and completed and the Law on Social Services; Law on Child Protection, Law on Accreditation and Inspection in Social Assistance will be developed.

Development and consolidation of the institutional framework

51. **At the central level** the MSPFC, which leads the development and implementation of the government's policy in social assistance, will concentrate its efforts on the development and review of strategic approaches, and on ensuring the functioning of mechanisms for overseeing the delivery of the entire social service system at all public administrative levels. These include the review of legislative and financial frameworks, continuous training, setting quality standards, service procurement mechanisms, accreditation and inspection procedures, monitoring and evaluation of the quality of social services, and reporting procedures.

Given the fact that the problems faced by the population are multi-aspectual, and the prevention and settlement of these requires intervention of the entire society, the efficient strategic management supposes the development of a global and consistent policy on the social protection system, with further establishment of inter-ministerial competence areas. In this context it is absolutely vital to set up, at governmental level, an inter-ministerial commission for social issues to coordinate intersectoral policies. The Sector Working Group for the medium-term expenditure framework in social protection is an important forum for achieving this coordination.

52. The organizational and managerial competences of the MSPFC will be reviewed and improved.

53. In light of its basic competence on social policy development and management, the MSPFC will cooperate with the I and II level local public administrations, in line with the active legislation, with the view to develop social services and ensure their quality.

54. **II-level local public administration** is responsible for the implementation of social policies and the management of national policies at territorial level, including the development, monitoring and evaluation of specialized social assistance services with the use of local strategic planning procedures. It is responsible for the employment and professional supervision of social assistants and social workers.

55. In order to consolidate the capacities of territorial structures of social assistance, it is recommended that I and II-level local public authorities create the Community Social Assistance Service.

56. It is recommended to transfer the responsibility for the protection of child rights from the district Directorate for Education and Youth to territorial structures of social assistance.

57. The system of district-level gate keeping commissions (commissions for the protection of children in difficulty) will be expanded to those areas which have not yet established a commission, in line with the legislation. These commissions are essential for ensuring the best care for each child in difficulty, with priority given to family-type services, and with placement in residential institutions being used as a last option. In addition the MSPFC will explore the possibility of expanding the district gate keeping approach to service users other than children.

58. Local public administration will aim to establish partnerships with civil society that represents a significant source as an actual or potential social service provider and supplier of best practice models. For this, the local public administration will apply a mechanism for social service procurement according to community needs.

59. **I-level local public authorities** will be supported to strengthen their capacity to fulfill their responsibilities regarding the creation of community social assistance services in accordance with the legislation. Funders (including international donors) of any community social services will cooperate with authorities at this level to develop social services.

Development of operational framework

60. A unified operational framework will be developed which will encompass the following features: a mechanism for referral of beneficiaries from one level of social service to another; the methodology for individual and community needs assessment; quality standards for all social services, the systems for accreditation of service providers, inspection and resolution of complaints to ensure that quality standards are upheld; and procedures for procurement of services with accredited providers.

61. The **referral mechanism** specifies the route of the beneficiary through the social assistance system on the basis of the individual problem. When a case is identified the person will be registered at the community level and will either receive emergency support if there is a crisis, or will undergo an initial assessment by the

social assistant. If the person needs more assistance he or she will be given a more detailed complex assessment by the social assistant, leading to the development of an individual care plan. The intention will always be to treat the case at the community level wherever possible. Only if the problem cannot be resolved at this level will the individual be referred to specialized services or to very high need services.

62. An **individual needs assessment** is fundamental to determining the most appropriate intervention for a social services client, and forms the basis of an individual care plan. Assessment will be on the basis of a standard form that will identify the person, the problem and the proposed solution, including what can be done and by whom, and when and where interventions will take place.

63. **Quality services** will be achieved by setting quality standards. These standards will form the basis for mechanisms for providers to be accredited; for services to be inspected; and for complaints to be received and responded to. It is necessary that these systems are not too complex but that they still safeguard users. Quality standards and related systems will be developed by the MSPFC and will include:

(xviii) **quality standards.** Service users will be involved in the development of these standards to make sure that they take into consideration the expectations and aspirations of the beneficiaries;

(xix) **accreditation.** This means assessing the potential of providers to deliver services of the desired quality by requiring them to sign up to meet the quality standards and commit to being inspected as part of a process of registering as a provider;

(xx) **inspection** aims to compare services to quality standards and provide recommendations for their improvement. It is not merely an end in itself, but is intended to raise standards and contribute to the quality of life of service users;

(xxi) the **complaints procedure** will be a two-stage process, the first internal and the second external. The first (internal) stage will be to make the complaint to the person that the user has been dealing with (such as the social assistant, the employee of a day care centre etc., or to the case manager), so that person has the opportunity to respond directly. If this does not resolve the problem the issue will move to a second (external) stage with a formal complaints service; and

(xxii) **recruitment and selection procedures** for the social assistance system and training programmes will support the maintenance of quality of provided services.

64. **Service procurement mechanism** will be developed and used, in case local community needs are not covered with existing services. This will contribute to the establishment of different partnerships by local public authorities with civil society and the private sector, oriented towards the development of new social assistance services.

Consolidation of human resources employed in social assistance system

65. Given the large number of potential beneficiaries of social assistance services, it is necessary to extend coverage by expanding and improving the professional activity of the staff employed at community level and stimulating the involvement of the community in solving social problems.

66. Human resources responsible for the provision of community-level services are represented by the community social assistant and social worker who are supported directly through supervision procedures by specialists within territorial structures of social assistance. It is necessary to consolidate the network of community social assistants by recruiting to fill the remaining vacancies, leading to a planned minimum and by providing training and support to encourage retention of existing recruits.

67. The level of professional competence of the staff employed in social assistance services determines directly the quality of provided services. For the purpose of improving competences staff will be provided with professional supervision and with a tailored programme of continuous training, and with the opportunity for promotion on the basis of professional competence.

68. **Professional supervision** allows community social assistants and social workers to discuss the most difficult material from their practice with an experienced professional. It also helps them to understand their own thoughts and emotions and reduce the risk of work-related stress, thereby retaining and supporting staff members at the same time as improving professional competence. Supervision will take place both in the community and at the *district*, at regular intervals.

69. The **continuous training programme and strategy** will include the following components:

(xxiii) development of basic professional skills, with differentiation on sub-levels: initial and advanced. The training will be delivered in continuous training centers that operate within universities which train social assistants. The universities for the delivery of training will be selected according to the methodology approved by the MSPFC;

(xxiv) the development of specialized skills will be carried out using existing social assistance services. Through contest procedures, the MSPFC will select services that demonstrate good practice in advanced skills and will assign them the status of Methodical Centers where specialized training will take place;

(xxv) the MSPFC will assess the training needs of the social assistance staff, record previous training and plan the continuous training process by levels of competence, on the ground of the curriculum approved by the MSPFC. This process will contribute to the development of theoretical and practical professional competences, and learning of new working methods and techniques with different categories of beneficiaries; and

(xxvi) a mechanism for attestation of professional competences of social assistance staff will be developed.

70. Reduction of the number of users of residential services that require 24-hour intensive interventions, will lead to the reduction of overall staffing in these institutions. Some are also expected to be achieved by re-training staff to deliver services at other levels such as foster care services.

Finance

71. The Law on Social Assistance no. 547 as of 25th December 2003 establishes the contribution of each of the parties to the expenses for the organization and functioning of public institutions specialized in social assistance, as well as for the provision of social assistance services.

In the context of the strategic provisions for the development of an integrated system of social services funds will be allocated in line with the legislation:

(xiv) from the state budget;

(xv) from budgets of administrative-territorial units; and

(xvi) from other sources.

72. The change of approach from largely residential care to community-based care implies the redirection of existing financial resources to community social assistance services.

OBJECTIVE II:

To develop, consolidate and integrate social services targeted to groups of persons in difficulty

73. The aim of this objective is to provide social assistance services to people based on need, by diversifying and improving the quality of community services at the level of each territorial-administrative unit, integrating all social assistance services into a coherent and equilibrated system.

74. The Programme intends to rapidly expand community and specialist social services, and significantly improve the efficiency and cost-effectiveness with which current 'very high need care' is provided. This change will alter the proportion between the residential-type services and community-type ones, in favor of the latter, necessitating a redirection of financial resources.

Creation and development of community based social assistance services

75. The Programme intends that the community-based settlement of social problems should extend significantly, representing a major source for the enforcement of efficient social policies. The community intervenes with the provision of professional systematic support, completed with community and interpersonal support. Community-based services prevent or limit the situation of difficulty or vulnerability, the settlement of the problem at the initial stage keeping the beneficiary in the family and in community. In this context, the decentralization of social assistance services represents a favorable framework for the community to become active, to mobilize its resources and human efforts in solving 80% of demands for social care services.

76. Primary social assistance services can be applied to all categories of beneficiaries and provided at the level of each community. Mayoralties can decide on the development of specialized social assistance services, based on the needs and potential of the community. The services are universally relevant and have a low unit cost.

77. **Community social assistants** are responsible for the identification and assessment of potential beneficiaries, who may include children, older people, people with disabilities, people with addiction to alcohol, drugs and other toxic substances, HIV/AIDS-infected persons, people who have been neglected or abused persons, and victims of domestic violence or of human trafficking. The social assistants develop individualized care plans, provide primary social assistance services (including counseling services, support to families, and monitoring the progress of children who are placed in substitute families), and refer cases to specialized services, as well as responding to more general queries, carrying out community needs assessments and drafting recommendations for the development of new social assistance services. The social assistant also mobilizes the potential of the community to support people in difficulty by involving volunteers and creating support groups. It is for this reason that the expansion of the network of social assistants and the provision of continuous training and support, is of primary importance.

78. **Social workers** provide practical home care services, particularly to elderly and disabled people. This includes helping with personal hygiene, feeding, shopping, cleaning the accommodation, and liaising with other local public services. Since the social worker develops good personal relationships with members of the local community they, too, will be well placed to assist in the mobilization of volunteers for community activities. Until now the number of social workers has been based on a norm of one social worker for approximately every 10 clients. As the system moves towards the individual needs assessment and the development of individual care plans it is expected that the number of beneficiaries seen by a single care worker will vary according to the identified need.

79. The creation of **multifunctional community day centers**, where a broad range of primary social services for all categories of beneficiaries can be provided, could ensure the social integration of persons of different ages and with different problems. The centers can be located in any premises that exist in the community and are adapted to the activities of the service (school, kindergarten for children, mayoralty, hospital, etc.). They may offer a base for the team of social assistant and social workers who operate in the community. They may also provide services for general access such as after-school clubs and support groups for the elderly, mother and baby couples, with the aim to prevent social exclusion.

Creation and development of specialized social assistance services

80. Specialized social assistance services are addressed to a limited number of 20% of beneficiaries often referred from community level, who need time-intensive rehabilitation or assistance from specialists with adequate training. Given the fact that the specialized services are often oriented to recovery they are more expensive than community services. The decision regarding their creation must be made based on the assessment of community needs and possibilities.

81. The types of specialized service to be provided under this Programme are likely to be similar as those provided at present, i.e. specialist counseling and advice, specialist day care services (including those related to the medical and social field such as occupational therapy, psychotherapy and speech therapy), temporary placement centers (including accommodation for the young who leave the residential protection system, or accommodation for a determined period of the homeless), support for substitute families, reintegration support in cash and in kind for children who return to their families from full-time residential care, and the provision of prosthetics, mobility aids and small adaptations to the environment.

82. Most specialized social assistance services will be provided by all administrative levels, (community, district, national level) based on the needs of population and the existing potential. Local public administration must develop protection measures by creating specialized services or by procuring services or elements within certain services that are developed by the civil society.

Creation and development of very high need services

83. At the same time, the number of primary and specialized social services will expand to cover the needs of those who leave residential institutions, especially, children who are reintegrated with substitute families within the deinstitutionalization programme. The implication of this is that, over the next few years, some existing residential institutions will no longer be required and will be closed or converted into other services. This deinstitutionalization process has already been approved by the Government.

84. The services that remain will be addressed to a very narrow group of 2% of beneficiaries with specific problems that often imply the involvement of specialists with narrow specialization, or the provision of 24-hour continuous care. Services provided at national level: sanatorium services and prosthetic and orthopedic services. In addition, new very high need services will be created within specialized centers (centers for rehabilitation for victims of abuse, centers for rehabilitation of victims of human trafficking, centers for post-penitentiary rehabilitation, etc.), residential institutions (psycho-neurological institutions) or at home. The development of very high need services must be based on a detailed analysis of the placement effects of this category of services, as well as of their economic and social sustainability. These very specialized services may be coordinated by local public administrations through agreements signed with service providers.

85. The unit cost of these social assistance services is usually very expensive. The high costs and the limited number of beneficiaries impose the need for periodical assessment of people's needs for such services, for a reasonable use of resources, with the flexible reorientation of services to people's current needs. The decisions on the development of new services must be justified based on the evidence and mapping of the excluded persons, presence of commitments, financial and human resources.

Estimate of impact and costs

86. The objectives outlined in this Programme, and the government's commitment to halving the number of children in institutions by 2012, can only be reached if appropriate funding is provided for community services, for alternative specialist care where necessary and for the referral and gate keeping mechanisms. Strengthening services at community level will ensure cost savings in specialist and high need services as individuals would be treated at the appropriate level of services. The unit cost of treating each case will be lower, and more people will be able to be served.

87. The estimated costs of the present Programme can be financed within the overall ceiling of funds – both from government and donor resources – already programmed and committed in the social protection sector in the medium-term expenditure framework (MTEF) 2008–10 and the National Development Plan 2008–11. However, it will require reallocations and better targeting of these funds. In particular, resources released through deinstitutionalization (reduction in the number of children and staff in institutions) will need to be reallocated to community based services. The MSPFC will include measures in the MTEF and carry out actions to target donors' activity to areas not covered by the national public budget in order to achieve the objectives of the present Programme.

VII. Risks and threats in Programme implementation

88. The process of decentralization can cause a risk regarding the capacity of local public administration in delivering proper level of social services that meet the needs of population. The disparities are determined by the level of engagement and competences of local public administrations, capacity to identify and prioritize the allocation of finance resources for development of social services and problem solving.

89. The MSPFC has to ensure the sustainable development of integrated system of social services, even if the services are decentralized. For this reason it is necessary for local public administrations to benefit from sufficient support to expand their skills and capacity to develop and diversify social assistance services depending on community needs.

VIII. Results and indicators of progress

90. Activities undertaken as part of this Programme will be monitored in order to measure their results and to assess the impact of the Programme on the development of an efficient and effective integrated system of social assistance services. This will demonstrate the extent of progress towards the overall goal of improving the quality of life of vulnerable groups of the population and those at risk. **The relevant indicators will be identified in a logical framework and used as a tool for the assessment and monitoring of Programme implementation.**

The monitoring and assessment will be carried out at the different administrative levels (central, 1st and 2nd administrative levels), as well as at the level of social services. The community social assistant will collect data on beneficiaries in the social assistance system as part of maintaining case records, and aggregated information from these records will contribute to the planning of local services, analysis of national trends and development of long-term plans in social service policy.

91. The results of the monitoring and assessment process will also be used for identifying, minimizing and avoiding new risks.

IX. Stages of implementation of the Programme

92. The Programme sets out a long-term vision for the creation of the integrated system of social services which will require continuous improvement and adjustment to the social context. The present Programme offers a realistic framework for implementation which is conditioned by the development of the institutional and operational capacities of the state, non-governmental and private sector, the availability of funds from the national budget and the commitments of international donors for the improvement of the social assistance system.

93. The coherent implementation of the Programme will be carried out in line with central government planning processes in three stages: short-term, medium-term and long-term.

94. An action plan has been developed alongside the Programme which describes the sequence of activities for implementation. It will be reviewed annually as part of the monitoring process and will be coordinated with the available financial resources.

Short-term actions (to end of budget year 2009)

95. During this time there are three priorities:

- (i) continue to develop community care and specialist services, which is a process coordinated by the MSPFC through cooperation with the line ministries and carried out by I- and II-level public administration, NGOs;
- (ii) ensure the quality and efficiency of the integrated system of social assistance services; and
- (iii) develop and start implementing the communication plan in the context of development of the integrated system for social services.

96. **Development of community care and specialist services.** The gate keeping mechanism for the reduction of the flow of children into institutions, and family placement services will be extended, especially in those districts where residential institutions will close during next three years. To support the development of services for all groups of beneficiaries the MSPFC will support local public authorities in conducting an assessment of the need for social services, developing local strategies for the development and diversification of social services based on the conducted assessment. The MSPFC will target support to areas with greatest need or with the greatest possibility of achieving an immediate and positive impact.

97. **Ensuring quality and efficiency of the system.** Activities include: (i) the development, adjustment and enforcement of the legislative-normative framework; (ii) the development and consolidation of the institutional framework, with delimitation of basic functions and responsibilities for each administrative level; (iii) the creation of a system of continuous professional development for staff employed in social assistance, including a supervision system; and (iv) the development of quality standards and the creation of a system for accreditation and inspection of services.

98. **Communication plan.** In order for the Programme to succeed it is important that there is widespread public awareness and understanding of both the reasons for change, and the benefits of the integrated system of social services. An active awareness-raising campaign could influence a change in people's attitudes and increase the level of trust in community social services.

Medium-term actions (to end of 2011)

99. The period to the end of 2011 is the timeframe for implementation of the present round of three central government medium-term planning processes: the National Development Strategy for 2008 to 2011, the next MTEF for 2009 to 2011, and the Institutional Development Plan for 2009 to 2011 for the MSPFC.

100. The priorities for this period are:

- (vi) supporting I and II-level local public administration in the process of social service development;
- (vii) developing and implementing the unified and standardized mechanisms and procedures in the delivery of social assistance services for all groups of beneficiaries;
- (viii) developing mechanisms for accreditation and inspection of social services, and social service procurement;
- (ix) developing and implementing the mechanism for monitoring and evaluation of community social service quality.

Long-term actions (after year 2011)

101. Activities in this period will take into account the existing context and progress to date. The emphasis will be on the consolidation and diversification of social assistance services provided to all groups of beneficiaries at all levels of administration; the consolidation of the institutional, operational and financial framework; and developing the potential of human resources to ensure quality of social assistance services.

