

Information on the institutional mechanisms, drafted policies and undertaken actions in area of child labor during the year 2014

A. Statistic data regarding child labor

During the year 2014 the National Bureau of Statistics did not publish specific data on the implication of children in grave forms of labor. At the same time, according to the activity Report of the State Inspectorate of the Ministry of Labor for the year 2013¹, in the mentioned period the labor inspectors have identified 5 minors that were involved in prohibited work, which were later withdrawn from this type of work.

During the course of 11 months of year 2014, according to the collected data from the verifications conducted by the State Inspectorate of Ministry of Labor, there were identified 4 minors involved in prohibited type of work.

B. New Regulations regarding child labor

During the year 2014 there were adopted a number of normative acts whose provisions were meant to prevent the phenomenon of child labor.

1. According to Government Decision no. 541 from 7 July 2014, it has adopted the new Classification list of hard work conditions, harming and/or dangerous which is prohibited to persons less than 18 years, as well as established the permitted work and the permitted conditions of work for persons less than 18 years, when executing manual load and transportation of weights. The adopted Classification has substituted the older one, which was not meeting the nowadays conditions (Government Decision no. 562 din 7 September 1993).

2. Ministry of Education has emitted the Disposition no. 393 from 29 September 2014, which expressly prohibits the involvement of school pupils in agricultural work during the school year. In order to ensure the respect of the provisions of the mentioned Disposition, the local and central authorities Divisions of education, youth and sport were obliged to inform about the adopted Disposition of all directors of education institutions that are under the supervision of each Local Public Authority, as well as the economic agents from the territory. In their turn, the directors of educational institutions have the obligation to inform about the mentioned Disposition all pupils and teachers under their supervision.

3. In order to ensure implementation of certain instruments of social protection of children found in a risk situation, Ministry of Labor, Social Protection and Family, together with social partners, has elaborated and promoted the project **Instructions regarding the intersectorial mechanism of cooperation for the identification, evaluation, referring, assistance and monitoring of children victims and potential victims of violence, negligence, exploitation and traffic**. The mentioned Instructions were adopted through Government Decision no. 270 from 8 April 2014.

4. The Ministry of Labor, Social Protections and Family (MMPSF), Ministry of Health, Ministry of Interior have adopted the Decision no. 153/1043/1042/293 from 8 October 2014, through which was approved the **Report Sheet of a suspected case of violence, negligence, exploitation and trafficking of children**, which is completed by appointed specialists from education institutions, medico-sanitary, cultural, institutions responsible for protection of law

¹The report can be accessed on the website of the Ministry of Justice:
<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=353484>

provisions and social assistance, state inspectorate of labor, and other authorities and public institutions that have attributions in the area of child protection, regardless of the juridical form of organization.

5. By Government Decision no. 780 from 25 September 2014 have been adopted the Minimum Standards of quality for the Social Services offering support for families with children.

The Services of family support represent a service offered to families with children in order to prevent and/or overcome risk situations in order to increase the level of education of children and family environment.

The mentioned Government Decision provides for offering financial support in the form of monthly payments, or a unique payment for the support of child raising and/or help the enrolment of the child in the education process. This financial support is being offered to the parents or the person in whose de facto care is a child, the sum of this support amounts to a unique or monthly payment in a monthly quantum of 500 Moldovan Lei, offered for an undetermined period of time, but not longer than 6 months (in total a maximum of 3000 Lei).

In 2013 there were registered 1291 families that benefited from the mentioned financial support, which included 107 families that raised and educated children with disabilities.

6. On 7 November 2013, the Parliament of the Republic of Moldova adopted Law no. 270, which provides for the modification and amendments of certain legislative acts, through which the Penal Code was completed with a new article (165¹), which establishes criminal liability for using the fruits of labor of victims of child trafficking (*this amendment was not previously reported, as Law 270 was published at the end of the year 2013*).