X. Monitoring and evaluation of Programme implementation

102. To assess the Programme's impact on the creation and development of an efficient integrated system of social assistance services, all activities have to be monitored and assessed through a management system.

103. The monitoring and assessment of Programme implementation will be carried out at administrative levels, at the level of each responsible public institution, using a unique system based on qualitative and quantitative indicators. The implementation of a rigorous monitoring and assessment system will maximize the impact of the integrated system of social assistance services in order to respect the system's principles and the beneficiaries' needs, at the same time, avoiding the creation of a chronic dependence on the system.

104. The quality, correctness and efficiency of the applied measures will reflect the way the Programme's objectives are applied in practice. Relevant indicators will be identified in the logical framework and will be used as a tool for assessment and monitoring of Programme implementation.

105. The results of the monitoring and assessment process will represent an important source of useful information for the assessment of social policies and development of new social assistance strategies, as well as for avoiding new risks.

106. The ongoing assessment of social policies will allow developing a coherent policy and coordinating strategies, based on the adequate knowledge of the reality.

26. DECISION

on approving the Regulation on issuance of the certificate for registering the child remaining at home, whose parent/tutor (curator), citizen of the Republic of Moldova, is temporarily employed abroad
Nr. 290 of 15.04.2009*

In view of implementation of the provisions of the Article 16 letter d) and Article 22 paragraph (3) letter d) of the Law Nr.180-XVI of 10 July 2008 on Labour Migration (*Monitorul Oficial* of the Republic of Moldova, 2008, Nr.162-164, Art. 598), the Government

DECIDES:

1. To approve Regulations on issuance of the certificate for registering the child remaining at home, whose parent/tutor (curator), citizen of the Republic of Moldova, is temporarily employed abroad (attached).
2. Ministry of Social Protection, Family and Child shall be liable for the control of the implementation of the present decision.

PRIME-MINISTER

Zinaida GRECEANÏI

Countersigned by:

First Deputy Prime-Minister,

Minister of Economy and Trade

Minister of Social Protection, Family and Child

Igor Dodon

Galina Balmoş

Chişinău, 15 April 2009.

Nr.290.

Approved
By the Government decision
Nr.290 of 15 April 2009

REGULATION

**on issuance of the certificate for registering the child remaining at home,
whose parent/tutor (curator), citizen of the Republic of Moldova,
is temporarily employed abroad**

1. The certificate on registering the child remaining at home, whose parent/tutor (curator), citizen of the Republic of Moldova, is temporarily employed abroad (hereinafter referred to as – certificate) shall be issued by the social assistance and family protection sections/directions, Direction for Minors' Care and Protection in Chişinău municipality, which are exercising the functions of the tutorial authority, at the request of the parent/tutor (curator), citizen of the Republic of Moldova, who is/are temporarily employed abroad (hereinafter referred to as – requestor).

2. Upon submission of the request on issuance of the certificate:

a) the child's parent shall enclose the following documents:

ID (a copy);

* *Monitorul Oficial* Nr.80-81/341 of 24.04.2009

Husband/wife's ID (a copy);

Marriage/divorce/death certificate of one of the parents (a copy);

Child birth certificate (a copy);

Certificate on family members issued by the local public administration authority, service for the exploitation of housing resources or other institutions managing the housing resources;

b) tutor (curator) shall enclose the following documents:

ID (a copy);

Child birth certificate (a copy).

3. In the event that the child remains under the parental care, the requestor shall enclose to the request the certificate confirming the parent's capacity, who will take care of the child, to exercise parental rights and duties in compliance with the provisions of the Family Code, issued at the place of residence by the tutorial authority from the administrative-territorial unit of 1st tier, whereas in Chişinău municipality – by the sectoral directions for minors' care and protection.

4. In the event that the child remains at home without a legal representative as a consequence of temporary employment of his/her parent/tutor (curator) abroad, the tutorial authority shall specify in the certificate the protection form applied to the child in compliance with Article 115, paragraph (2) of the Family Code.

5. For the situations specified in Item 3, social assistance and family protection sections/directions, Direction for Minors' Care and Protection in Chişinău municipality shall issue the certificate of ECPAMS-1 model, whereas for the situations specified in item 4 – certificate of ECPAMS-2 model in compliance with Annexes Nr.1 and Nr.2 to the present Regulations.

6. Each child under the requestor's care shall be issued a separate certificate.

7. The validity term of the certificate shall comprise 3 months from the date it was issued.

27. DECISION

Regarding the approval of the Framework Regulation for the organization and functioning of the centers of rehabilitation for victims of domestic violence No. 129 from 22.02.2010

Official Monitor No..30-31/176 from 26.02.2010

* * *

In order to execute the provisions of Law No. 45-XVI from 1 March 2007 regarding the prevention and combating of domestic violence (Official Monitor of the Republic of Moldova, 2008, No.55-56, art.178), the Government

DECIDES:

1. To approve the Framework Regulation for the organization and functioning of the centres of rehabilitation for victims of domestic violence (is attached).
2. The centers that will offer assistance and protection services for victims of domestic violence will approve their own regulations of organization and functioning based on the above-mentioned Framework Regulation.
3. The Ministry of Labor, Social Protection and Family will co-ordinate the opening of such centers on the territory of the country and will monitor their activity.

PRIME-MINISTER

Vladimir FILAT

Counter-signing:

Minister of labor, social protection and family

Minister of internal affairs

Minister of finance

Valentina Buliga

Victor Catan

Veaceslav Negruța

Chișinău, 22 February 2010.

No.129.

Approved
by Government Decision
No.129 from 22 February 2010

FRAMEWORK-REGULATION of organization and functioning of the rehabilitation centers for victims of domestic violence

I. GENERAL PROVISIONS

1. The Centre for rehabilitation for victims of domestic violence (hereinafter – Centre), is a specialized institution that offers temporary placement and assistance to victims of domestic violence.
2. The Centre carries out its activity in accordance with the legislation in force, with the minimum quality standards in the field and with the present Regulation.

3. The activity of the center is monitored and evacuated by the founders and by the territorial social assistance body until a certain period of time, or at its request, by presenting activity reports.

4. The Centre is a legal person, has a stamp and a bank account.

5. The Centre organizes its activity based on the following principles:

1) observance and promotion of the rights, interests and dignity of the assisted persons;

2) observance of the superior interest of the child and of his/her rights;

3) non-discrimination;

4) ensuring confidentiality and professional ethics;

5) of the opinion of the assisted person (adult or child);

6) inter-disciplinarity and multi-disciplinarity;

7) ensuring access to quality services;

8) openness towards the community.

6. The aim of the Centre is to offer temporary placement, assistance to victims of domestic violence, socialization and reintegration in the family and/or community.

II. ORGANISATION AND FUNCTIONING OF THE CENTRE

7. The Centre may be created:

1) by the Government, at the proposal of the Ministry of Labor, Social Protection and Family;

2) by local public administration authorities, at the proposal of the committee on social issues;

3) by international organizations and non-governmental organizations, while informing the Ministry of Labor, Social Protection and Family;

4) by local public administration authorities and private or non-governmental organizations, based on a joint activity agreement.

8. The Centre's object of activity is offering, free of charge, specialized social services, in accordance with the minimum quality standards and answers to the real and specific needs of each assisted person:

1) ensures sheltering, protection and temporary placement to victims of domestic violence;

2) ensures services of personal hygiene;

3) offers legal, social, psychological and urgent medical assistance;

4) offers informational support for finding a dwelling, a pre-school institution or a pre-university institution;

5) offers non-formal education with the view to assimilate knowledge and skills necessary for social integration;

6) promotes socialization and development of relations with the community and/or family;

7) facilitates access and informs the beneficiary about the social protection system;

8) elaborates, jointly with the beneficiary, an individual protection plan against any form of intimidation, discrimination, abuse and exploitation;

9) supports the couple parent-child/child in order to develop the autonomy that would favour his/her reintegration in the family and/or community;

10) monitors the post-integration situation of the beneficiaries in the family and community.

9. The accommodation of the beneficiaries will not exceed the period of 3 months, period in which the authorities and personnel of the Centre, jointly with the beneficiary, will find a durable solution.

10. The maximum capacity of the Centre is for up to 30 persons.

11. The Centre is equipped according to the quality standards, in accordance with the individual and age particularities of the beneficiaries.

12. The assistance of each beneficiary is accomplished based on the individual intervention plan, elaborated by the social assistant who coordinates the case within the Centre. The referral of the beneficiary to other specialized community services and reintegration in the family and/or community is coordinated with the multi-disciplinary team.

13. The Centre:

offers medical assistance, in the limit of its competence and depending on the needs of the beneficiaries. The primary and specialized medical assistance are ensured by the territorial medical units, according to the legislation;

ensures reintegration services for the victim in the family and/or community through:

- 1) work with the beneficiary's family;
- 2) referral to professional services;
- 3) facilitating finding a job;
- 4) monitoring and evaluation of the situation for a period of one year from the moment of reintegration in the family and/or community;
- 5) ensuring children's access to community educational services (school, kindergarten etc.).

14. The educational services are offered by the community educational services. The employees of the Centre ensure educational assistance for the children when preparing their homework.

15. Violent persons (verbal and/or physical), persons abusing alcohol and drugs, persons with contagious diseases, persons who are in a state of affect, cannot benefit from the services offered by the Centre.

16. The quality of the services rendered by the Centre shall be periodically evaluated by the body of accreditation of social services.

17. In order to ensure the security of the beneficiaries, the Centre benefits of security and guard, as provided by the legislation.

18. Local public administration authorities, in case of need, may offer buildings in which the centers shall operate.

III. PLACEMENT OF THE BENEFICIARIES IN THE CENTRE

19. The group of beneficiaries of the services offered by the Centre is represented by persons, victims of violence in the family, constituted of women, men and the couples mother-child/children, father-child/children. The children may be placed in the Centre only accompanied by the parent or their legal representative. The individual placement of the children is not allowed. The centers are specialized according to the sex criterion of the beneficiaries (centers of rehabilitation for women victims of violence in the family and centers of rehabilitation for men victims of violence in the family, as the case may be).

20. The placement of the adult beneficiary in the Centre takes place in the way determined by the present Regulation, at the direct request of the beneficiary or with the presentation of the personal file of the beneficiary by the territorial social assistance body, body of internal affairs, his/her referral by other local public administration authorities, other relevant institutions.

21. The placement of the beneficiaries takes place in case when there is an imminent danger for the life or health of the beneficiary and/or of her child/children.

22. The placement of the beneficiary in the Centre is voluntary, has a temporary character and includes the elaboration of the file of the beneficiary, complex evaluation and determination of the individual intervention plan.

23. The personal file of the beneficiary is filled in by the specialists of the Centre.

24. The complex evaluation of the beneficiary is done by the case manager, jointly with the community social assistant. The individual plan of services is revised on a monthly basis, or as often as it is needed in order for it to be updated to the newly-appeared social needs.

25. The services mentioned in item 8 of the present Regulation shall be ensured by the specialized staff hired in the Centre, by the partners of the Centre, by volunteers from NGOs with which the Centre collaborates.

26. For each beneficiary of the Centre a personal file shall be drafted which shall contain personal data, data about the family, professional background, medical data, other necessary and useful documents for each case in particular, a social form that would highlight the causes of the situation of social risk and the personalized intervention plan.

27. The preparation for the exit of the beneficiary from the Centre is done by the case manager under the supervision of the manager of the Centre and in collaboration with the territorial social assistance and family protection body and the multi-disciplinary team.

28. After the withdrawal of the beneficiary from the Centre, the conciliation, accompanying and emotional support services are left at the discretion of the beneficiary until his/her full integration in the family and/or community.

IV. MANAGEMENT AND STAFF OF THE CENTRE

29. The Centre is run by a person who has higher education degree in one of the following fields: pedagogy, psychology, psycho-pedagogy, social assistance, legal studies, medicine. The function of manager of the Centre may be cumulated with another function.

30. The manager is hired and dismissed from the function by the founder of the Centre, according to the legislation in force. In case when there are more founders, the manager is hired and dismissed from the function by the Assembly of the founders.

31. In his/her activity, the manager of the Centre is guided by the relevant normative and legislative acts, dispositions of the local and central public administration authorities and by the present Regulation.

32. The manager of the Centre is the administrator of all resources, has the right to hire and dismiss the staff in accordance with the legislation, is responsible for the legal and administrative activity of the Centre.

33. The manager of the Centre is responsible for the organization of the activity of the Centre and for the quality of the services offered. The manager guarantees access to the assistance services for the beneficiaries.

34. The manager of the Centre ensures:

- 1) the functioning of the Centre according to the minimum quality standards;
- 2) the administration of the financial and material resources of the Centre, according to the national accounting standards;
- 3) the organization and evaluation of the activity of the Centre's staff, according to the post job description;
- 4) the completion and presentation of the forms and of the reports regarding the activity of the Centre by its founders, the local and/or central public authority;
- 5) the evidence of the cases of violence in the family and reporting to the territorial social assistance body, based on the approved forms;
- 6) studying and generalization of the causes and conditions of committing of acts of violence in the family;
- 7) the confidentiality of the programme and registries of the beneficiaries;
- 8) the representation of the Centre in the relations with other private and public organizations;
- 9) access and supervision of the continuous training of the personnel.

35. The manager of the Centre holds weekly sessions for planning the activity of the Centre or as often as it is needed.

36. The manager of the Centre concludes agreements of specialized services providing with other relevant organizations/institutions, as the case may be. Also, the Centre concludes collaboration agreements with territorial law enforcement in order to ensure physical protection of the beneficiaries and security of the institution.

37. In case of temporary incapacity of exercising the attributions of the manager, the responsibility for the good functioning of the Centre is transferred to the deputy manager.

38. The staff of the Centre is constituted of specialists who correspond to the needs of its functioning, according to the legislation in force.

39. The staff of the Centre is hired through open competition, in accordance with the legislation.

40. The hiring committee is consisted of a manager, representatives of the founders of the Centre, of the territorial body of social assistance.

41. The hiring of the personnel is done based on the individual work contract, concluded in the accordance with the legislation in the field.

42. At the moment of the hiring, and later every 6 months, the hired personnel is required to pass the medical exam, according to the legislation.

43. The hired personnel of the Centre is required to keep confidential all information related to the private life of the beneficiaries, which they obtain in the course of their work, and not to request, nor to receive undeserved benefits for the work performed.

44. With the agreement of the victim who has been informed in advance, the hired personnel of the Centre announces the relevant bodies about the violent acts committed in the family, in the stipulated time limits, by taking into account the legislation in the field.

45. The structure and the posts of the Centre are determined and approved by the founders, in accordance with the Minimum Quality Standards, with the aim and objectives of the Centre and the provisions of the labor legislation in force.

46. The Centre activates according to a special schedule (24/24 hours), depending on the placement needs, assistance, rehabilitation and reintegration of the victims of domestic violence.

47. The personnel carries out the activity according to the job descriptions, in the premises of the Centre, in accordance with the determined working hours and individual assistance programs of the victims of violence in the family.

48. The structure and training of the personnel has to correspond to the objectives of the Centre.

49. The remuneration of the personnel of the Centre is done in accordance with the legislation.

V. FINANCING OF THE CENTRE

50. The expenditures related to the activity of the Centre are supported by the joint budget of the founders.

51. The Centre may be financed from the state budget, budget of the territorial-administrative units, donations, grants, other sources, according to the legislation.

52. The Centre has in its use fix assets from the patrimony of the public territorial-administrative unit or any other unit, from donations, sponsorships, etc., as provided by the law.

53. The organization and functioning of the Centre may be supported financially and materially by economic agents and entrepreneurs in the terms of the Law No. 1420-XV from 31 October 2002 on philanthropy and sponsorship.

VI. FINAL PROVISIONS

54. The activity of the Centre ceases based on the decision of the founders, by informing the Ministry of Labor, Social Protection and Family, in accordance with the Civil Code of the Republic of Moldova No.1107-XV from 6 June 2002.

55. After the cease of the activity of the Centre, its patrimony shall be transmitted to the founding members, in accordance with each founder's contribution.

28. DECISION

on the creation of the National Council for coordinating national programs for preventing and controlling HIV/AIDS infection, sexually-transmissible diseases and for containing tuberculosis

No. 825 of August 3, 2005

Official Monitor of the Republic of Moldova No.107-109/893 of August 12, 2005

* * *

The Government has **DECIDED**:

1. To create the National Council for coordinating national programs for preventing and containing HIV/AIDS infection and sexually-transmissible diseases and for containing tuberculosis.

2. To approve:

The nominal composition of the National Council for coordinating national programs for preventing and containing HIV/AIDS infection and sexually-transmissible diseases and for containing tuberculosis, as specified in Annex No.1;

The Regulation on the National Council for coordinating national programs for preventing and containing HIV/AIDS infection and sexually-transmissible diseases and for containing tuberculosis, as specified in Annex No.2.

3. To establish that in case of dismissal of members of the Council, their functions shall be exercised by persons newly-appointed to those offices, without the issuance of new Government decisions.

4. To abrogate certain Government decisions, as specified in Annex No.3

PRIME MINISTER

Vasile TARLEV

Counter-signed by:

Minister of Health and Social Protection

Valerian Revenco

Minister of Education, Youth and Sports

Victor Tvircun

Chisinau, 3 august 2005.

No.825.

NOMINAL COMPOSITION
of the National Council for coordinating national programs
for preventing and containing HIV/AIDS infection and sexually-transmissible
diseases and for containing tuberculosis

Vladimir HOTINEANU	Minister of Healthcare, Chairman of the Council
Iurii BUCINSCHI	Head of Social Development Department, State Chancellery, Deputy Chairman of the Council
Tatiana POTING	Deputy Minister of Education, Deputy Chairman of the Council
Igor CHILCEVSCHI	Chairman of the League of Persons Living with HIV/AIDS, Deputy Chairman of the Council
Raisa FLOCEA	Main Consultant, State Chancellery, Secretary of the Council
Victor BARBANEAGRA	Deputy Minister of Finances
Sergiu SAINCIUC	Deputy Minister of Labor, Social Protection and Family
Oleg EFRIM	Deputy Minister of Justice
Mihai MAGDEI	Deputy Minister of Healthcare
Dumitru URSACHI	Deputy Minister of Interior
Oleg TULEA	Deputy Minister of Youth and Sports
Victor VOLOVEI	Executive Director, UCIMP
Stefan GHEORGHITA	Deputy Director of the National Scientific and Practical Center for Preventive Medicine
Leonid CERESCU	Chairman of the National Employers' Confederation
Gabriela IONASCU	Coordinator, UNAIDS
Pavel URSU	Director of WHO in Moldova
Boris GILCA	Coordinator, UNFPA
Melanie MARLETT	Director of the World Bank Office in the Republic of Moldova
Alexandra YUSTER	Coordinator, UNICEF
Kaarina IMMONEN	Resident Coordinator, UNDP
Diana CAZACU	Program Coordinator, USAID
VioREL SOLTAN	Executive Director of the PAS Center
Antonita FONARI	Chairman, SIDA Network
Victor URSU	Executive Director of the Foundation "Soros-Moldova"
Ala IATCO	Director of the Union of Nongovernmental Organizations Active in Reducing Noxae
Lilia BULAT	Executive Director, NGO "Christian Aid in Moldova"
Petru DERMENJI	Coordinator TB, Bender
Alexandru GONCEAR	Coordinator HIV, Tiraspol
Alexandru CURASOV	Representative of the League of Persons Living with HIV/AIDS
Boris BALANETCHI	Executive Director, AO "Gender-DocM"
Larisa BIRCA	Chairman of the Red Cross Society in Moldova
Ion VIERU	Chief of the General Department for Healthcare and Social Protection from the territorial autonomous unit Gagauzia

[Annex No.1 as worded by Gov.Dec.No.375 of 06.05.2010, effective as of 11.05.2010]

[Annex No.1 as amended by Gov.Dec.No.462 of 24.03.2008, effective as of 01.04.2008]

REGULATION
on the National Council for coordinating national programs
for preventing and containing HIV/AIDS infection and sexually-transmissible
diseases and for containing tuberculosis

I. General Provisions

1. The National Council for coordinating national programs for preventing and containing HIV/AIDS infection and sexually-transmissible diseases and for containing tuberculosis (hereinafter – the National Coordinating Council) is a national-level inter-sector body, which reflects the priorities and the commitment of the Republic of Moldova to combat tuberculosis, HIV/AIDS infection and sexually-transmissible diseases.

The aim of the National Coordinating Council is to contribute to the efficient implementation of activities within the framework of national programs for preventing and containing HIV/AIDS infection and sexually-transmissible diseases and for containing tuberculosis, by attracting, coordinating, monitoring and disbursing funds offered by international organizations, in response to the country's need to accomplish the Millennium Development Goals.

2. The activity of the National Coordinating Council is based on European democratic principles and the legislation of the Republic of Moldova. Upon developing this Regulation, there have been taken into account as well the recommendations of the Global Fund for Combating AIDS, Tuberculosis and Malaria.

3. The National Coordinating Council carries out its activity based on a partnership established between state, international and nongovernmental institutions, based on the principles of transparency and mutual collaboration.

4. The activity of the National Coordinating Council is carried out between sectors and ministries, in order to ensure a broader participation of interested parties in the monitoring of activities for preventing and containing HIV/AIDS infection, sexually-transmissible diseases and for containing tuberculosis, as well as in order to establish a durable connection between all key decision-makers, involved in the development, promotion and implementation of national policies in the field of tuberculosis, HIV/AIDS infection and sexually-transmissible diseases.

5. The National Coordinating Council is managed by a chairman and assisted by a deputy chairman.

II. Objectives of the National Coordinating Council

6. The objectives of the National Coordinating Council result from the general objectives of the national programs for preventing and containing tuberculosis, HIV/AIDS infection and sexually-transmissible diseases, and are directed at improving the epidemic situation and public health by means of:

rendering more efficient the governmental policy in the field of containing tuberculosis, HIV/AIDS infection and sexually-transmissible diseases;

strengthening inter-sector partnership between state, international and nongovernmental institutions aimed at a better control over tuberculosis, HIV/AIDS infection and sexually-transmissible diseases;

ensuring a mutual and efficient dialogue between governmental and nongovernmental organizations from Moldova and abroad.

7. In order to accomplish its objectives, the National Coordinating Council:

analyzes causes and conditions favoring the spreading of tuberculosis, HIV/AIDS infection and sexually-transmissible diseases;

contributes to finalizing national strategies for supervising, containing and preventing tuberculosis, HIV/AIDS infection and sexually-transmissible diseases and monitors their implementation;

determines and proposes to the Government to reserve in the state budget funds necessary for applying national strategies in the respective fields;

periodically informs the Government and competent authorities about performed activities and results achieved;

proposes measures for supervising, containing, preventing and reducing the social impact of the cases of tuberculosis, HIV/AIDS infection and sexually-transmissible diseases;

formulates proposals for amending and supplementing legislative acts, as well as for the development of new normative acts for supervising, containing, preventing and reducing the social impact of the cases of HIV/AIDS infection. Proposals are submitted to competent institutions, as provided by effective legislation;

monitors the observance of conventions, treaties and of other international acts, to which the Republic of Moldova is a party, concerning the observance of the rights of persons infected with tuberculosis, HIV/AIDS infection and sexually-transmissible diseases;

promotes inter-sector partnership with a view to developing and implementing national programs and ensures the transparency of the decision-making process;

approves the nominal composition of technical working groups and responsible heads in specific domains;

approves the annual work plan of the Secretariat of the National Coordinating Council, as well as the executive plans of the national programs for preventing and containing tuberculosis, HIV/AIDS infection and sexually-transmissible diseases, developed by technical working groups;

performs other functions with a view to accomplishing the goal and tasks for which it has been created, in accordance with effective legislation.

III. Structure of the National Coordinating Council

8. The National Coordinating Council has three levels:

decision-making level – members of the National Coordinating Council;

coordinating level – Secretariat of the National Coordinating Council;

operational level - technical working groups.

9. The decision-making level of the National Coordinating Council is the supreme management body of the Council and comprises representatives of ministries, agencies and international organizations, nongovernmental organizations, persons infected with/affected by HIV/AIDS, who, through their activity contribute to the development and promotion of healthcare policies in the field of tuberculosis, HIV/AIDS infection and sexually-transmissible diseases.

10. Any person, who recognizes and accepts the constituting principles of the National Coordinating Council, contributes to the strengthening of the Council's capacity and, implicitly, to the accomplishment of national programs for preventing and containing tuberculosis, HIV/AIDS infection and sexually-transmissible diseases, may become member of the National Coordinating Council.

Governmental organizations and international agencies are represented in the Council by delegated persons, while nongovernmental, charity, private organizations, service beneficiaries, persons infected with or affected by the HIV/AIDS infection appoint their candidates by means of a transparent election process. The application, motivation letter and the election minutes are submitted to the Secretariat of the National Coordinating Council.

Withdrawal from the National Coordinating Council is accomplished by means of an official application to the Council chairman. Exclusion of members from the National Coordinating Council is performed by a vote of at least 2/3 of the members.

11. The National Coordinating Council functions as a national group based on consensus. The members of the Council are equal partners, with full rights of participation and involvement in the decision-making process. Resolutions are adopted by 2/3 of the present members. Members of the Council may delegate their voting rights to representatives authorized by them.

12. Members of the National Coordinating Council convene into meetings not less than 4 times a year. Meetings are organized at the initiative of the Council chairman or at the initiative of the Council Secretariat or at the request of 1/3 of the Council members, with notice given to the Secretariat one month prior to such intention. Meetings are chaired by the Council chairman and in his absence – by the deputy chairman. Meetings

of the National Coordinating Council may be attended by invitees, as reporters or observers, without voting rights.

13. The coordinating level of the Council is ensured by its Secretariat, which:

develops the annual activity plan of the Secretariat and establishes the approximate dates of the Council meetings, as well as activities between meetings. The Secretariat offers logistic support in organizing the meetings;

two weeks before the meeting, the Secretariat draws up the preliminary agenda and submits it to the members of the Council for amendment and supplementing. After the meetings the members of the Councils are forwarded the minutes and other requested materials by email;

formulates resolutions and proposes them for approval during Council meetings;

facilitates information exchange concerning implementation of abovementioned national programs between various partners, by means of an electronic bulletin and a (printed) informative bulletin;

monitors and ensures the activity of technical working groups and keeps the minutes of their meetings;

reports annually to the members of the Council about performed activities and informs the chairman on a constant basis of the Council news.

14. The operational level of the National Coordinating Council is represented by the technical working groups, consisting of specialists in the field of tuberculosis (5 persons) and HIV/AIDS (7 persons) from state, nongovernmental and international institutions.

The following groups activate in containing tuberculosis:

a) the technical working group for tuberculosis diagnosis;

b) the technical working group for managing classic tuberculosis, multi-resistant tuberculosis and TB/AIDS co-infection;

c) the technical working group for containing tubercular infection;

d) the technical working group for communication and prevention.

The following groups activate in containing HIV/AIDS infection and sexually-transmissible diseases:

a) the technical working group for epidemiologic and sentinel supervision of HIV/AIDS infection and sexually-transmissible diseases;

b) the technical working group for social services: education and social assistance;

c) the technical working group for reducing noxae;

d) the technical working group for treating and taking care of persons living with HIV/AIDS infection and sexually-transmissible diseases;

e) the technical working group for communication and prevention;

f) counseling and voluntary testing for HIV/AIDS/hepatitis;

g) assistance and social protection for persons affected by TB/HIV.

Amongst the technical working groups there is a mixed group: monitoring and evaluation of tuberculosis, HIV/AIDS infection and sexually-transmissible diseases.

[Section 14 supplemented by Gov.Dec. No.375 of 06.05.2010, effective as of 11.05.2010]

15. Members of technical working groups meet in ordinary sessions and as necessary, but not less than four times a year. They perform their activity according to a work plan, drawn up by themselves within each group. The schedule of ordinary meetings is submitted to the Secretariat of the National Coordinating Council to be notified to the members of the Council, along with the topics of the meetings. The head and the secretary of the technical working group are responsible for drawing up the minutes of the meetings, which are subsequently presented to the Secretariat of the Council.

The tasks of the technical working groups consist of:

offering technical support upon developing projects and strategies of national programs for preventing and containing tuberculosis, HIV/AIDS infection and sexually-transmissible diseases;

offering technical support upon developing funding proposals for external donors or donating agencies;

monitoring and evaluating the situation in the field of tuberculosis, HIV/AIDS infection and sexually-transmissible diseases, identifying medical problems in the field and participating in the development of national policies.

Annex No.3
to Government Decision
No.825 of 3 August 2005

LIST
of Government decisions subject to abrogation

1. Government Decision No.346 of 19 March 2002 “On the creation of the National Coordinating Council for Implementing the Project “Support for the National Program for Preventing HIV/AIDS infection and sexually-transmissible diseases and for the National Program for Containing Tuberculosis”, sustained by the Global Fund for Combating AIDS, Tuberculosis and Malaria” (Official Monitor of the Republic of Moldova, 2002 No.43-45, art.418).

2. Government Decision No.140 of 17 February 2004 “On amending and supplementing Government Decision No.346 of 19 March 2002.

29. DECISION

on the approval of the National Program for HIV/AIDS and STIs Control and Prevention (PROGRAM) for 2011-2015 no. 1143 As of 16.12.2010 Chisinau

Pursuant to the provisions of art.6, art.7, art.9 and art.72 of the Law on the Government surveillance of public health, no.10- XVI dated 03 February 2009 ('Official Monitor of the Republic of Moldova', 2009 issue no.67, art. 183), art. 4 of the Law on HIV/AIDS Prevention, no.23-XVI from 16 February 2007 ('Official Monitor of the Republic of Moldova', 2007 issue no.54, art. 250), the Government

IS DECIDING:

1. To approve of the PROGRAM for 2011-2015 (annexed hereto).
2. To entitle the municipal councils from Chisinau and Balti, Administrative Territorial Unit of Gagauzia (Gagauz-Yeri) and district-level councils:
To develop, approve of and enforce the implementation of regional programs for HIV/AIDS and STIs prevention and control programs for 2011-2015;
To establish regional committees for HIV/AIDS and STIs prevention and control, entitled to organize and control the implementation of regional programs for HIV/AIDS and STIs prevention and control.
3. Central public authorities shall:
Develop and approve of the operational plans to implement the provisions of the PROGRAM 2011-2015;
Inform the Ministry of Health (MOH), on an annual basis, before 5 March each year, on the progress achieved with regards to PROGRAM implementation.
4. It is provided for that the funding of the PROGRAM 2011-2015 shall be ensured within the national public budget means available, as well as with the funds made available by international organizations, donations and grants.
5. The MOH is responsible to control the enforcement of the given Decision.
6. The following Government Decisions to be abrogated: no.948 from 5 September 2005, 'on HIV/AIDS and STIs prevention and control measures' ('Official Monitor of the Republic of Moldova, 2005 issue no.126-128, art.1048) starting on 1 January 2011.

Prime Minister
Signed off:
Deputy Prime Minister
Minister of Health
Minister of Finance

Vladimir FILAT

Ion NEGREI
Vladimir HOTINEANU
Veaceslav NEGRUTA

National Program for HIV/AIDS and STIs Prevention and Control (PROGRAM) 2011-2015

Chapter I. Introduction

1. Based on the World Health Organization (hereinafter WHO) classification, the Republic of Moldova (hereinafter the RM) is in a concentrated stage of the HIV/AIDS epidemic. Heterosexual route of HIV/AIDS transmission has been prevailing over the last years, with the number of new cases identified among injecting drug users (hereinafter IDU) dropping.

2. Therefore, given the present epidemic situation, it is critical to design strategies and take actions to advocate for healthy lifestyles, changing risky behaviors that put someone at risk for HIV/AIDS, by developing and implementing measures to prevent and ensure treatment, care and support for the people living with HIV (hereinafter PLHIV).

3. The Government of RM, through the National Program for HIV/AIDS and STIs Prevention and Control (hereinafter PROGRAM) shall ensure the coordination of HIV and sexually transmitted infections (hereinafter STI) response measures during 2011-2015.

4. Priority actions under the Program shall be translated in operational plans to steer the implementation process.

5. RM is a co-signatory to the global commitments set under the Millennium Development Goal no.6 'Stop the spread of HIV/AIDS and TB by 2015 and reverse current trends', Declaration of Commitment of the United Nations (hereinafter UN) General Assembly Special Session (UNGASS) for HIV/AIDS dated 2001, Universal Access initiative and strategic framework of outcomes. At the same time, the Program is developed to support the objectives of the National Development Strategy and the Health System Development Strategy for 2008-2017 and the National Health Policy of the RM.

6. The Program has been designed to steer and enforce compliance among Government's institutions, civil and private sector stakeholders, and development partners.

Chapter II Program Development Process

7. The Program has been developed in line with the requirements for the development of Government Decisions and unified conditions for policy papers no.33 from 11 January 2007, with participation of Government representatives (MOH, Ministry of Labor, Social Protection and Family (MOLSPF), Ministry of Education, Ministry of Justice, Ministry of Youth and Sports, Ministry of Internal Affairs, and Ministry of Finance), non-governmental organizations (hereinafter NGOs), including PLHIV, with technical and financial support from bilateral donors and international organizations (UNDP, UNAIDS, WHO, UNICEF, UNFPA).

8. The Program development process was linked to the process of developing and implementing GFATM project proposals for the RM.

9. The Program development process included a poverty assessment, a national response analysis and a review of outcomes of NAP 2006-2010 implementation.

10. Members of the National NAP and National TB Program (NTP) Coordination Council (hereinafter CCM) have been involved in the Program development all throughout the process, along with the CCM Technical Working Groups.

Chapter III Situation Analysis

11. The HIV infection is a major public health priority in the RM. As of 1 June 2010 there have been 5,999 PLHIV reported overall in the country, including 1,891 – in Transnistria. There was an insignificant drop in

the number of new cases reported, i.e. 704 (17.12 per 100,000 population) versus 795 reported in 2008 (19.27 per 100k). The spread of HIV is reported in all districts of the country, although the degree of spread differs. The highest cumulative prevalence per 100,000 people is reported in the municipalities of Balti – 804.86 and Chisinau – 135.86; districts of Glodeni – 141.49, Basarabasca – 122.03, and Singerei – 109.69. In Transnistria the HIV prevalence rate is 2.73 times higher than in the rest of the country, tallying up to 453.59 in the city of Tiraspol, and 531.49 – in the district of Ribnita.

12. HIV is reported among the able-bodied and sexually active young people; hence, 86.02% of the total identified number of PLHIV is from the 15-39 years-old group, 23.77% are 20 - 24 years-old, and another 24.99% are from the 25-29 years-old age group.

13. There is a steady high level of heterosexual transmission rate of HIV (81.25%), with the number of new cases growing in rural areas (34.9%), among migrants (34%), while the share of new cases among IDUs going down. There are about 80 new HIV cases reported each year among pregnant women. As many as 887 people have been diagnosed with AIDS during 1989-2009. About 500 people died of HIV/AIDS during 1987–2009 in Moldova alone (net of Transnistria data). Another 490 PLHIV died of AIDS during 1989–2009 in Transnistria. Of the most frequently diagnosed AIDS indicator conditions, TB has the highest share - 482 people (54.34% of all AIDS patients).

14. To day, the burden of HIV is borne by men and women equally. The situation changed somewhat following the shift from IDU-driven epidemic during 1990-2001 (most of whom were men) towards a prevailing sexual route of transmission today. Of all the major areas of suggested interventions, gender issues were reckoned as top priority, streamlined into all actions and underpinning the interventions fit for the roles played by women and men. Therefore, one has to take into account the responsibilities and opportunities for men and women from the social, cultural and political standpoints. Various tools for monitoring, evaluation and oversight have been designed to provide data disaggregated by gender to identify those interventions targeting gender issues, making allowance for gender differences. One may notice that no provisions have been made for gender issues in the HIV control actions taken before, as interventions were targeting general population and vulnerable groups at high risk for infection only. Given that IDU accounted for four-fifths of all new cases of HIV at the beginning of the epidemic, which subsequent spread to lay population via sex and taking into account the major role that women play in reproductive health and bringing up children within one's family and the society in general, the emphasis is made on securing the psychological support, preventing unwanted pregnancy among HIV-positive women, counseling and testing, family planning, social care and support after birth (food parcels, clothing, summer camps for mothers and children).