Below is presented the content of the mentioned article of the Penal Code:

“Article 165¹.The use of fruits of labor or services of a person that is a victim of trafficking in human beings.

(1) The use of products and/or services that constitute the result of exploitation in criminal offense of trafficking in human beings or trafficking of children, services offered by a person known by the beneficiary to be a victim of the above mentioned criminal offenses. If this offense does not contain the element of trafficking of human beings or child trafficking, than the applied punishment can be from 2 to 5 years of imprisonment, applied to a legal person, which amounts to a fine of 1000 to 3000 conventional units with a prohibition to exercise certain activities.

(2) The person that is found guilty under para (1) is exonerated of criminal liability in case it has voluntarily declared other persons responsible for committing the offense of trafficking of human beings or child trafficking, as well as helped to the finding of the mentioned offenses or has actively contributed to the investigation of such cases.

Through the same Law, there were introduced modification in art. 168 of the Penal Code (forced labor), where it was included the aggravate „upon a child with the capacity of labor”, as well as tightening considerably the applied sanctions. At the moment art. 168 of the Penal Code has the following content:

“Article 168.Forced labor

(1) Obtaining work services from a person against its will, through coercion or deception, if this action does not include elements of trafficking of human beings or child trafficking, the applied punishment constitutes imprisonment from 2 to 6 years.

(2) The same committed act:

a) upon two or more persons;

b) upon a child with the capacity of labor or a pregnant woman;

c) by two or more persons;

d) by a public person, a person with a position of responsibility, by a person with a public function, by a foreign public person or by an international employees sanctioned with imprisonment from 6 to 10 years, with the deprivation of the right to occupy certain functions or to exercise certain activities for a period of 2 to 5 years, with a fine, applied to a legal person amounting to 1000 up to 2500 conventional units, with the deprivation of the right to exercise certain activities or the shutting down of the legal entity.

(3) Actions foreseen in para (1) or (2):

a) committed by an organized criminal group or a criminal organization;

b) which conducted to grave bodily harm or health or death of the victim, are punished with imprisonment from 7 to 15 years, with a fine, applied to a legal person amounting to 1500 to 3000 conventional units with the shutting down of the legal entity.

Responsible institutions

1. The cooperation between national institutions that have attributions in the area of child protections and fight against child labor is done through the implication of a number of structures, with the leading role being attributed to the **National Steering Committee for the elimination of child labor**, established by the Government Decision no. 495 from 11 May 2004. The Committee works under the leadership of the representative of the Ministry of Labor, Social Protection and Family, which includes representatives from different structures, as follows:

- Ministry of Labor, Social Protection and Family;
- State Inspectorate of Labor;
- National Employment Agency;
- Ministry of Education;
- Health Ministry;
- Ministry of Agriculture and Food Industry;
- Ministry of Interior;
- Ministry of Youth and Sport;
- Ministry of Finance;
- National Bureau of Statistics;
- State Chancellery;
- General Prosecutor;
- Human Rights Centre in the Republic of Moldova;
- National Confederation of Trade Unions of the Republic of Moldova;
- National Confederation of Employers of the Republic of Moldova;
- Information and Documentation Centre on the rights of the child in the Republic of Moldova;
- State University “Alec Russo” from Bălți;
- International Organization „La Strada”;
- OSCE Mission in Moldova.

An important instrument in the fight against child labor is represented by the **National Committee for consultation and collective negotiations**, whose objective is to conduct tripartite consultations between social partners (Government, trade unions and employers unions) on issues that include the area of labor and socio-economic problems. Within the Committee there is a specialized permanent Council dealing with issues related to child labor, whose main objective is examine issues related to the prevention and fight against the worst forms of child labor, as well as consult the National Committee on the mentioned issues.