15. The epidemiological situation for syphilis and gonorrhoea is flat, the incidence per 100,000 people reaching 68.26 in 2006 versus 69.5 in 2009 for syphilis, and 50.7 versus 42.7 respectively for gonorrhoea.

16. The evaluation of the NAP 2006-2010, endorsed through Government Decision no.948 as of 5 September 2005, proved this topic relevant, contributing to strengthening and mobilizing the national and foreign resources to implement and scale up HIV prevention, treatment, care and support, surveillance and control strategies and activities for PLHIV and their family members. The activities and provisions of the Program are technically and financially supported by international organizations, GFATM and other donors, thus contributing towards the fulfillment of commitments taken by the Government of RM as part of the UNGASS Declaration from June 2001.

17. Pursuant to international standards, the national laws and normative acts have been developed and appropriately adjusted on ways to interdict the discrimination of PLHIV or vulnerable to HIV-infection, observing the human rights and dignity approach, acting as the legal basis for the carrying out of comprehensive, team and cross-sector interventions.

18. The HIV monitoring and surveillance is a hot topic at relevant central-level authorities. In order to improve people's access to voluntary and confidential counseling and testing (VCT) services, a VCT service was set up within the health care system. As many as 254 thousand people have been tested during 2006 and 298 thousand people – in 2009. HIV surveillance, antiretroviral (hereinafter, ARV) treatment and management of opportunistic infections, palliative care, prevention of mother-to-child transmission are all done as per the national protocols, developed according to WHO recommendations. PLHIV and AIDS patients are granted universal access to ARV treatment.

19. In cooperation with civil society, there are 49 harm reduction programs and projects implemented in the country, along with prevention, rehab and psychosocial support, opiate substitution therapy with methadone for IDUs, inmates, migrants and other groups at high risk of infection, as per the standards of WHO, UNAIDS, and UNODC.

Chapter IV

Program Goal and Objectives

20. The goal of the Program is to advocate for a healthy lifestyle to population, adopting safe and harmless behaviors, scaling up HIV prevention in population, including rural population, mobile populations, improving the accessibility of health care services (VCT, early diagnosis, HIV treatment, care and support), while keeping the country's HIV-infection to concentrated epidemic levels.

21. Listed below are the Program objectives:

a) HIV incidence shall have stayed below 20.0 cases per 100,000 population in the 0-39 years-old age group by 2015

The main purpose of this objective is to cut down the HIV incidence among the youth of reproductive age and vulnerable groups. The accomplishment of this objective shall provide the population with access to HIV prevention services. Behavior change, community mobilization, peer-to-peer actions taken among youth and outreach activities undertaken among IDU, men having sex with men (hereinafter, MSM), commercial sex workers (hereinafter, CSW), migrants, track drivers etc. and providing people with VCT services make up the cornerstone of HIV prevention measures.

b) Mortality among PLHIV of the estimated total number of PLHIV shall have dropped by 10% by 2015

The above objective aims at improving the quality of life of the PLHIV by ensuring: required ARV therapy, treatment of opportunistic infections and HIV/AIDS associated conditions, home care, social protection, and care for orphan children. The creating of an enabling environment shall allow for better adherence to ARV treatment and a more efficient case management.

Chapter V

Guiding Principles for HIV/AIDS National Response

22. The principles used at both international and national levels applicable to public health programs underpinned the development of the Program, as follows:

a) Principle 1. The Program is evidence based.

The Program has been designed based upon the evidence drawn throughout the NAP 2006-2010 implementation and the National Response Appraisal carried out at the beginning of 2010.

b) Principle 2. The Program has been designed on a human rights based approach.

The Program has been designed through the prism of human rights, by identifying responsibility bearers and rights holders and by securing the rights of those marginalized. The Program has been designed to ensure non-discrimination, equity and social inclusion, advocating for transparency and accountability of all relevant stakeholders.

c) Principle 3. The Program has been designed to be gender sensitive.

d) Principle 4. The Program has been designed to ensure universal access to HIV prevention, treatment and care.

The key principles of universal access (UA) provide for the services to be equitable, accessible geographically, affordable, comprehensive and sustainable. Ensuring UA means setting and tracking national targets in line with international standards, by calculating coverage levels that ought to be reached by the end of the Program.

e) Principle 5. Involving communities and PLHIV in the process of Program design, implementation and evaluation

The Program has been designed to enforce the principle that provides for the rights and opportunities of the PLHIV and affected by HIV to be observed. The involvement of civil society, including PLHIV and the representatives of groups at high risk of HIV infection shall strengthen the quality and efficiency of the national response.

f) Principle 6. Ex-ante assessment of the Program impact

The ex-ante assessment of the Program aimed at modeling and evaluating scenarios for possible trends in epidemiologic situation and a review of its impact and/or consequences. There has been use made of software internationally used to forecast estimates and trends. Hence, a comparison of different scenarios drew on the

modeling of epidemiologic situation for 10 prospective years, following up on a set of indicators, such as predicted reduction in prevalence and incidence rates, estimated number of new HIV cases, estimated number of prevented HIV cases, years of life saved, cost per HIV case prevented etc.

g) *Principle 7. Monitoring and Evaluation*

Chapter VI Program Overview

23. The Program has been designed as a complex framework to guide the national response activities and stakeholders across all sectors.

24. The implementation of the Program shall be focused on the following priority areas:

a) Strengthening and scaling up HIV prevention activities in lay population, including the rural, migrants and other groups at high risk of infection (IDU, MSM, CSW etc.) Setting up and ensuring the operability of one communication message for behavior change and advocacy for healthy lifestyles, building up safe behaviors in children and youth from the primary, secondary vocational and higher education facilities. Ongoing development of VCT services;

b) Developing infrastructure and building capacity to enhance UA to health care and palliative care by decentralizing the ARV treatment, strengthening health care, social and palliative care services;

c) Strengthening and building the capacity of government and civil society organizations to provide education and support for the children left with no parental care and for the children from the families-in-need;

d) Developing and ensuring the operability of a cross-sector national system for the coordination, management and monitoring of HIV/AIDS and STI control, prevention and treatment interventions. Building the capacity of CCM and technical working groups;

e) The management of Program shall be ensured through operational research, implementation of epidemiologic surveillance systems, surveillance of virus circulation and resistance profile, information technologies, implementation of case management and capacity building for lab diagnosis;

f) Strengthening the capacity of human resources through formal education, and trainings in HIV/AIDS-related areas;

g) Enabling environment and community development (advocacy and communication; institutional development; human rights; gender programs);

h) Research and epidemiologic, clinical, social, behavior and economic studies of the HIV-infection.

Chapter VII Rights Holders and Program Beneficiaries

25. The right holders and Program beneficiaries have been identified by one's risk of getting HIV and by one's social and behavioral vulnerability. The following WHO/UNAIDS methodology was employed to estimate the size of the group of Program beneficiaries (<http://www.unaids.org/en/KnowledgeCentre/HIVData/Methodology/default.asp>) which, in partnership with national authorities, make use of six-step approach to get estimates of HIV prevalence during the time span of national program implementation (5-10 years).

26. In the case of RM – a country with concentrated epidemic – as per the UNAIDS recommendations, the estimates are computed as a result of the following:

a) Step One – Epidemiologic surveillance data is collected for high risk groups: CSW, MSM, and IDUs. Estimates of the size of vulnerable groups are made, as well as estimates of most-at-risk groups (for instance: partners of CSW or of IDUs etc.)

b) Step Two – Collected data is entered into specialized software (“Estimation and Projection Package”).

c) Step Three – Curves are drawn for the trends in adult HIV incidence rates (15-49 years-old age group) over a certain period of time.

d) Step Four – Adult incidence curve, along with national demographic estimates generated by UNFPA and ARV treatment coverage data for adults and children are then entered into the *Spectrum* software.

e) Step Five – this data is supplemented by different epidemiologic assumptions (fertility rates, female-to-male ratio, survival rate following HIV infection etc.)

f) Step Six – ‘Spectrum’ estimates the forecast number of infected adults, new cases and HIV deaths, orphans and ARV treatment needs.

27. Hence, the actions required at country level have been taken based upon worldwide acceptable methodologies to estimate the size of Program beneficiary group, as reflected in the beneficiary groups outlined in Annex no.1 to the Program.

Chapter VIII Priority Actions

28. Specific Objective I. Ensuring the access for at least 10% of general population to HIV and STI prevention services by 2015:

a) Develop and implement a strategic communication framework for behavior change in HIV/AIDS and STIs;

b) Involve and mobilize communities (local public authorities (including, health care, social assistance, education), church community, PLHIV, NGOs, family members affected by HIV/AIDS) to strengthen HIV and STI prevention;

c) Provide the general population with VCT services for HIV and STIs;

d) Design and implement HIV and STI prevention programs for risk population groups, including: migrants, mobile population, recruits, inmates, people in uniform (including from the prison system), minor and youth delinquents, as well as other marginalized groups;

e) HIV and STI prevention actions taken among youth and adolescents within the education system;

f) HIV and STI prevention activities among unschooled youth and adolescents;

g) PLHIV-centered HIV and STI prevention measures;

h) HIV prevention among employed population through workplace programs.

29. Specific Objective II. Ensuring the access of at least 60% of the estimated number of high risk groups (CSW, MSM, IDU) to prevention services by 2015:

a) Ensure the curtailing of HIV and STI spread, differentiated by age specific and gender specific needs, among CSW and their clients;

b) Ensure HIV and STI prevention, differentiated by age specific and gender specific needs among MSM;

c) Ensure the access of IDUs, differentiated by age specific and gender specific needs, to comprehensive HIV prevention services and substitution therapy, including in the prison sector.

30. Specific Objective III. Providing 10% of population with condoms by 2015:

a) Provide for the social marketing of condoms.

31. Specific Objective IV. Providing 80% of patients diagnosed with an STI with treatment:

a) Provide for the testing, diagnosis and treatment of STIs for all groups of population, including high-risk groups.

32. Specific Objective V. Ensuring the access of at least 95% of pregnant women with PMTCT services:

a) Prevent the mother-to-child transmission of HIV and STIs and provide HIV-positive mothers with milk formula for the infants born to them.

33. Specific Objective VI. Ensuring blood safety for 100% of blood samples used for transfusion purposes:

a) Ensure the safety of donor blood.

34. Specific Objective VII. Providing people at risk for HIV infection with access to post-exposure prophylaxis (PEP) in 100% of cases when needed:

a) Provide PEP for professional exposures and sexual abuse or rape. Ensure the access to PEP information.

35. Specific Objective VIII. Ensuring ARV treatment for 80% of the estimated number of PLHIV and AIDS patients in need of treatment, by 2015:

a) Ensure access for the PLHIV and AIDS patients to outpatient treatment;

- b) Ensure the access of general population to provider-initiated HIV testing and laboratory diagnostics;
- c) Ensure the PLHIV with prevention, diagnosis and treatment of opportunistic infections and HIV-associated conditions in outpatient settings;
- d) Ensure the access of PLHIV and AIDS patients to ARV treatment;
- e) Ensure the access of adult PLHIV and AIDS patients to ARV treatment;
- f) Ensure the access of HIV-infected children and AIDS patients to ARV treatment;
- g) Ensure adherence to ARV treatment (including, through nutritional programs);
- h) Ensure the laboratory follow-up to adjust regimens for an efficient treatment;
- i) Surveillance of drug resistance in HIV patients.

36. Specific Objective IX. Ensuring 10% of the total estimated number of PLHIV and AIDS patients with care and support by 2015: Ensure case management and team approach to care for PLHIV;

- b) Ensure psycho-social support for PLHIV and AIDS patients;
- c) Provide the terminally-ill patients with palliative care in outpatient settings;
- d) Ensure the diagnosis and treatment of opportunistic infections and HIV-associated conditions in PLHIV in inpatient settings;
- e) Ensure the terminally-ill patients with palliative care in inpatient settings;
- f) Ensure the access of children infected and affected by HIV to social services.

37. Specific Objective X. Creating an efficient system for program management by 2015:

- a) Ensure the planning process through the CCM's technical working groups (TWG) and Program management;
- b) Secure the financial management of the Program and projects;
- c) Ensure Program monitoring and evaluation;
- d) Ensure the implementation, renewal and servicing of HIV/AIDS related information systems;
- e) Ensure the medical follow-up of patients by making the automated database SIME-HIV operational;
- f) Ensure the monitoring of prevention services provided to vulnerable groups and of social benefits by making the single ID system operational;
- g) Make the coordination systems operational for the NGO sector;
- h) Build the capacity of staff involved in programs;
- i) Provide the workers involved in service provision to HIV/AIDS and STI patients with in-service training, including for pediatric care;
- j) Ensure the social protection of PLHIV and AIDS patients;
- k) Provide for advocacy activities and defending the interests of PLHIV;
- l) Ensure the observance of rights of the PLHIV;
- m) Build the capacity of PLHIV NGOs;
- n) Epidemiologic and sociologic studies;
- o) Operational research.

Chapter IX

Program Implementation

38. The Program implementation is based on the work of CCM, which is a cross-sector structure at national level, outlining the priorities and the commitment of the RM in fighting HIV/AIDS, STIs and TB. The relevant ministries are held accountable for the participation in CCM meeting and for the implementation of sector-wide activities. CCM works based upon a partnership between government entities, unions, international organizations and NGO, on a transparent and reciprocally collaborative basis. The work of CCM is regulated by the CCM's Charter endorsed through the RM Government Decision no.825 from 03.08.2005.

Chapter X

Service Provision and Implementation

Implementation Partners

39. Service providers and implementers shall coordinate their implementation activities with CCM. The transparency of implemented activities shall be secured through the website *www.aids.md*.

40. Among implementation partners one may find governmental organizations, as well as civil society organizations:

- a) Public and private health care services to ensure the lab diagnostics, clinical care, and management of patients, as well as health education etc.;
- b) NGOs to carry out activities in high-risk groups, support for PLHIV etc.;
- c) Private sector companies to implement workplace policies;
- d) Social service providers, to translate HIV response to available services;
- e) Research groups for study development.

41. Public administration authorities and organizations in charge of capacity building are as follows:

- a) MOH, MOLSPF, Ministry of Education, Ministry of Justice, Ministry of Sports and Youth and other entitled institutions;
- b) UN technical agencies (UNAIDS, WHO, UNFPA, UNICEF etc.), through the technical assistance and information about international standards;
- c) National and international NGOs specialized in PLIHV interventions, workplace actions, IDUs etc.;
- d) Tier-I and -II local public authorities.

Chapter XI

Monitoring and Evaluation

42. The Program monitoring and evaluation shall be done in line with the Program Monitoring Plan (Annex no.2 to the given Program).

Chapter XII

Program Indicators

43. Program indicators are made up of a number of indicators to be reported on an annual basis. The core principle for setting the key indicators focused on “measuring progress” towards reaching the targets, outcomes and Program components. Thus, indicators also reflect the national reporting needs as set out in the Universal Access, Dublin Declaration (hereinafter, UNGASS); UA Initiative and MDG focusing on HIV/AIDS. According to the Program, indicators were grouped into four categories: output, process, outcome and impact. Output and process indicators are reviewed and collected on a quarterly basis and lay up the foundation for the Program monitoring, whereas outcome and impact indicators are collected and reviewed once every 2-5 years following specific epidemiologic studies and underpin the Program evaluation (as per Annex no.2 to the given Program).

Chapter XIII

Program Budget

44. Program cost estimates were assessed based on the cost per service or per capita, as prescribed (Annexes no.3 and 3a to the given Program).

Target populations of beneficiaries, definitions and descriptions

The identification of target groups of beneficiaries (hereinafter, TGB) aims at measuring the resources amassed for specific populations as part of the service provision process within programmatic interventions, identified based upon the UNAIDS Guidelines from 2009 “Evaluation and classification of beneficiary populations for the national response to HIV/AIDS”. It will provide results about the program expenses, making no allowance for the cost efficiency or coverage.

I. PB.01 PLHIV

1. PB.01.01 Adults and youth (15+ years-old) living with HIV
 - a) PB.01.01.01 Male adults and youth (15+) living with HIV
 - b) PB.01.01.02 Female adults and youth (15+) living with HIV
 - c) PB.01.01.98 Adults and youth (15+) living with HIV not broken down by sex
2. PB.01.02 Children (under 15 years-old) living with HIV
 - a) PB.01.02.01 Boys (under 15) living with HIV
 - b) PB.01.02.02 Girls (under 15) living with HIV
 - c) PB.01.02.98 Children (under 15) living with HIV, not broken down by sex
3. PB.01.98 PLHIV not broken down by age or sex.

II. **PB.02 Population at high risk of getting HIV** is identified by the type of behavior he/she is practicing putting her/him at high risk for HIV. Therefore, the population groups that are identified should be top priority for the national and sub-national programs. In particular, among those population groups that are at high risk of getting HIV one may find: CSW and their clients, IDUs, MSM, including adolescents from the above groups. It is estimated that those population groups have high rates of promiscuity, practicing unsafe sex with multiple partners or use of contaminated injection equipment for drug use, thus putting them at risk for HIV.

1. PB.02.01 IDUs and their sex partners
2. PB.02.02 CSW and their clients
 - a) PB.02.02.01 CSW and their clients
 - b) B.02.02.02 Male CSW transvestites (and their clients)
 - c) PB.02.02.03 Male CSW non-transvestites (and their clients)
 - d) PB.02.02.98 CSW broken down by sex
 - e) PB.02.02.99 CSW not part of any previous group and their clients
3. PB.02.03 MSM
4. PB.02.98 “Population groups at high risk for HIV” broken down by type and age

III. **PB.03 Other Key Populations** include children without parental care and children from families in need, children born or that ought to be born to HIV-infected mothers, refugees, internally displaced people and immigrants, emigrants and migrants within the country, reckoned as “key populations” both in terms of epidemic trends, and response to epidemic.

1. PB.03.01 Children without parental care and children from families in need (CFT)
2. PB.03.02 Children born or that ought to be born to HIV-positive mothers
3. PB.03.03 Refugees (externally displaced)
4. PB.03.04 Internally displaced people (in case of emergencies)
5. PB.03.05 Migrants/mobile populations
6. PB.03.06 Ethnic minority groups
7. PB.03.07 Inmates and other institutionalized people
8. PB.03.08 Truck drivers / employees working in transports and commercial drivers
9. PB.03.09 Street children and youth

10. PB.03.10 Minor and young delinquents
11. PB.03.11 Out-of-school children and youth
12. PB.03.12 Institutionalized children and youth
13. PB.03.13 Partners of PLHIV
14. PB.03.14 Recipients of blood and blood products
15. PB.03.98 "Other key populations" not broken down by type
16. PB.03.99 "Other key populations" not mentioned above

IV. **PB.04 Specific "Reachable" Populations** include school children, women attending reproductive health clinics, military and employees.

1. PB.04.01 People attending STI clinics
2. PB.04.02 Primary and lower secondary education students
3. PB.04.03 Upper secondary education students. Students of vocational and specialized schools
4. PB.04.04 Higher education students
5. PB.04.05 Health workers
6. PB.04.06 Sailors
7. PB.04.07 Military
8. PB.04.08 Police and uniform services (other than the military)
9. PB.04.09 Veterans
10. PB.04.10 Employees
11. PB.04.98 "Reachable" populations not broken down by type
12. PB.04.99 "Reachable" populations not mentioned above

V. **PB.05 General Population** consisting of

1. PB.05.01 General population (adults 24+ years)
 - a) PB.05.01.01 Adult male population
 - b) PB.05.01.02 Adult female population
 - c) PB.05.01.98 General population (adults 24+ years-old) not broken down by sex
2. PB.05.02 Children (under 15 years)
 - a) PB.05.02.01 Boys
 - b) PB.05.02.02 Girls
 - c) PB.05.02.98 Children (under 15 years-old) not broken down by sex
3. PB.05.03 Youth (15 – 24 years-old)
 - a) PB.05.03.01 Young men
 - b) PB.05.03.02 Young women
 - c) PB.05.03.98 Youth (15 – 24 years-old age group) not broken down by sex
4. PB.05.98 General population not broken down by age or sex

VI. **PB.99 Specific Target Populations** not mentioned above: target populations not mentioned in any of the categories above.

Annex No 2
to the National Program for Prevention
and Control of HIV / AIDS
and STIs for the 2011-2015 period,
approved by Government Decision
nr. ____ of ____

The National Plan for Monitoring and Evaluation of the National Programme for Prevention and Control of HIV / AIDS and Sexually Transmitted Infections for the years 2011-2015

Chapter I. General Provisions.

1. The National Monitoring and Evaluation Plan (hereinafter called M&E plan) is an integral part of the Programme and specifies principles and organizational arrangements for monitoring and evaluation. The M&E plan is aligned with the existing policies in various sectors and was developed through a participatory process, based on the findings of the Assessment of functionality of the components of the Monitoring and Evaluation System, as well as on the conclusions and recommendations of the Evaluation of the National Program on Prevention and Control of HIV/AIDS/STIs for the years 2006-2010 and on the Response Analysis.

2. The M&E Plan stipulates principles of data collection, aggregation, analysis and use for programme implementation, provides information on key indicators, the main data sources, information flow, information products and institutional responsibilities.

Chapter II. Background

3. Based on commitments undertaken by Moldova by endorsing the 2001 Declaration of Commitment and based on the 3 Ones principle coined at the 25th April 2004 Washington Conference, organized by the United Nations Programme on HIV/AIDS (UNAIDS) and the main donors, Moldova fully invested efforts to enhance harmonization of efforts and avoid overlap by developing:

a. a single strategic framework

The legal framework is represented by the 2007 Law on HIV/AIDS. The National Programme that represents the overarching strategic framework has the goal to maintain the epidemic within the limits of a concentrated epidemic, to reduce vulnerability of the population to HIV/AIDS and STIs, and to minimize their consequences. Programme Objectives are: maintaining HIV/AIDS incidence in the age group 0-39 at 20.0 cases per 100,000 population by 2015, and - a 10% reduction in mortality in 2015 among people living with HIV / AIDS from the total estimated number.

b. a single coordination mechanism for managing the national response to HIV/AIDS

At the decision-making level, NCC is the coordinating mechanism for oversight of the implementation of national programmes for HIV/AIDS and TB. The NCC consists of three functional levels: decision-making, coordination, and operational level, the latter including a Monitoring and Evaluation group among its technical work groups. The National AIDS Center is the entity at operational level mandated with coordination of Programme implementation and monitoring functions.

c. a single national M&E system

The monitoring and evaluation of the Programme will be coordinated by the Monitoring and Evaluation Unit of the National AIDS Center, which will work in partnership with the TWG for Monitoring and Evaluation of the NCC and institutions specialized in the field. The national set of indicators includes UNGASS and other international reporting indicators, indicators for monitoring grant performance of GFATM, as well as other outcome and process indicators for the National Programme monitoring and evaluation.

Chapter III. M&E Plan objectives and its elements

4. The **goal of the M&E Plan** is to guide and coordinate the effective collection, analysis, aggregation and use of data for a dynamic assessment of progress in the national response to HIV/AIDS and for enhanced decision making process.

5. M&E Plan objectives:

- a. Strengthening the monitoring and evaluation system that will enable the systematic collection, processing, analysis and interpretation of data;
- b. Defining the core list of indicators that will allow monitoring of progress in response to HIV/AIDS and identify data needs for decision making;
- c. Describe the main data sources used to collect data necessary for monitoring and evaluation;
- d. Establish a clear information flow;
- e. Describing roles and responsibilities in monitoring and evaluation;
- f. Listing the information products and the dissemination mechanisms.

6. The ME Plan was developed based on the fundamental principles of mainstreaming; integration, simplicity, action orientation, transparency and accountability.

7. The implementation of the M&E Plan shall yield the following outputs:

- g. Quality and timely reporting;
- h. Strengthened monitoring and evaluation system;
- i. Structured and coordinated flow of routine information;
- j. Single national data depository developed to integrate the existent reporting systems;
- k. Strategy for data dissemination developed;
- l. Capacity-building plan developed;
- m. Research and Evaluation agenda agreed upon.

8. The organizational framework, approved in 2008 by the global Reference Group for Monitoring and Evaluation (MERG), provides for 12 functional components for a functional monitoring and evaluation system:

- a. Organizational structures with HIV M&E functions
- b. Human capacity for HIV M&E
- c. Partnerships to plan, coordinate, and manage the HIV M&E system
- d. National multi-sectoral HIV M&E plan
- e. Annual costed national HIV M&E work plan
- f. Advocacy, communications, and culture for HIV M&E
- g. Routine HIV program monitoring
- h. Surveys and surveillance
- i. National and sub-national HIV databases
- j. Supportive supervision and data auditing
- k. HIV evaluation and research
- l. Data dissemination and use

9. The National M&E System has important functions at the central, territorial and service provider levels. The M&E system includes reporting by public institutions and civil society organizations from all sectors involved in the implementation of the Programme.

10. Information flows:

- a) Existing reporting verticals, automated systems (SIME-HIV, SIME STIs, VCT and unique identifier),
- b) Existing reporting verticals, non-automated systems (reporting based on statistical forms)
- c) Reporting systems in process of institutionalization (reporting from NGOs)
- d) Horizontal reporting (intersectoral reporting).

Chapter IV. National indicators for the HIV infection

11. The indicators for monitoring and evaluation were selected to be:

- a) in line with the priority objectives established by the National HIV/AIDS Program;
- b) In line with the priority objectives and HIV and AIDS related indicators of the Moldova NDP & nationalized MDG;
- c) in line with internationally recommended core indicators in UNGASS;
- d) In line with core indicators to achieve 'Universal Access' to HIV and AIDS interventions;
- e) In line with the HIV and AIDS related indicators in other key national policies and plans;
- f) in line with international HIV and AIDS M&E guidelines; and
- g) realistically measurable at a reasonable cost.

12. Monitoring equity and access to effective prevention, care and treatment, and impact mitigation interventions is reflected in the definition and disaggregation of the respective indicators. The standard categories of disaggregation are: age, sex, location, and region (right bank, left bank).

Chapter V. Data Sources for national indicators.

13. Data sources for programme indicators include:

- a) for the impact and outcome indicators: surveys and studies, including biomedical and clinical; sentinel surveillance in key populations at risk; behavioral, sociological;
- b) for the output indicators: administrative statistics/ routine monitoring;
- c) for some denominators: estimates of incidence and prevalence; estimations of size of key populations at risk, estimated needs for ARV treatment and projections on trends of these estimated ranges.

14. In order to complement existing data sources and to improve understanding of trends and developments in specific public health issues, triangulation of data from multiple sources will be made for data analysis based on empirical observations.

Chapter VI. National data depository (SIDATA)

15. The national data depository is a functional tool to ensure data availability in the strategic planning process and concentrates aggregated data from:

- a) existing reporting systems among public institutions and intersectoral programme implementers
- b) the NGO Sector

16. The national data depository integrates data from pre-existing reporting systems and is a unique platform of data presentation to avoid double reporting, ensures data transparency, provides for national level validation, and limited editing access to ensure data security.

17. The national data depository provides web access in order to visualize data grouped by strategy/categories/areas of intervention.

18. The national data depository will be located in the National AIDS Centre. Data entry is performed by trained personnel appointed by all mandated public and nongovernmental institutions

Chapter VII. Data quality

19. The quality criteria for data used in Monitoring and Evaluation include: validity; reliability; timeliness; precision; integrity

20. The M&E TWG will develop a protocol for ensuring data quality, which will institutionalize quality assurance for key indicators, will consolidate data management systems and will build upon the capacities of the personnel involved in data collection, aggregation and analysis.

21. Supportive supervision will include oversight and directing the performance of subordinated institutions and transfer of knowledge, attitudes and skills. Supportive supervision will be carried out rotationally on different samples of service providers and will be used as a mechanism for strengthening local monitoring and evaluation capacities.

22. Data validation will involve internal and external validation mechanisms. Internal Audit will be a regular process, conducted with a certain periodicity. Annual external audits will be conducted for selected indicators in randomly selected locations. Responsibility for data validation within the sectors belongs to line Ministries. Multilateral issues will be managed by the Technical Work Group on ME.

Chapter VIII. Evaluation and research

23. Evaluation and research are components of the comprehensive monitoring and evaluation system. A national process for identifying evaluation/research gaps and for coordinating carrying out evaluation/research shall be conducted to avoid duplication of effort and to enhance dissemination and data use in decision-making. The adequate planning of studies, research and evaluation will be a prerequisite for adequate funding.

24. The priority fields for epidemiological research include:

a) elucidation of the role of injection drug use in HIV infection among pregnant women, female sex workers and MSM;

b) determination of the extent to which there is sustained heterosexual or homosexual transmission of HIV in men, unassociated to injecting drug use;

c) identifying gender-associated factors of vulnerability to HIV;

d) studying the factors that determine adolescents to engage in behaviors with increased risk of HIV infection;

e) describing the referral system and the peer support in providing access to care, the care/treatment experience, and survival after HIV diagnosis;

f) a descriptive study of HIV-infected pregnant women.

Chapter IX. Informational Products

25. Informational products shall include:

a) Annual Report on the M&E of the response to HIV/AIDS;

b) Quarterly reports for the Global Fund to Fight AIDS/TB and Malaria;

c) Annual Universal Access report;

d) UNGASS biannual report;

e) Mid-Term Evaluation and end cycle Evaluation reports

Table 1.

Indicators for NAP Monitoring and Evaluation

IMPACT INDICATORS									
Indicator	Numerator	Denominator	Definition according to international guide	Data sources	Disaggregation	Responsible institution	Reporting frequency	Baseline	Target (2015)
HIV prevalence (% of sample or national estimate)	The number of blood samples tested positive as a result of HIV testing	The number of tested blood samples	UNGASS #22 WHO, II generation epidemiological surveillance	Epidemiological data/ Routine statistics	Disaggregation by age group, gender and region (right and left bank), type of residence	National AIDS Center	Every 2-3 years.	0.37	0.44
HIV Prevalence in key populations at risk (IDU, CSW, MSM, and inmates)	The number of blood samples tested positive as a result of HIV testing	The number of tested blood samples	UNGASS #23 WHO, II generation epidemiological surveillance	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	National AIDS Center	Every 2-3 years	IDU 16.4% CSW 6.1% MSM 1.7% Inmates 3.5%	IDU 20% CSW 11% MSM 5% Inmates 3.5%
HVC Prevalence in key populations at risk (IDU, CSW, MSM, and inmates)	The number of blood samples tested positive as a result of HVC testing	The number of tested blood samples	UNGASS #23 WHO, II generation epidemiological surveillance	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	National AIDS Center	Every 2-3 years	IDU 72.8% CSW 16% MSM 3.6% Inmates 15.7%	IDU 63% CSW 11% MSM 3% Inmates 10.7%
HVB Prevalence in key populations at risk (IDU, CSW, MSM, and inmates)	The number of blood samples tested positive as a result of HVB testing	The number of tested blood samples	UNGASS #23 WHO, II generation epidemiological surveillance	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	National AIDS Center	Every 2-3 years	IDU 10.9% CSW 8.5% MSM 5.8% Inmates 16.3%	IDU 5.9% CSW 4.5% MSM 3.8% Inmates 11.3%
Syphilis prevalence in key populations at risk (IDU, CSW, MSM, and inmates)	The number of blood samples tested positive as a result of syphilis testing	The number of tested blood samples	UNGASS #23 WHO, II generation epidemiological surveillance	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	DDVR / National AIDS Center	Every 2-3 years	IDU 2.3% CSW 6.9% MSM 12.7% Inmates 13.5%	IDU 2% CSW 3.9% MSM 7.7% Inmates 8.5%
HIV prevalence among pregnant women	Number of HIV + cases registered among pregnant women	Number of pregnant women tested for HIV	National indicator	Administrative statistics	Disaggregation by age group, and region (right and left bank), type of residence	National AIDS Center	Annually	0.29%	0.16%

% of pregnant women that have syphilis	Number of new syphilis cases registered	Total number of pregnant women in the reporting year	National indicator	Administrative statistics	Disaggregation by age group, and region (right and left bank)	DDVR Tiraspol	Annually	0,3%	0,2%
HIV incidence per 100 000 population	Number of new HIV cases registered	Total number of population	National indicator	Administrative statistics	Disaggregation by age group, gender and region (right and left bank), type of residence	National AIDS Center	Annually	17 per 100000	20 per 100000
Gonorrhea incidence per 100 000 population	Number of new gonorrhea cases registered	Total number of population	National indicator	Administrative statistics	Disaggregation by age group, gender and region (right and left bank), type of residence	CNMS DDVR Tiraspol	Annually	42,7 la 100000	40 la 100000
Syphilis incidence per 100 000 population	Number of new syphilis cases registered	Total number of population	National indicator	Administrative statistics	Disaggregation by age group, gender and region (right and left bank), type of residence	National Centre for Health Management	Annual	69,5 to 100000	60 to 100000
% adults and children with HIV who receive ARV treatment 12, 24, 36, 48, 60 months after initiation	Number of people in ARV treatment who reached 12, 24, 36, 48 and 60 months after its initiation.	Number of adults and children who have initiated ARV treatment in the cohort for 12, 24, 36, 48 and 60 months from initiation	UNGASS indicator # 24/ Universal Access # G3a-e, EURO	Administrative statistics	Disaggregation by age group, gender and region (right and left bank), type of residence of residence, IDU group.	National AIDS Centre	Annual	12months 88.26% 24months 88% 36months 72% 48months 79% 60months 57%	12months 88.26% 24months 88% 36months 85% 48months 80% 60months 70%
Incidence of mortality AIDS associated per 100 000 population	Number AIDS associated deaths in the reporting year	Estimated number of PLHIV	National indicator	Administrative statistics/estimations and projections	Disaggregation by age group, gender and region (right and left banks), type of residence, cause of death	National Centre for Health Management	Annual	9.6	8.6

Rate of vertical HIV infection	SPECTRUM estimated number of new HIV cases in children / Number of HIV positive children born by HIV positive mothers from the annual cohort.	SPECTRUM estimated number of HIV positive pregnant women/ Number of children born from HIV positive mothers from the annual cohort	UNGASS Indicator # 25/National indicator	Estimates/forecasts/ Administrative statistics, cohort analysis by year of birth	-	National AIDS Centre	Annual	2%	2%
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3.1. PREVENTION

3.1.1. General population

Result indicators

% of youth aged 15-24 that correctly identify the modes of HIV transmission and reject major misconceptions on HIV transmission	Number of respondents aged 15-24 who correctly answered all key questions	Number of respondents aged 15-24	UNGASS 13 Indicator	Population based survey	Disaggregation by age group, type of residence and gender	National AIDS Centre	Every 2-3 years.	40.8%	75%
% of the general population aged 15-49 that correctly identify the modes of HIV transmission and reject major misconceptions on HIV transmission	Number of respondents aged 15-49 that correctly identify the modes of HIV transmission and reject major misconceptions on HIV transmission	Number of respondents aged 15 - 49	National indicator	Population based survey	Disaggregation by age group, type of residence and gender	National AIDS Centre	Every 2-3 years.	30.6%	50%
% of women and men aged 15 - 49 that had sexual intercourse with more than one partner in the last 12 months	Number of respondents aged 15 - 49 that had sexual intercourse with more than one partner in the last 12 months	Number of study respondents aged 15 - 49	UNGASS 16 Indicator	Population based survey	Disaggregation by age group, type of residence and gender	National AIDS Center	Every 2-3 years	9.8% (17.9% men and 1.8% women)	8.5% (15% men and 2% women)