The monitoring of child labor cases is done through the **Monitorization Unit of Child Labor**, which activates within the State Inspectorate of Labor starting with May 2007, and is formed of two labor inspectors. These two inspectors:

- a) coordinate inspection activities, as well as systematize the information acquired during inspections or controls,
- b) supervise activities dealing with fight against child labor and
- c) are a connecting link to the National Steering Committee for the elimination of child labor on the national level as well as to the Multidisciplinary teams of labor monitoring of child labor at the local level.

The Multidisciplinary teams are local structures of implementation activities direct towards fight against the worst forms of child labor, formed of specially trained personnel in the area of protections of the rights of the child (*social assistants, psychologists, police, lawyers, labor inspectors, medical workers, teachers, specialists in child protection, representatives of NGO's, trainers on an equal to equal basis, etc.*). The main objectives of the Multidisciplinary teams are as follows:

- a) identification of children that are involved in the worst forms of child labor;
- b) proposal of better alternatives of life for the mentioned children;
- c) continuous monitoring of the situation of the mentioned children;
- d) use of data generated from the Monitoring System of Child Labor in the process of elaboration of policies in the given area.

At the moment such teams are working in a number of areas of the country, with the aim of creating Multidisciplinary teams in all districts of the Republic of Moldova, by the end of 2015.

State Labor Inspectorate

2. State control of the respect of the legal framework in the area of labor, including of persons less than 18 years, is done by the State Labor Inspectorate.

Through the Government Decision no. 788 from 7 October 2013, the stuff of the State Inspectorate was formed of 109 units. From the total of stuff units, 22 units are part of the Central establishment, whereas 87 units are distributed within 10 territorial labor inspectorates.

The personnel of the Inspectorate is formed of specialists with higher technical studies, specialized in law and economy. The area of work of the labor inspectors are divided to include inspectors with attributions in the area of labor relations, and in the area of security and health during work, realized during visits and controls of all areas of the national economy. Taking into consideration the fact that annually the labor inspectors realize over 6 thousands of controls, on average an inspector realizes approximately 80 controls per year.

Within the Inspectorate there is the Unit for the Monitoring of child labor, which is formed of two labor inspectors. However, the monitoring of child labor is not only of the exclusive competence of the Unit for the Monitoring of Child Labor. This is a compulsory component of each control visit realized by the State Labor Inspectorate.

Regardless of the fact that in 2013 the stuff component was increased by 12 units, the actual available stuff units are not sufficient for the realization of the functional attributions of the General Inspectorate and especially of the Child Labor Monitoring Unit.

3. The overall budget of the State Labor Inspectorate for the year 2014 consisted of 10 903 200 Moldovan lei, a sum which is not sufficient for the good and qualitative realization of the set objectives for the Inspectorate.

Also, the technical and material equipment of the labor inspectors is not satisfactory.

The level of operational activity of the labor inspectors depends on the possibilities of the inspectors to realize their work, such as rapid transportation for inspection activities or where a labor accident has occurred.

In order to ensure the fulfillment of these work conditions, the State Labor Inspectorate has 36 transport units. These are divided as follows: 3 cars within the central establishment of the Inspectorate; 33 cars divided through 10 territorial labor inspectorates. In average each territorial inspectorate has 3 units of transportation.

During the year 2014 the number of transportation units was supplemented with only 2 transportation units.

For the general maintenance of the transportation units belonging to the State Labor Inspectorate, during the year 2014, from the budget of the Inspectorate there were allocated 865 370 Moldovan lei.

Starting with the month of July 2014, the State Labor Inspectorate launched the Automatized Information System, which has started within the framework of the United Nations Program for the economic emancipation of women, through the increase of the employment capacity in the Republic of Moldova. The system will include data regarding realized controls by the State Labor Inspectorate at different units, number and nature of the detected breaches of legislation, etc. This Information system will be integrated with the Centre for Electronic Governance (E-Governance). The mentioned Information System has a component that allows the tracing and use of data regarding the branch of labor legislation in the area of child labor.