% of women and men aged 15 - 49 that had more than one partner in the last 12 months and had used a condom during last sexual intercourse	Number of respondents aged 15 - 49 that had more than one sexual partner in the last 12 months.	UNGASS 17 indicator	Population based survey	Disaggregation by age group, type of residence and gender	National AIDS Centre	Every 2-3 years.	68%	70%
% of young women and men aged 15 - 24 who have had sexual intercourse before the age of 15	The number of respondents aged 15-24 who related that they had their first sex before the age of 15.	UNGASS Indicator 15	Population based survey	Disaggregation by age group, type of residence and gender	National AIDS Center	Every 2-3 years	6.7%	6%
% of young women and men aged 15 - 24 who used a condom at first sex	Number of young women and men aged 15 - 24 who used a condom at first sex	National indicator	Population based survey	Disaggregation by age group, type of residence and gender	National AIDS Center	Every 2-3 years	53.6	70 %
% of women and men aged 15-49 who received an HIV test in the last 12 months and who know their results	Number of respondents aged 15-49 who have been tested for HIV during the last 12 months and who know the result of the last test	UNGASS Indicator 7	Population based survey	Disaggregation by age group, type of residence and gender	National AIDS Center	Every 2-3 years	13.2%	13%
% of HIV positive pregnant women who received ARV drugs to reduce the risk of mother to child transmission	Number of HIV positive pregnant women who received antiretroviral drugs to reduce the risk of mother to child transmission in the last 12 months	National Indicator; UNGASS indicator 5	Administrative statistics		National AIDS Center	Annually	81.9%	90%

% of children born to HIV positive women who were tested for HIV in the first 2 months	Number of children born to HIV positive women who were tested for HIV in the first 2 months.	Number of children born to HIV positive women	National indicator	Administrative statistics	-	National AIDS Center	Annually	84%	90%
% of children born to HIV positive women who received formula milk	Number of children born to HIV positive women who received formula milk	Number of children born to HIV positive women	National indicator	Administrative statistics	-	National AIDS Center	Annually	97.5%	97.5%

Output and process indicators

% of donated blood units screened for HIV in a quality assured manner	Number of donated blood units screened for HIV in a quality assured manner	Number of donated blood units	UNGASS Indicator 3	Administrative statistics	Disaggregation by region (right and lefts banks),	National Blood Transfusion Center	Annually		
% of the general population aged 15 – 49 that benefitted of IEC materials package throughout the last year	Number of the general population aged 15 – 49 that benefitted of IEC materials package throughout the last year	Number of respondents aged 15 – 49	National indicator	Population based survey	Disaggregation by age group, type of residence and gender	National AIDS Center	Every 2-3 years		
% of the general population aged 15 – 49 that benefitted of free condoms	Number of the general population aged 15 – 49 that benefitted of free condoms	Number of respondents aged 15 – 49	National indicator	Population based survey	Disaggregation by age group, type of residence and gender	National AIDS Center	Every 2-3 years		
% VCT cabinets that provide quality services to the general population	Number of VCT cabinets that provide quality services to the general population	Number of VCT cabinets assessed	National indicator	Administrative statistics	-	National AIDS Center	Annually		
% of schools offering Life Skills Based Education in the last school year	No of schools where 30 or more hours of HIV prevention were taught throughout the previous academic year for each grade	Total number of schools in the sample	Indicator UNGASS 11	Survey in schools	Disaggregation by region and type of residence	Ministry of Education	Annually		
% students covered with HIV prevention education	Number of students covered with HIV prevention education	Number of respondents	National indicator	Survey in schools	Disaggregation by region and type of residence	Ministry of Education	Annually		
% of STI patients that received treatment according to national standards	Number of STI patients that received treatment according to national standards	Number of STI patients with STI diagnoses confirmed	National indicator	Administrative statistics	Disaggregation by region and type of residence	IMSP DDVR	Annually		
% of institutions where PEP kits are available	Number of institutions where PEP kits are available	Total number of institutions included in the sample	UNGASS Additional Indicator #1	Representative survey in medical institutions	Disaggregation by region and type of residence	National AIDS Center	Annually		

3.1.2. Key populations at risk (IDU, CSW, MSM)									
Result indicators									
Indicator	Numerator	Denominator	Definition according to international guide	Data sources	Disaggregation	Responsible institution	Reporting frequency	Baseline	Target (2015)
% IDU, CSW, MSM that correctly identify the modes of HIV transmission and reject major misconceptions on HIV transmission	Number of respondents who correctly answered all key questions	Total number of respondents	Indicator UNGASS 14	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	National AIDS Center	Every 2-3 years	IDU -64,9% CSW - 28,7% MSM - 34,2%	IDU -70% CSW - 50% MSM - 50%
% of injecting drug users reporting the use of sterile injecting equipment (have not engaged in both direct and indirect sharing)the last time they injected	Number of injecting drug users reporting the use of sterile injecting equipment (have not engaged in both direct and indirect sharing)the last time they injected	Total number of respondents	UNGASS Indicator 21	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	National AIDS Center	Every 2-3 years	99,3%	99%
% of injecting drug users reporting the use of sterile injecting equipment (have not engaged in both direct and indirect sharing) throughout the last month	Number of injecting drug users reporting the use of sterile injecting equipment (have not engaged in both direct and indirect sharing) throughout the last month	Number of respondents who injected drugs throughout the last month	National indicator	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	National AIDS Center	Every 2-3 years	33%	50%
% of injecting drug users reporting the use of a condom the last time they had sexual intercourse	Number of respondents, who injected drugs during the last month, had sexual intercourse during the last month and used a condom during the last sexual intercourse	The number of respondents, who injected drugs during the last month and had sexual intercourse during the last month	UNGASS Indicator 20	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	National AIDS Center	Every 2-3 years	35,6%	55%

% of injecting drug users reporting consistent use of condoms throughout last month	Number of respondents, who injected drugs during the last month, had sexual intercourse during the last month and used condoms consistently	The number of respondents, who injected drugs during the last month and had sexual intercourse during the last month	National indicator	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	National AIDS Center	Every 2-3 years	17,8%	40%
% of IDU reached with HIV prevention programmes in the last 12 months	Number of IDUs respondents who stated they know where to get an HIV test and who received during the last 12 months free of charge needles/syringes and condoms.	Total number of respondents	UNGASS Indicator 9	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	National AIDS Center	Every 2-3 years	7,4%	60%
% of female sex workers reporting the use of a condom with their most recent client	Number of respondents who used a condom during their last commercial sexual intercourse	Total number of respondents	UNGASS Indicator 18	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group	National AIDS Center	Every 2-3 years	90,8%	90%
% of female sex workers consistently using condoms during commercial sex throughout last month	Number of respondents who used a condom consistently during commercial sex throughout last month	Number of respondents who had sexual contacts throughout the last month	National indicator	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group	National AIDS Center	Every 2-3 years	60,8%	75%
% CSW reached with HIV prevention programmes in the last 12 months	Number of respondents who said they know where to get an HIV test and who received free of charge condoms during the last 12 months	Total number of respondents	UNGASS Indicator 9	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group	National AIDS Center	Every 2-3 years	15,3%	60%
% MSM reporting the use of a condom at last anal sex	Number of MSM reporting the use of a condom at last anal sex	Total number of respondents	UNGASS Indicator 19	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group	National AIDS Center	Every 2-3 years	61,9%	75%

% MSM consistently using condoms during anal sex throughout last month	Number of MSM consistently using condoms during anal sex throughout last month	Total number of respondents	National indicator	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group	National AIDS Center	Every 2-3 years	43,4%	50%
% MSM reached with HIV prevention programmes in the last 12 months	Number of respondents who said they know where to get an HIV test and who received free of charge condoms during the last 12 months	Total number of respondents	UNGASS Indicator 9	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group	National AIDS Center	Every 2-3 years	25%	60%

Output and process indicators									
% of IDUs who received an HIV test in the last 12 months and who know their results	Number of IDUs respondents who have been tested for HIV during the last 12 months and who know the results	Total number of respondents	UNGASS Indicator 8	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group and gender	National AIDS Center	Every 2-3 years		
% VCT cabinets that provided quality services to IDU	Number of VCT cabinets that provided quality services to IDU	Number of VCT cabinets assessed	National indicator	Representative survey of VCT cabinets	Disaggregation by region (right and left bank)	National AIDS Center	Annually		
% CSW who received an HIV test in the last 12 months and who know their results	Number of respondents who have been tested for HIV during the last 12 months and who know the results	Total number of respondents	UNGASS Indicator 8	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group	National AIDS Center	Every 2-3 years		
% VCT cabinets that provided quality services to CSW	Number of VCT cabinets that provided quality services to CSW	Number of VCT cabinets assessed	National indicator	Representative survey of VCT cabinets	Disaggregation by region (right and left bank)	National AIDS Center	Annually		
% MSM who received an HIV test in the last 12 months and who know their results	Number of respondents who have been tested for HIV during the last 12 months and who know the results	Total number of respondents	UNGASS Indicator 8	Epidemiological surveillance study with behavioral component (II generation)	Disaggregation by age group	National AIDS Center	Every 2-3 years		
% VCT cabinets that provided quality services to MSM	Number of VCT cabinets that provided quality services to MSM	Number of VCT cabinets assessed	National indicator	Representative survey of VCT cabinets	Disaggregation by region (right and left bank)	National AIDS Center	Annually		

% MARPs diagnosed with syphilis that received treatment according to national standards	Number of MARPs diagnosed with syphilis that received treatment according to national standards	Total number of MARPs diagnosed with syphilis	National indicator	Administrative statistics	Disaggregation by region (right and left bank), target group, gender and age group	IMSP DDVR	Annually
% MARPs diagnosed with gonorrhea that received treatment according to national standards	Number of MARPs diagnosed with gonorrhea that received treatment according to national standards	Total number of MARPs diagnosed with gonorrhea	National indicator	Administrative statistics	Disaggregation by region (right and left bank), target group, gender and age group	IMSP DDVR	Annually

3.2. Treatment and medical care

Result indicators

Indicator	Numerator	Denominator	Definition according to international guide	Data sources	Disaggregation	Responsible institution	Reporting frequency	Baseline	Target (2015)
% adults and children with advanced HIV infection receiving antiretroviral therapy	Number of adults and children with advanced HIV infection who are currently receiving ART in accordance with the nationally approved treatment protocol at the end of the reporting period	Estimated number of adults and children with advanced HIV infection that require ARV treatment for the reporting period	UNGASS Indicator 4	Administrative statistics/SPECTRUM	Disaggregation by age group, gender and region (right and left bank)	National AIDS Center	Annually	34.6%	80%
% estimated HIV positive incident TB cases that received treatment for TB and HIV	Number of people with advanced HIV infection who have received ART in accordance with the nationally approved treatment protocol and who were started on TB treatment (new TB cases) in accordance with national TB programme guidelines within the reporting year	Number new TB cases that are HIV positive, according to the SIME TB database	UNGASS Indicator 6	Administrative statistics	Disaggregation by age group, gender and region (right and left bank)	National AIDS Center	Annually	38.7%	60%

Output and process indicators									
% adults and children with HIN enrolled in HIV care	Number of adults and children with HIV, seen at the HIV clinics at least once in the reporting year	HIV + children and adults alive	Universal Access Indicator Euro 2	Administrative statistics	Disaggregation by region (right and left bank), gender, age group, probable mode of transmission	National AIDS Center	Annually		
% PLHIV in HIV care that had at least a CD4 test in the last 12 months	Number of PLHIV in HIV care that had at least a CD4 test in the last 12 months	HIV + children and adults alive	Universal Access Indicator Euro 2	Administrative statistics	Disaggregation by region (right and left bank), gender, age group, probable mode of transmission	National AIDS Center	Annually		
% PLHIV in HIV care that had at least a ARN test in the last 12 months	Number of PLHIV in HIV care that had at least a ARN test in the last 12 months	HIV + children and adults alive	Universal Access Indicator Euro 2	Administrative statistics	Disaggregation by region (right and left bank), gender, age group, probable mode of transmission	National AIDS Center	Annually		
% PLHIV that have undergone TB screening in the last 12 months	Number of PLHIV that have undergone TB screening in the last 12 months	HIV + children and adults alive	National indicator	Administrative statistics	Disaggregation by region (right and left bank), gender, age group, probable mode of transmission	National AIDS Center	Annually		
% of health facilities that dispense ART that experienced stock out of at least one drug in the last 12 months	Number of health facilities that dispense ART that experienced stock out of at least one drug in the last 12 months	Number of health facilities that dispense ART	Additional UN-GASS Indicator	Administrative statistics	Disaggregation by region (right and left bank)	National AIDS Center	Annually		

3.3 Mitigation

Result indicators									
Indicator	Numerator	Denominator	Definition according to international guide	Data sources	Disaggregation	Responsible institution	Reporting frequency	Baseline	Target (2015)
% adults and children with HIV that received social support throughout the last year	Number of adults and children with HIV that received social support throughout the last year	Number of adults and children with HIV interviewed / Number of adults and children with HIV	National indicator	Survey/ Administrative statistics	Disaggregation by region (right and left bank), gender, age group, probable mode of transmission	MLSPF	Every 2-3 years /annually	---	10%

	<p>% adults and children with HIV that received psycho-social support throughout the last year</p>	<p>Number of adults and children with HIV that received psycho-social support throughout the last year</p>	<p>registered and eligible for social support throughout the last 12 months</p>	<p>National indicator</p>	<p>Survey/ Administrative statistics</p>	<p>Disaggregation by region (right and left bank), gender, age group, probable mode of transmission</p>	<p>National AIDS Center</p>	<p>Every 2-3 years /annually</p>	<p>---</p>	<p>10%</p>	
<p>% adults and children covered with case management</p>	<p>Number of adults and children with HIV covered with case management</p>	<p>Number of adults and children with HIV interviewed / Number of adults and children with HIV registered and eligible for psycho-social support throughout the last 12 months</p>	<p>registered and eligible for social support throughout the last 12 months</p>	<p>National indicator</p>	<p>Survey/ Administrative statistics</p>	<p>Disaggregation by region (right and left bank), gender, age group, probable mode of transmission</p>	<p>National AIDS Center</p>	<p>Every 2-3 years /annually</p>	<p>0%</p>	<p>10%</p>	

3.4 Coordination and management

Result indicators

Indicator	Definition	Definition according to international guide	Data source	Disaggregation	Responsible institution	Reporting frequency	Baseline	Target (2015)
National composite policy index	Measurement tool for National composite policy index	UNGASS Indicator # 2	Key informants interviews	-	External evaluation	Annually	18	20

Output and process indicators

	NASA Methodology	UNGASS Indicator # 1						
% of public resources in the HIV/AIDS expenditures	-	-	Check list	-	Ministry of Health	Annually		
Entity for coordination of implementation of the national response is mandated through the normative framework, and is fully exercising its functions in multisectorial coordination of implementation	-	-	Check list	-	NCC Secretariat	Annually		
M&E Unit is mandated through the normative framework, and is fully exercising its functions in multisectorial coordination of implementation	-	-	Check list	-	Secretariat CNC	Annually		
% meetings of the NCC held out of meetings planned	Number of NCC meetings held	-	Administrative statistics	-	Secretariat CNC	Once per semester		
% M&E reports produced out of reports planned	Number of M&E reports produced	-	Administrative statistics	-	National AIDS Center	Annually		
% TWG meetings held out of TWG meetings planned, per each TWG	Number of TWG meetings held	-	Administrative statistics	Dissaggregation by TWG	Secretariat CNC	Once per semester		
% surveys/research carried out of those planned	Number of surveys/research carried out	-	Administrative statistics	-	National AIDS Center	Annually		

Table 2. Roles of institutions responsible for monitoring and evaluation of the Programme

Mandated institution	Frequency of reporting	Comments
PREVENTION		
National Centre for Public Health	Every six months	Data from territorial Public Health Centres, aggregated, validated and inserted in SIDATA
National AIDS Center	Quarterly	Aggregated data inserted in SIDATA. Validation of data per programme sector
Ministry of Education	Annually	Data from educational institutions and NGOs, aggregated, validated and inserted in SIDATA
Ministry of Youth and Sports	Annually	Data from local public administration on activities carried out by youth specialists and NGOs, aggregated and inserted in SIDATA
Public Health Institutions at district level (VCT)	Quarterly	Data per counseling sessions entered in the automated VCT system
Public Health Institutions at district level / DDVR at national level (STI)	Quarterly	Data per case diagnosed, aggregated and entered in the automated SIME- ITS system with personal information coded, at a DDVR level. Validation and entering in SIDATA
NGO umbrella networks	Quarterly	Data from NGOs and public institutions acting as implementers, aggregated, validated and entered in SIDATA
"National Youth Resource Centre " NGO	Quarterly	Data from local and district level youth resource centres and local peer educators teams, aggregated and entered in SIDATA. Validation shall be carried out by MYS
Department of Penitentiary Institutions (HR and VCT)	Quarterly	Aggregated, validated data entered in SIDATA
Republican Narcological Dispensary	Quarterly	Data aggregated from territorial narcological services, validates and entered in SIDATA
AIDS Centre Tiraspol	Quarterly	Data aggregated for the region
National Blood Transfusion Centre	Quarterly	Data aggregated, validated and entered in SIDATA
"Neovita" Youth Friendly Health Centre	Quarterly	Data aggregated from district YFHS, validated and entered in SIDATA
The National Centre for Reproductive Health and Medical Genetics	Every six months	Data aggregated from district reproductive health offices
Trade unions and private sector	Every six months	Data reported to MLSP, responsible for the aggregation and entering into SIDATA
NGO	Quarterly	Data reported to the respective umbrella network responsible for the aggregation and entering into SIDATA
Religious sector	Quarterly	Data reported to the respective umbrella network responsible for the aggregation and entering into SIDATA
Donors	Every six months	Information by types of assistance and implementers

TREATMENT AND CARE		
Regional Centres of ARV treatment	Quarterly	Clinic case management; coded data entered into SIME-HIV
Clinical Republican Infectious Disease Hospital „Toma Ciorbă” (ARV and palliative inpatient treatment)	Quarterly	Aggregated data on ARV treatment coming from SIME-HIV, entered into SIDATA. Administrative data on inpatient palliative care entered into SIDATA. The National AIDS Centre is responsible for validation.
AIDS Center Tiraspol (treatment)	Quarterly	Data from Infectious Diseases doctors aggregated
NGO	Quarterly	Data on palliative care services provided by social centres and NGOs entered in SIDATA. Validation by NGO umbrella networks
MITIGATION AND SOCIAL SUPPORT		
Ministry of Labour, Social Protection and Family	Every six months	Data from affiliated institutions (non-automated and automated verticals) and NGOs, aggregated, validated and entered into SIDATA
Republican Council for Medical expertise of Vitality	Every six months	Data aggregated in the informational software on people infected and affected by HIV beneficiaries of the social protection system
Republican fund for social support of the population	Every six months	Data aggregated in the informational software on people infected and affected by HIV beneficiaries of the social protection system
National House for Social Insurance	Every six months	Data aggregated in the informational software on people infected and affected by HIV beneficiaries of the social protection system
ENABLING ENVIRONMENT		
NCC secretariat	Quarterly	Aggregated data, entered in SIDATA. Validation-National AIDS Centre
Networks secretariat	Quarterly	Aggregated data, entered in SIDATA. Validation-National AIDS Centre
NGO	Quarterly	Data submitted to NGO networks or directly entered in SIDATA
National AIDS Centre	Quarterly	Data on the implementation of the NAP, coordination, M&E system strengthening, entered in SI-DATA

30. DECISION

on approving Minimum Quality Standards for social services rendered to victims of family violence No.1200 of 23.12.2010

Official Monitor No. 259-263/1320 of 31.12.2010

* * *

With a view to implementing Article 12 par.(2) let.b) of the Law on social assistance No.547-XV of 25 December 2003 (Official Monitor of the Republic of Moldova, 2004, No.42-44, art.249), with subsequent amendments and addenda, as well as Article 10 par.(9) of the Law No.45-XVI of 1 March 2007 on the prevention and combating of family violence (Official Monitor of the Republic of Moldova, 2008, No.55-56, art.178), with subsequent amendments and addenda, the Government

DECIDES:

1. To approve Minimum Quality Standards for social services rendered to victims of family violence (attached).
2. The Minimum Quality Standards for social services rendered to victims of family violence shall be implemented by social service suppliers within the limits of allotments provided in the respective budgets, as well as based on funds from donations, grants, other sources, in accordance with effective legislation.
3. The Ministry of Labor, Social Protection and Family is tasked with verifying the execution of this decision.

PRIME MINISTER

Vladimir FILAT

Countersigned:

Minister of labor, social protection and family

Minister of finances

Valentina Buliga

Veaceslav Negruta

Chisinau, 23 December 2010.

Nr.1200.

Approved
by Government Decision
No.1200 of 23 December 2010

MINIMUM QUALITY STANDARDS for social services rendered to victims of family violence

Section 1 General provisions

1. In the meaning of these Minimum Quality Standards for social services rendered to victims of family violence (hereinafter – Minimum Standards), terms used are defined as follows:

service beneficiary – beneficiaries of services offered by the Center are victims of family violence: women, men and mother-child/children, father-child/children couples;

crisis situation – the aggregate of psycho-social and physical circumstances that pose an imminent danger to the life and physiologic and psycho-social integrity of a person and require emergency intervention;

individualized assistance plan – document establishing short-, medium- and long-term objectives, specifying the methods of intervention and support for the victims of family violence, through which are accomplished appropriate case-specific activities and services.

2. The Center offers free-of-charge specialized social services to the beneficiaries and addresses the specific and real needs of each assisted person:

- a) ensures receipt, protection and accommodation of the victims of family violence;
- b) ensures personal hygiene services;
- c) offers legal, social, psycho-social and emergency medical assistance;
- d) offers informational support for securing a dwelling, a preschool or pre-university institution;
- e) offers informal training aimed at mastering knowledge and creating necessary skills for social integration;
- f) promotes the socialization and development of community and/or family relations;
- g) facilitates access and informs beneficiaries about the social protection system;
- h) develops, jointly with the beneficiary, the individualized assistance plan against any form of intimidation, discrimination, abuse and exploitation;
- i) supports the parent-child/children couple with a view to developing autonomy that would favor the couple's reintegration into the family and/or community;
- j) monitors the beneficiaries' post-integration situation within the family and community.

3. Services offered within the Center reflect the provisions of the UN Convention on eliminating all forms of discrimination against women, ratified by Parliament Decision No.87-XIII of 28 April 1994, as well as other human rights conventions, to which the Republic of Moldova is a party.

4. Rights of every beneficiary are recognized, respected and promoted.

5. The Center's case-coordinating social assistant shall develop for each beneficiary an individualized assistance plan, based on which good-quality services shall be rendered.

6. The Center personnel shall ensure partnership relations with the beneficiaries, based on sincerity, honesty and positive attitude.

7. Beneficiaries' rights to privacy shall be strictly observed.

8. Data on Center's beneficiaries are confidential.

Social service-rendering principles within the Center – Standard I

9. The aim of Center's activity stems from the fundamental principles that determine various aspects of its functioning. The principles are as follows:

a) respect for and promotion of the rights, interests and dignity of assisted persons – the adoption of a clear-cut policy of condemning family violence in all its forms. Victims addressing the Center must not bring evidence of violence they have been subject to. It is important that victims are trusted and treated without prejudice;

b) ensuring access to good quality services – professionalism is a condition precedent for full-fledged implementation of the principles. The staff must be adequately trained. There shall be developed according provisions for the continuous training of staff. The number of employees must correlate with the number of beneficiaries, in order to offer them the necessary support and services. In rendering the services, the Center's staff shall be assisted by volunteers. Financial resources must be managed in an economical and efficient manner. Services rendered by the Center shall be subject to quality inspections;

c) nondiscrimination – the Center must be open for all victims, regardless of race, color, sex, religion, public opinion, nationality, ethnic or social origin, civil status, disability, HIV status etc.;

d) ensuring confidentiality and professional ethics – in order to protect beneficiaries' rights and integrity, such must be entitled to decide what information may be disclosed. Hence, no information should be communicated externally by the Center personnel without beneficiary's consent. An exception applies to cases where the life and health of the beneficiary are in danger (e.g. suicide attempts, immediate danger from a violent parent or child abuse by beneficiary). The beneficiaries should also be entitled to receiving counseling and support, without disclosing their identity;

e) respect for the opinion of the assisted person (adult or child) – it is important to respect the beneficiary's right to decide on his life. Line specialists should not pressure the beneficiary in making such decisions. It is important that the victim realizes that only he/she may decide and its decision will be respected. The aim of the intervention is to end violence and not the relationship;

f) interdisciplinary and multidisciplinary approach – protection and assistance within the Center is accomplished by a professional team, with shared tasks and responsibilities. Cases are dealt with by means of referral procedures, based on a multidisciplinary approach and with the involvement of specialists outside the Center, if the case;

g) openness to community – this refers to the relation with the public by means of awareness-raising campaigns, aimed at creating and influencing the public discourse, communicating perception of family violence and the existence of centers. Family violence continues to be a taboo subject in many countries and, therefore, informational campaigns initiated and managed by the centers have an important part in promoting human rights and an educational impact in respect of nonviolent behavior.

10. The Center collaborates with local public administration authorities from the territorial-administrative unit where it operates, as well as with the Ministry of Labor, Social Protection and Family, supplying them with information on its activity, both periodically and upon request, but not less than once a year.

11. The founder approves the Interior Organization and Operation Regulation, based on the Framework regulation on the organization and operation of centers for the rehabilitation of victims of family violence, approved by Government Decision No. 129 of 22 February 2010, which provides the objectives, activities and supplied services, the internal layout of the Center's premises, the rights and responsibilities of employees and beneficiaries, human resources and Center management.

12. Center management ensures the acquaintance of Center staff and beneficiaries with the provisions of the Organization and Operation Regulation.

13. The layout of premises and the organization of Center's activities are based on the family model.

Internal arrangement and facilities – Standard II

14. In order to guarantee the safety and security of the beneficiaries, the Center's whereabouts shall not be known to the general public. Existing centers, whose location is known at the date when these Standards take effect, shall continue to operate.

15. The Center shall be located in settlements that may be accessed by transport, allow the organization of outside activities and provide access to various community services: social, legal, medical, educational, professional, cultural, leisure etc.

16. The Center operates in accordance with effective rules and norms, approved by the Ministry of Healthcare.

17. The Center may be located in its own building or in buildings of social institutions. Using basement premises, premises without daylight illumination or damp premises as location is prohibited.

18. The Center should have premises for training and education, compliant with effective sanitary norms.

19. The Center must be equipped with water piping, sewerage, heating, electricity, natural gas (as the case may be), ventilation system and daylight illumination, and must hold an operating authorization as provided by law.

Center Beneficiaries – Standard III

20. The Center shall be organized in accordance with the specific needs of the beneficiaries, shall establish specialized services for the protection and assistance of the victims of family violence, and shall be constituted based on the criterion of beneficiaries' sex (centers for women and centers for men).

21. Center's beneficiaries are:

- a) women-victims of family violence;
- b) men-victims of family violence;
- c) mother-child couples, victims of family violence;
- d) father-child couples, victims of family violence.

Section 2

Admission and placement in the Center.

Beneficiary's admission to the Center – Standard IV

22. Admission of the victims of family violence to the Center is performed based on the principle of non-discrimination.

23. Center admission procedure:

a) admission to the Centre is accomplished upon submittal of the beneficiary's personal file by the territorial social assistance body and the body of interior. Beneficiary's referral by other local public administration authorities and competent institutions is also allowed;

b) in emergency cases beneficiaries shall be accepted at any time.

24. When cases of family violence are notified, centers shall work together with territorial police bodies, in accordance with effective legislation.

25. Where a parent-child/children couple is admitted, the Center's manager is bound to immediately notify the territorial guardianship authority.

26. Placement of persons with infections in active forms (tuberculosis, malaria, contagious intestinal diseases and other contagious diseases) that can endanger the health of beneficiaries and center personnel is prohibited.

27. Fugitives or persons wanted by law enforcement bodies in connection with committing criminal deeds shall not be admitted to the Center.

28. Persons in a state of alcoholic or narcotic inebriation shall not be admitted to the Center. Persons, who, during their stay in the Center, consume narcotic substances and alcoholic beverages, shall be denied assistance.

29. Persons with physical or mental disabilities shall be admitted to the Center at the decision of the coordinator and of the Center manager, only after a preliminary evaluation and only if existing conditions fit the specific care needs.

30. Service beneficiaries shall be informed about their rights and obligations during their entire stay.

31. Upon being admitted to the Center the beneficiary shall enter into a residence contract (as provided in Annex No.1 to these Standards) with the Center management.

32. The contract shall be executed between the representative of the Center management and the beneficiary, at the moment of beneficiary's admission to the Center, in accordance with the model of the residence contract. Center management shall develop its own residence contract, based on the annexed model residence contract and in compliance with the principle of parties' contractual freedom.

33. Beneficiary's complex evaluation is performed by the appointed case coordinator, jointly with the community social assistant. The individualized assistance plan shall be reviewed monthly or as often as necessary, in order to adjust it to newly-arisen social needs.

34. A file shall be kept on each Center beneficiary, which shall comprise personal, family, education data, the medical file, other documents necessary and useful for each particular case, a social questionnaire emphasizing the causes of the social risk situation, the individualized assistance plan.

35. Upon admitting a beneficiary to the Center, the coordinator shall fill in the primary case registration form (as shown in Annex No.2 to these Standards).

Beneficiary's placement into the Center – Standard V

36. The Center provides to the beneficiaries temporary placement and specialized assistance.

37. During beneficiary's placement, specialized assistance shall include the range of services specified in Section 8 of the Framework regulation on the organization and operation of centers for the rehabilitation of victims of family violence, approved by Government Decision No. 129 of 22 February 2010.

38. Beneficiary's assistance is rendered based on the individualized assistance plan, which establishes the methods of intervention and support for the victim of family violence, and identifies case-specific activities and services.

39. Beneficiary's placement in the Center includes:

a) starting and updating beneficiary's file by the case coordinator in partnership with the territorial social assistance body;

b) complex evaluation of beneficiary's needs;

c) development of the individualized assistance plan by the case coordinator, with direct beneficiary's participation, within 15 days as of beneficiary's admission into the Center (pursuant to the document "Case Management – Social Assistant's Guide", approved by order of the Ministry of labor, social protection and family No.71 of 3 October 2008, Annex No.4);

d) review of the individualized assistance plan on a monthly basis or as necessary, in order to adjust it to newly-arisen social needs;

e) including in the plan intervention domains, specific activities and terms of accomplishment;

f) coordinating all specialist activities by case coordinator and recording case development at least every two weeks, based on specialist reports;

g) monthly reevaluation of the individualized assistance plan by the case coordinator, jointly with the community social assistant, and monitoring the efficiency of planned activities; recording reevaluation conclusions in the beneficiary's file;

h) familiarizing the beneficiary with the results of reevaluation of the individualized assistance plan.

Section 3

Types of services rendered within the Center.

Placement services within the Center – Standard VI

40. Within the Center the beneficiary is ensured with safe living conditions, corresponding to his/her needs.

41. Upon the victim's written request, he/she shall be ensured protection against aggressors.

42. Dormitories must comply with the following requirements:

a) beneficiaries shall be placed in common rooms or, in the case of a parent-child/children couple – in individual rooms, equipped in accordance with the adult's and child's needs: furniture, bed for the adult, cot for the child, bedside table, wardrobe, chair;

b) common rooms shall have maximum 3 places, with at least 6 m² space reserved for each person; rooms for parent-child/children couples shall have maximum 4 places and an area of at least 20 m²;

c) the beneficiary shall contribute to the arrangement of the room by individualizing it;

- d) sockets, windows, staircases etc. shall be protected to prevent accidents;
- e) bed linen shall be changed as necessary, but at least once every 7 days;
- f) rooms shall be maintained in an appropriately clean and hygienic state; daily cleaning is ensured by the beneficiary.

43. The Center is a place where beneficiaries have similar past experiences. Common spaces are destined for spending free time, organizing various activities and sharing past experiences:

- a) the space shall be equipped with furniture for rest, socializing and thematic group discussions (arm-chairs, chairs, coffee table, educational materials, audio/video devices etc.);
- b) the Center shall also ensure space for the free time of the parent-child/children couple.

44. The Center shall have an appropriately furnished visiting room.

45. Sanitary arrangements shall comply with the following requirements:

- a) the Center shall have separate lavatories for personnel, beneficiaries and visitors;
- b) number of lavatories shall be established depending on the number of beneficiaries (in a relation of 1 to 4);
- c) the Center shall have special place for keeping sanitary and hygienic materials, which shall be inaccessible to children, and a laundry for clothes, bed linen and underwear;
- d) the laundry shall be equipped with automatic washing machines and dryers, irons and ironing-boards;
- e) each beneficiary shall wash its own linen;
- f) sanitary arrangements shall be permanently ensured with hot and cold water and shall allow for respecting beneficiaries' privacy;
- g) sanitary arrangements shall be cleaned on a daily basis by the maintenance staff.

46. The isolator shall comply with the following requirements:

- a) the Center shall have special premises, equipped as an isolator, in order to avoid eventual contamination risks among the beneficiaries;
- b) the isolator must be located on the ground floor, have a separate entry and a sink for the staff;
- c) The isolator is destined for isolating persons showing signs of acute illness and for placing beneficiaries admitted in an emergency regime, for sanitation purposes, as well as for isolation during medical examination;
- d) the isolator shall consist of a room and a separate lavatory and shall be equipped with: bed for mother, bed for child, chair, bedside-table, swaddling table, a basket for dirty laundry.

47. The kitchen shall comply with the following requirements:

- a) the Center shall have a production space – a kitchen for preparing food, and a space for serving food. When cooking, there shall be used agricultural food products, including semi-finished foods, scoured, batched and packaged;
- b) spaces for food preparing and serving shall comply with requirements established in the sanitary and hygienic rules and norms for public catering units, approved by Government Decision No.1209 of 8 November 2007;
- c) food shall be prepared by Center employees, with professional training in the field, holding medical certificates with according notes about the medical check-up and hygienic training;
- d) where the Center is a part of a social institution, it shall benefit of the services of the kitchen of the respective institution, holding sanitary authorization in accordance with effective legislation.

Center's healthcare services – Standard VII

48. The Center shall render the following healthcare services: medical supervision, emergency medical assistance and promoting a healthy way of living.

49. Upon admission to the Center, each beneficiary shall be consulted by medical staff.

50. Primary and specialized medical assistance services shall be rendered to the beneficiaries, as necessary, by territorial medical institutions, in accordance with effective normative acts.

51. The Center shall have clear procedures for actions in case of accidents or sickness. In case of emergency admission, the beneficiary shall be placed in the center through an isolator, where the initial examination and medical surveillance shall take place and necessary investigations shall be performed.

52. The Center shall have a medical room for offering emergency medical assistance. The medical room shall be furnished (desk, chairs, medicine cabinet), equipped with medical devices and instruments (refrigerator, thermometers, tonometer, phonendoscope, disposable spatulas, trays, quartz lamp etc.), a set of medicines and instruments for offering emergency medical assistance, aseptic chemicals and disinfectants, tools for tidying and spring-cleaning.

53. The Center shall have medical staff (doctor or medical assistant), who shall offer preventive medical assistance, assistance to sick children and first aid in emergency situations.

54. Contact data of the medical staff shall be displayed in a place that is visible and accessible to the beneficiaries.

55. The Center shall establish clear procedures for the registration, storage, distribution and administration of medicines, as well as for the management of medical waste.

56. First aid in emergencies:

- a) Center personnel shall offer first aid in emergencies;
- b) Emergency medical assistance shall be offered by emergency services, if necessary.

Psycho-social services within the Center – Standard VIII

57. Psycho-social services shall be rendered in secured, special-destination, comfortably-furnished premises, in order to encourage discussions between beneficiaries and Center personnel.

58. Psycho-social services shall be offered by a psychologist/social assistant/psychologist-pedagogue and shall include psychological counseling, psychological support and social support offered to the victims of family violence, with a view to psychological rehabilitation and overcoming crisis.

59. Counseling sessions shall take place with respect for beneficiary's privacy, in order to ensure comfort and trust.

60. Beneficiaries shall resort to individual or group counseling services, as the case may be.

61. Counseling sessions shall be organized based on clear-cut objectives, established jointly with the beneficiaries.

62. The content of sessions shall be recorded/written down in the observation card (according to Annex No.3 to these Standards), along with the proposals/recommendations for the following sessions. Cards shall be attached to the beneficiary's file.