4. Labor inspectors were trained in the area of exploitation through work of children, at the beginning of their activity within the Monitoring Unit of Child Labor. Later on, during their work the staff of the mentioned Unit is guided by the provisions of the Order no. 06-a from 11 April 2007, which approved the Guide of the labor inspector regarding the realization of monitoring of child labor. The mentioned Guide is brought to the knowledge to every newly employed inspector, in a compulsory manner.

At the same time, according to the Programme of activity of the State Labor Inspectorate for the year 2014, during the period 17-26 June, there were conducted 4 sectorial continuous trainings of the state inspectors, which had the following topic „Application of the Methodology of planning of state control of the activities of small businesses on the basis of the risk analysis for the area of which the control is conducted by the State Labor Inspectorate”, approved by the Government Decision No. 375 from 27 May 2014.

During the period 21-28 October 2014, there were conducted 3 regional seminars on „Preventions and fight against the phenomenon of corruption on the basis of the Law No. 325 from 23 December 2013, regarding the test of professional integrity”. At the mentioned seminars participated all the State Labor Inspection employees. The mentioned seminars were conducted with the help of the National Anticorruption Centre.

During the year 2014, there were trained 46 national labor inspectors, which participated at the Course „Security and Health at work”. The mentioned Course was organized with the support of the State Company „Training Centre in the area of work relations”.

During the month of November 2014, one representative of the State Labor Inspectorate was trained within the seminar with the topic „Undeclared work in the general context of the informal economy”. The mentioned seminar was organized by the International Labor Organization, and took place at the International Centre for Training of the International Labor Organization, in Torino, Italy.

5. During the first 11 months of the year 2014 the State Labor Inspectorate realized 6,190 of inspections on the respect of labor legislation, and the legislation regarding security and health at work. Each of the mentioned inspections included the monitoring of child labor.

During the control visits of the national inspectors, at 13 economic units and 7 employers, physical persons, there were detected 140 minors involved in work activities. The mentioned minors were involved in work as cooks and waiters – 79 persons, seamstresses – 43 persons, animal careers – 8 persons, auxiliary personnel – 3 persons, artists – 2 persons, construction workers – 2 persons, one person in commerce activities, agricultural work and assistant manager. With reference to 15 minors there were established breaches of labor legislation, as a

consequence the national labor inspectors have followed established procedures in order to take legally prescribed measures against the established breaches of legislation.

To ensure proper application of labor legislation, of legislation on job security and hygiene and of other provisions on labor protection with regard to a minor, labor inspectors have issued prescriptions for withdrawal of persons less than 18 years from activities exercised contrary to the law. To penalize employers who committed violations of labor legislation, of legislation on job security and hygiene and of other provisions on labor protection with regard to a minor, labor inspectors have drawn nine protocols regarding the contraventions.

6. At work prohibited to persons less than 18 years, 4 people were detected, which were subsequently withdrawn from the work. Failure to comply with the law, a minor was fatally injured by drowning. The protocol of accident was presented to the police authority for further examination.

7. During the reporting period the State Inspectorate of Labor has provided assistance to all persons less than 18 years, in respect of which were detected violations of law.

8. During 2014 the labor inspectors were submitted prescriptions to remedy the violations found in the results of the checks. As a result of noncompliance of the employers and official with the provisions of labor and health and safety standards at work legislation, labor inspectors submitted to the court for consideration 9 protocols regarding the contraventions, under art. 55 ("Violation of labor legislation regarding the safety and health at work") and art. 551 ("Using undeclared ") of the Contravention Code.

9. For the infringement of labor legislation with respect to minors, following the examination by the court of misdemeanor cases, five sanctioning decisions were issued with fines totaling 35 000 lei and three cases were classified .

Governmental policies

1. a) General regulatory framework

In its capacity as signatory of the several international documents on children's rights (UN Convention regarding the rights of children, ILO Convention no. 138 on the minimum age of employment and no. 182 on the worst forms of child labor) Republic of Moldova is always working to ensure compliance with the standards contained therein.

Currently in our country are adopted several normative acts which contain provisions relating to child labor, including provisions aiming elimination of the worst forms of it. Key rules setting limits using the work of people less than 18 years are contained in the Constitution, the Law on the rights of children and the Labor Code.

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

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

Similar but more detailed provisions on certain distinct forms of child labor are contained in Art. 255 of the Labor Code, which stipulates: — “it is forbidden to use individuals aged less than 18 years in working hard, damaging and/or dangerous conditions, in undergrounds works, as well as in works that may cause damages to their health or moral integrity (gambling, work in night

locales, production, transport and sale of alcoholic beverages, tobacco items, narcotic or toxic substances). It is not allowed to have minors lift or transport by hand weights exceeding the maximal standards established for them”. Based on these provisions, by the Decision no. 541 of 7 July 2014, the Government approved the new Register of jobs with hard, harmful and /or dangerous work which is forbidden to apply to the persons less than 18, which replaced the nomenclature approved by Government Decision no. 562 of 7 September 1993.

The Labor Code also prohibits the admission of persons less than 18 years to night work (art. 103), additional work (art. 105), and sending those people on the business trip, except for employees of broadcasters, theaters, circuses, cinema, theater and concert performers, as well as professional sportsmen (art. 256).

In addition, according to art. 96 and art.100 of the Labor Code, employers are obliged to settle for minor employees reduced working time (from 15 to 16 years - 24 hours per week and 5 hours per day from 16 to 18 years - 35 hours per week and 7 hours per day).

The general minimum age for employment is 16 years under the Code. As an exception, the individual may enter into an individual contract of employment at the age of 15, with the written consent of parents or legal guardians if, therefore, will not be jeopardized the health, development, education and training.

In case of violation of legal rules on the involvement of children in labor activity has been established a system of criminal and administrative penalties as follows:

- **Art. 165¹ of the Criminal Code** (*Using the results of the work or services to a person who is a victim of human trafficking*);

- **Art. 168 of the Criminal Code** (*Forced Labor*);

- **Art.206 of the Criminal Code** (*Trafficking in Children*, including labor exploitation, sexual exploitation, begging, etc.);

- **Art. 208 of the Criminal Code** (*Involving juveniles into criminal activity or encouraging them to commit immoral acts*);

- **Art. 58 of the Contravention Code** (*Involving juveniles in work that poses a danger to their health or attract minors to engage in a work prohibited by law*).

b) Policy Documents

By Decision No. 434 of 10 June 2014, the Government approved the **Child Protection Strategy for the years 2014-2020**. One of the main objectives of the Strategy is to prevent and combat violence, negligence and exploitation of children. Among the measures to be taken to achieve this objective include:

- 1) Development of an integrated data collection on the situation of children;
- 2) development of social services to support families with children at risk of separation, including early intervention;
- 3) development of social services and family support, of family type and (re) integration of children in the family;
- 4) continuous reorganization of residential child care;
- 5) implementing an effective mechanism for tracking and monitoring the situation of children whose parents/single parents are working abroad;
- 6) implementation of awareness and counseling services to children left behind, migrant parents and to the persons responsible for the education of remaining children;
- 7) increasing the capacities of the education system in addressing social risks, including social risks for children whose parents are migrant;
- 8) development support and prevention services for children liable to risk of becoming victims of violence or exploitation;

9) implementation of an intersectoral mechanism to identify, assess, assistance, referral and evidence of child victims and potential victims of violence, negligence and exploitation;

10) ensuring the protection of personal data and prevent victimization of children victims of violence, negligence and exploitation, etc.

At the same time it is underway the **National Action Plan on the prevention and elimination of the worst forms of child labor for 2011-2015**, approved by Government Decision no. 766 of 11 October 2011. The plan includes over forty actions aiming:

- reviewing and updating relevant legislation to ensure appropriate conditions for the prevention and elimination of the worst forms of child labor;
- awareness raising of civil society and policymakers the problem of the worst forms of child labor;
- facilitating children's access to quality education in order to prevent their involvement in the worst forms of child labor;
- educational and social rehabilitation and reintegration of children withdrawn from the worst forms of child labor;
- supporting families of children involved in the worst forms of child labor, etc..