63. Individual sessions shall be of supportive, therapeutic and educational character, while group sessions shall depend on the type of the group: support, discussion group etc.

64. Counseling sessions shall be based on the principle of psychological rehabilitation of the victim of family violence and shall be aimed at overcoming crisis and assimilating the following knowledge, skills and abilities:

- a) cultivating self-confidence and trust in other persons;
- b) developing social skills;
- c) developing the capacity to take decisions;
- d) obtaining information from social and employment services;
- e) developing abilities to manage time, money and overcoming crises.

Legal advice services within the Center – Standard IX

65. Legal advice services shall be rendered in secure, specially-assigned, comfortably-furnished premises, in order to encourage discussions between beneficiaries and Center personnel.

66. Legal advice services shall be rendered by a lawyer and shall include legal counseling in the following fields: specific legislation on immediate and long-term protection in cases of family violence, victim's rights, support in obtaining the protection ordinance, legislation on marriage and divorce, parental rights, legislation on migration, support in finding an attorney, if necessary, and support in completing legal acts.

Family and/or community reintegration services – Standard X

67. The Center shall offer family and/or community reintegration services to victims of family violence. All Center activity shall take into account the temporary character of the placement and shall be oriented towards the identification of a durable solution for family and/or community integration.

68. The possibilities for beneficiary's family and/or community reintegration shall be studied and analyzed by Center specialists as of the former's placement.

69. The beneficiary shall be considered an active partner, involved in the family and/or community reintegration process.

70. The case coordinator shall organize visits and meetings with the biologic and/or extended family, with potential employers and with other persons, in order to identify possibilities for social and family integration (pursuant to the document "Case Management – Social Assistant's Guide", approved by Order of the Minister of Labor, Social Protection and Family No.71 of 3 October 2008, Annex No.3).

71. The family and/or community reintegration services shall include measures necessary for establishing relations with:

- a) the biologic or extended family;
- b) employers – with a view to employment and participating in professional training (retraining) courses;
- c) educational institutions – with a view to continuing studies by beneficiary or his/her children, as the case may be;
- d) local public administration authorities – with a view to finding a permanent dwelling place after leaving the Center;
- e) other institutions offering services relevant for solving the case.

72. Center shall identify information on labor market supply, based on the data offered by territorial employment agencies, as well as collaboration agreements with interested institutions.

73. The case coordinator shall assist the beneficiary upon leaving the Center.

Termination of placement within the Center Monitoring services – Standard XI

74. Beneficiary's family and/or community reintegration is the main goal of individualized assistance plan activities.

75. The beneficiary shall be prepared by Center specialists for leaving the Center.

76. During the preparation for beneficiary's family and/or community reintegration, the case coordinator:

- a) shall perform the final evaluation of beneficiary's needs;
- b) shall visit the community/family, where the beneficiary is to be reintegrated;
- c) shall ensure the involvement of local public administration authorities, and especially of the community social assistance service, into the beneficiary's reintegration process;
- d) shall ensure beneficiary's referral to social services existing in the community into which he/she shall be reintegrated;
- e) shall perform the administrative and legal formalities required for beneficiary's leaving Center.

77. At least two weeks prior to beneficiary's leaving Center, the case coordinator shall contact the community social assistance service and shall inform it of the beneficiary's situation and the handover of case monitoring.

78. After leaving Center, the beneficiary may access post-residential support and counseling service for at least three months.

79. The results of monitoring shall be recorded in the post(re)integration monitoring cards, which shall be attached to the file (in accordance with Annex No. 4 to these Standards). The card shall be completed by the coordinating social assistant, jointly with the representatives of the local public administration authority. Collected special category personal data shall be used taking into account the provisions of Law No.17-XVI of 15 February 2007 on protection of personal data.

80. Sudden termination of beneficiary's stay, on grounds of termination of the residence contract, may take place in cases of repeated breach by beneficiary of the Internal Regulation of the Center or causing damage to other beneficiaries, Center's staff and assets.

Section 4

Center Management – Standard XII

81. The Center manager shall be responsible for the quality of services rendered to the beneficiaries.

82. The manager shall apply clear procedures in respect of:

- a) evaluation and monitoring of unfolding activities;
- b) selection, evaluation, training, certification and supporting of staff;
- c) accounting and financial reporting;
- d) transmitting information within and outside the institution. Information obtained is deemed confidential and may be transmitted outside the institution only with the express consent of the beneficiary. Cases when the beneficiaries' life and health is in danger or when non-disclosure of such information shall be to beneficiaries' disadvantage shall be treated as exceptions.

83. Center specialists should have an according professional training and skills for working with victims of family violence, their families, community, local public administration authorities, other service suppliers etc.

84. Employee cards shall be filled in and approved for Center personnel, which shall include:

- a) duties;
- b) responsibilities;
- c) rights;
- d) education/qualification necessary for the respective position;
- e) work experience and length of service;
- f) subordination relations and vertical and horizontal communication procedures;
- g) specific duties in respect of beneficiaries and other Center employees.

85. The Center shall adopt clear procedures for cases when urgent replacement of a specialist is needed.

86. The Center shall have specially-equipped premises (secure and locked) for depositing the files of service beneficiaries.

87. Case coordinators shall be responsible for completing and archiving the files of service beneficiaries.

88. File information is confidential.

89. Information on the beneficiary shall be spread only with the latter's written consent. The written consent shall be attached to the beneficiary's file.

90. Beneficiary's archived files shall be kept for an indefinite time.

Human resource management – Standard XIII

91. The Center shall have a staff schedule, whose extent and structure shall depend on the scope of the institution and beneficiaries' needs.

92. Center personnel shall be employed by contest, in accordance with the legislation. Employing persons without according training and qualification is prohibited.

93. Center personnel shall consist of: administrative, social, psychological, legal, educational, medical assistance personnel and auxiliary personnel.

94. The Center is operated by a manager with higher education in the field and at least 5 years of work experience, and a deputy manager. The manager may cumulate another current office (in the field of teaching, psychology, law, social assistance, medicine, psycho-pedagogy etc.).

95. The employment rate (number of jobs in correlation with the number of service beneficiaries) shall be calculated based on the characteristics and needs of the Center's beneficiaries, as well as the institution's total capacity.

96. Ensuring security is a basic responsibility of the Center manager. Beneficiaries need a secure place, where they would be protected from aggressors' violent behavior. At the same time, the security of Center personnel must be also ensured, as personnel is also subject to major danger from the part of aggressors. In order to ensure the physical security of the beneficiaries and that of the institution, the manager shall enter in collaboration agreements with the territorial police offices.

Staff training – Standard XIV

97. Center personnel shall have initial specialized training.

98. Upon hiring, personnel shall attend Center-specific training programs (rehabilitation of victims of family violence, psychology of abuse, methods to overcome crises etc.).

99. Center employees shall have the possibility to attend continuous training programs with a duration of at least 40 hours per year.

100. Personnel shall partake in seminars, national and international conferences, scientific communication sessions etc.

101. Voluntaries may work at the Center after following a training program of at least 12 hours regarding the specifics of work in such institutions.

102. The continuous training plan for Center personnel shall be developed based on identified professional training needs.

103. The Center manager shall be responsible for the development and accomplishment of the continuous training program.

104. The personnel working within the Center shall be subject to medical examination every six months and to hygienic instruction.

Personnel supervision and evaluation – Standard XV

105. The Center shall set an efficient evaluation and supervision system and specialists shall be subject to mandatory evaluation upon hiring and on a yearly basis.

106. The Center shall develop its own staff evaluation tables, based on precise criteria.

107. The evaluation process shall be based on:

- a) achieved results;
- b) attitude towards Center activities;
- c) participation in professional training programs.

108. Evaluation and supervision sessions shall take place monthly, annually and as necessary.

109. Supervision sessions shall take place individually and in group and shall refer to:

- a) certain aspects of specific cases;
- b) applied methods;
- c) specialist's tasks;
- d) specialist's emotional state;
- e) ways to share experience, discussing most difficult cases;
- f) identifying solutions to enhance the team spirit.

110. Sessions shall unfold according to plan and in an organized manner, shall be limited in time and shall be based on specific evaluation/supervision objectives.

111. Sessions shall be recorded, specifying decisions taken, persons responsible and terms for decision accomplishment.

112. The Center manager shall be responsible for the development of the plan of evaluation and supervision sessions and for organizing such sessions in emergency cases.

113. The function of supervisor may be performed by the Center manager or by an experienced person from outside the Center.

Protection against abuses from the part of personnel – Standard XVI

114. During the stay in the Center, beneficiaries shall be encouraged to notify any form of abuse from the part of personnel, other persons within the Center and outside it.

115. The Center manager shall immediately take the necessary protection and assistance measures for the beneficiary. The Center manager shall apply sanctions to the personnel abusing the beneficiaries. Abuses shall be recorded in minutes.

Internal residence regulation – Standard XVII

116. Upon beneficiary's placement within the Center, it is necessary that he/she is notified of the Internal Residence Regulation within the Center (hereinafter – the Regulation).

117. The Regulation shall be drafted in writing and shall be accessible to the general public both in the state language and in Russian.

118. The Regulation shall contain information with respect to:

- a) Center structure and principles;
- b) services rendered to beneficiaries;
- c) Center personnel;
- d) security within the Center;
- e) order of receiving visits;
- f) responsibility towards children;
- g) beneficiary's rights;
- h) participating in activities relating to cleaning, cooking, washing etc.;
- i) duties and responsibilities;
- j) contact person(s) in case of conflicts or complaints;
- k) beneficiary's participation in the decision-making process for organizing and managing the Center;
- l) proceedings when leaving Center.

119. The Regulation must be clear and understandable by the beneficiary. It shall be mandatory, but will allow for a certain degree of flexibility, in order to be amended based on beneficiary's needs. The rules relating to institution status cannot be changed.

120. The Regulation must contain special provisions concerning beneficiary's right to self-determination in organizing his/her life upon leaving the Center.

Annex No.1
to the Minimum Quality Standards
for social services rendered to victims
of family violence

MODEL RESIDENCE CONTRACT

Center name and address _____

1. Date, month, year _____ of concluding contract between service renderer, hereinafter referred to as Center, and the beneficiary

(first and last name of Center representative)

(office)

and _____

(beneficiary name)

Age _____

Residence registration _____

Domicile _____

Locality _____ str. _____ No. _____

2. Scope of contract:

Accomplishment of objectives established in the Individualized assistance plan (hereinafter – the Plan).

The object of contract consists in rendering the following social services:

- a) _____
- b) _____
- c) _____

3. Duration of contract:

(date, month, year, from ___/to ___)

This contract shall take effect as of its execution and is entered for a duration of maximum 3 months.

4. Parties' rights and obligations:

4.1. The center shall be entitled:

- a) to check the authenticity of information received from the beneficiary of services;
- b) to cease rendering social services to the beneficiary, where it is established that the latter does not fulfill obligations provided by this contract.

4.2. The rehabilitation center shall be bound:

- a) to render services provided in the Plan;
- b) to take into account beneficiary's efforts to fulfill contractual obligations;
- c) to ensure beneficiary's security and maintenance;
- d) to periodically reevaluate the beneficiary's situation, in partnership with the family and the territorial social assistance body and, as the case may be, to revise the Plan in the interest of the beneficiary;
- e) to perform home visits, as provided by the Plan or as may be necessary;
- f) to offer psychological support and assistance;
- g) to respect the confidentiality of information regarding the beneficiary, in accordance with legislation;
- h) to take into account the wishes and recommendations of the beneficiary with respect to the Plan;

i) to inform the beneficiary about:
the nature of social services and the conditions of their rendering;
the possibility of offering other social services;
the internal regulations.

4.3. The service beneficiary shall be entitled:

- a) to be rendered social services provided by the Plan;
- b) to refuse, due to objective reasons (religious, cultural etc.), the rendering of certain social services;
- c) to participate in evaluating rendered social services and in taking decisions on social intervention measures applied to him/her;
- d) to consult with the social assistant with respect to any situation arising in relation to himself/herself, his/her child and family;
- e) to choose amongst various intervention measures;
- f) to be informed on:
rights, legal protection measures and risks;
changes in the rendering of social services;
opportunities for rendering other social services;
internal regulations.

4.4. The beneficiary is bound:

- a) to actively participate in the accomplishment of the Plan;
- b) to provide true information on his/her identity and family, medical, economic and social status;
- c) to allow the Center representative to check the authenticity of provided information;
- d) to comply with the Plan terms and provisions;
- e) to keep confidential information on granted assistance;
- f) to notify any change in his/her personal situation during placement;
- g) to observe the Center's internal regulations.

5. Solving complaints.

5.1. The beneficiary is entitled to submit verbal and/or written complaints concerning services offered by the Center.

5.2. Complaints shall be addressed to the management of the Center directly or by means of any person from the Plan accomplishment team.

5.3. The Center shall be bound to examine complaints, consulting both the beneficiary and specialists involved in the accomplishment of the Plan, and to provide an answer within maximum 10 days of the receipt of the complaint.

6. Termination of contract

This contract may be terminated in case of:

- a) ungrounded breach of contract clauses by beneficiary;
- b) withdrawal of Center's operating authorization;
- c) change in Center's type of activity.

7. Cease of contract

7.1. The following shall be grounds for the cease of this contract:

- a) expiry of duration of contract;
- b) parties' agreement to terminate the contract;
- c) achievement of the contract's goal;
- d) termination of contract.

7.2. This contract has been drawn up in two counterparts, one for each party.

Institution Director

Signature

Beneficiary

Signature

Annex No.2
to the Minimum Quality Standards
for social services rendered to victims
of family violence

PRIMARY CASE REGISTRATION FORM

The primary case registration form shall be completed upon beneficiary's admission to the Center and shall comprise the initial data of the case.

Beneficiary's first and last name _____

Birth date _____ place of birth _____

Child's first and last name _____

Birth date _____ place of birth _____

Residence registration _____

Domicile _____

Identity act _____

Education _____

Occupation _____

Information on commission of family violence _____

Case referral _____

Reason for referral _____

Documents presented by beneficiary upon admission _____

Information on proceedings for obtaining protection ordinance _____

Information on biological family _____

Information on extended family _____

Beneficiary's plans for the future _____

Remarks _____

Recommendations _____

Completed by
Date

Signature

Center Director
Date

Signature

BENEFICIARY'S OBSERVATION CARD

Beneficiary's first and last name _____

Child's/children's name/s _____

Date of admission into the Center _____

Period of residence _____

1. Beneficiary's appearance

Beneficiary's appearance		Yes	No
Clothes	Matching		
	Neat		
	Adequate		
	Clean		
Hygiene	Nails cut		
	Washed and tidy hair		
	Pleasant smell		
Behavior	Humble		
	Indifferent		
	Proud		

2. Dormitory appearance

Dormitory appearance	Yes	No
Clean		
Tidy		
Aired		
Aesthetic		

3. Social relations (communication, cooperation, subordination)

Relations with Center personnel	Always	Often	Seldom	Never
Complies with the Regulation				
Polite				
Sociable				
With initiative				
Cooperating				
Isolated				
Aggressive				
Impertinent				
Obstinate				
Participates in daily activities				
Persevering				
Parent-child relation				
Attached to the child				
Attached to the parent				
Takes care of the child				

Feeds the child				
Sensible and receptive to child's needs				
Communicates with the child				
Plays with the child				
Holds the child in arms				
Cuddles the child				
Relation with aggressor				
Constructively communicates with the aggressor				
Couple therapy has yielded results				
Parties have reconciled				
Aggression and threats continue				
Any communication has been discontinued				
The relation cannot be restored				
A protection ordinance has been issued				
The term of the protection ordinance has expired				
Divorce/separation proceedings				
Relations with other beneficiaries				
Leader abilities (coordinates activities, disciplines other beneficiaries)				
Establishes relations				
Communicates				
Participates in group activities				
Supervises children of other parents, if needed				
Isolated				
Indifferent				
Rigid				
Cooperating				
Relations with relatives				
Waits impatiently for the visits				
Initiates contacts				
Communicates in writing or by phone with relatives				
During visits (behavior shall be recorded in relation to each visitor)	Communicates openly Benevolent			
	Does not communicate Aggressive			

Additional observations

Conclusions

Note:

The observation card shall be filled in by the social assistant within 30 days as of the date of placement and subsequently on a monthly basis. Data from the observation card shall be used upon developing and reviewing the Plan.

POST(RE)INTEGRATION MONITORING CARD

Evaluation of living and social conditions (after integration) regarding the beneficiary's case _____

Date " _____ " _____

Goal of examination _____

Undersigned _____

Have inspected the living and social conditions of family _____,

Resident at _____

General data on family members and other persons resident at the respective address

First and last name	Person's relation to the beneficiary	Identity data	Birth date (age, as the case may be)	Studies, place of work, office (for children – educational institution)	Person's attitude towards beneficiary

Persons present at the time of visit

Living conditions

Type of dwelling (apartment in an apartment house, individual house, dormitory etc.)

Right over dwelling _____

Number of rooms _____

Living space _____

Total surface _____

Type of heating _____

Water supply _____

Sewerage _____

Sanitary and hygienic conditions _____

Data regarding the beneficiary

Means of subsistence and their value in Lei _____

(salary, social allowances, projects, family aid, other)

Place of work _____

Position _____

Living conditions _____

Sanitary and hygienic conditions _____

State of health _____

Relations with aggressor _____

Relations with children and other family members _____

Relations with community _____

Rendered social services _____

Data regarding aggressor (if living together)

Means of subsistence and their value in Lei _____

(salary, social allowances, projects, family aid, other)

Place of work _____

Position _____

Living conditions _____

Sanitary and hygienic conditions _____

State of health _____

Relations with beneficiary _____

Progress in the couple relation _____

Was there a protection ordinance issued and what is its status _____

Social services of which the family (victims and aggressor) benefitted _____

Identified needs _____

Conclusions

Recommendations _____

Social assistant

Signature

**Representative of local
public administration authority**

Signature

Family representative

Signature