Exhaustive information on the implementation of the Plan during 2014 will be presented to the Government by 31 March 2015. A copy thereof shall be sent to the US Embassy in Moldova.

2 & 3. Medium-term development priorities "Rethink Moldova" contain no explicit reference to the worst forms of child labor, but include a range of actions that reduce children's involvement in illegal activities. These include:

- Increase the gross enrollment rate in generally secondary education from 94.1 percent in 2002 to 98 percent in 2015;
- Increase the rate of enrollment in school programs for children aged 3-6 years from 41.3 percent in 2002 to 78 percent in 2015 and for children 6-7 years to 66.5 percent in 2002 to 98 percent in 2015, and a reduction of at least 5 percent of the gap between rural and urban areas and between disadvantaged and middle income groups;
- Residential child care reform by redirecting financial resources from the residential (boarding schools) to community and family by promoting professionalism of human resources and capacity building for monitoring, evaluation and supervision at all levels of child and family protection.

4 & 5. According to the National Action Plan on the prevention and elimination of the worst forms of child labor for 2011-2015, responsible for implementing the measures contained in it are member institutions of the National Steering Committee (listed at pt. 1 of section "Responsible institutions"), district and local councils and local multidisciplinary teams. As implementing partners included:

- National Confederation of Employers of Republic of Moldova;
- National Confederation of Trade Unions;
- Institute of Education Sciences;
- State Pedagogical University "Ion Creanga";
- academic environment;
- mass-media;
- social rehabilitation centers;
- NGO's;
- International Labor Organization.

For each concrete action is set execution time, responsible institutions and partners that will provide support to the achievement of the action. Responsible for implementation of measures included in other relevant plans and strategies are the same institutions, each according to the competence assigned. The plan is being implemented.

6. Studies that specifically assess the impact of national policies on child labor in 2014 were not performed. As for monitoring the implementation of the National Action Plan on the prevention and elimination of the worst forms of child labor for 2011-2015, this occurs by means of the annual reporting by the Government.

Social Programs

In June 2014 was set free telephone support service for children, which is managed by the Ministry of Labor and Social Protection and implemented by the International Center "La Strada". The service is available through a unique national number 116 111, free for all users of fixed and mobile operators in Moldova (24/24, confidential and anonymous). The objectives of service are to provide psychological counseling for children, parents and/or caregivers, facilitating access to child protection system and strengthening child protection under the Child Helpline activity data analysis.

The aim of the service is to evaluate immediate needs and potential risk of exposure of children to violence, negligence and exploitation, to offer the psychosocial counseling to overcome emotional problems of children, as well as the relationship problems between parents/careers and children, information and consultation on child rights and protection system, guidance to institutions, authorities and specialists in charge of child protection interventions for specific needs of the child.

From June to November 2014 service operators provided counseling for 488 adults and 414 children in 1,300 calls, including: information calls - 121, psychological counseling - 116, 102 calls claiming domestic violence/between peers (including schools), 3 cases of child disappearance signaling.

With the support of the French Embassy in Chisinau in September 2014 Service staff training was conducted by an expert from the Service "Your Child" from Romania. Also, in December 2014 was made a study visit of representatives of free telephone support service for children and staff representatives of the Ministry of Labor, Social Protection and Family in France, who were familiarized with the experience of similar services and their interaction with other services within the child protection system in France.

In partnership with Estonian Counseling Center (NGO a project proposal for technical assistance for the development and promotion of free telephone support service for children in Moldova) has been developed, which was approved for funding by the Ministry of Foreign Affairs of Estonia and will be funded under the cooperative Programme for development. The project will be implemented during 2015.