

Moldova

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In November 2001, the Government of Moldova established a National Committee for Combating Trafficking in Human Beings and adopted a National Plan of Action to address the problem.²³⁵² Also in 2001, the Parliament passed additions to the Criminal Code with provisions against trafficking, forced labor, and sexual exploitation.²³⁵³ In addition, the government has established and trained an anti-trafficking unit in the police force, but there are reports that the unit is understaffed and poorly funded.²³⁵⁴ Due to a lack of funds at the national level, as well as corruption and linkages between government officials and organized crime, the majority of trafficking protection and awareness raising measures are being implemented by Moldovan NGOs.²³⁵⁵ Moldova participates in the Southeastern European Cooperative Initiative Human Trafficking Task Force, which is intended to coordinate regional efforts by governments to combat trafficking in persons.²³⁵⁶ The government has cooperated with Belarus, Ukraine, and Russia to investigate trafficking cases;²³⁵⁷ however, it is reported that borders are not adequately monitored.²³⁵⁸

²³⁵² Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, UNICEF, June 2002, 30.

²³⁵³ *Ibid.*, 29.

²³⁵⁴ According to UNICEF, the unit consists of only a few police officers; it lacks equipment, telephones and gas, and staff did not receive payments for several months. *Ibid.*, 30.

²³⁵⁵ IOM is implementing a trafficking awareness raising campaign; UNICEF assists girls at risk of trafficking and prostitution; and other NGOs, including La Strada and Association for Women Lawyers, are working on the issue. For the most part, these activities are planned and implemented independently; however, the government is planning to cooperate with La Strada to implement an awareness raising campaign in schools. *Ibid.*, 30-32.

²³⁵⁶ Organization for Security and Co-operation in Europe, *Stability Pact for Southeastern Europe: Task Force on Trafficking in Human Beings*, [online] [cited August 21, 2002], "Introduction"; available from www.osce.org/odihr/attf/index.php3?sc=Introduction.

²³⁵⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Moldova*, Washington, D.C., March 4, 2002, 1646-48, Section 6f [cited July 21, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8304.htm>.

²³⁵⁸ U.S. Department of State, *Trafficking in Persons Report- 2002: Moldova*, Washington, D.C., June 5, 2002, 76 [cited August 21, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 37.1 percent of children ages 5 to 14 years in Moldova were working.²³⁵⁹ Moldova is a primarily agricultural country, and it is common for children in rural areas to work on family farms or help with household chores.²³⁶⁰

Street children in Chisinau and Belti are reported to work as prostitutes as a means of survival.²³⁶¹ Moldova is a source country for trafficking of women and girls for prostitution to destinations including Turkey, Greece, Cyprus, Italy, Hungary, Bulgaria, Slovakia, Bosnia, Macedonia, and Yugoslavia.²³⁶² Young women in rural areas are frequently the target population for traffickers who offer transportation to jobs overseas, but upon arrival, confiscate passports and require payments earned through prostitution.²³⁶³ According to information gathered by IOM through its assistance projects, some trafficked girls are as young as 12 years old.²³⁶⁴

Education for children is compulsory for nine years, beginning at age 7.²³⁶⁵ While the Constitution guarantees free public education,²³⁶⁶ families face significant additional expenses, including supplies, clothes, and transportation fees.²³⁶⁷ The most recent primary school enrollment and attendance statistics indicate that most children are receiving a basic education, with very little variation by gender or regional distribution. In 1996, the gross primary enrollment rate was 97.4

²³⁵⁹ The total number of “working” children included “children who have done any paid or unpaid work for someone who is not a member of the household or who did more than four hours of housekeeping chores in the household or who did other family work.” 10 percent of children ages 5 to 14 had unpaid jobs for someone other than a household member, and 2 percent were engaging in paid work. Government of Moldova, *Multiple Indicator Cluster Survey (MICS) 2*, UNICEF, 2000, [cited August 21, 2002]; available from <http://www.childinfo.org/MICS2/newreports/moldova/moldova.pdf>.

²³⁶⁰ U.S. Embassy- Chisinau, *unclassified telegram no. 1400*, September 2001.

²³⁶¹ Swedish International Development Agency, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden August 28, 1996*, Bangkok, 2000, 131.

²³⁶² U.S. Department of State, *Country Reports- 2001: Moldova*, 1646-48, Section 6f. According to the U.S. State Department’s 2002 Trafficking in Persons Report, Moldova is a Tier 2 country and does not yet fully comply with minimum standards for the elimination of trafficking. U.S. Department of State, *Trafficking in Persons Report: Moldova*, 76.

²³⁶³ U.S. Department of State, *Country Reports- 2001: Moldova*, 1646-48, Section 6f.

²³⁶⁴ Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, 26.

²³⁶⁵ UNESCO, *Education for All 2000 Assessment: Country Reports - Moldova*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 1999, [cited August 21, 2002]; available from <http://www2.unesco.org/wef/countryreports/moldova/contents.html>.

²³⁶⁶ *Constitution of the Republic of Moldova, 1994*, [cited August 21, 2002]; available from <http://confinder.richmond.edu/moldova3.htm#T1>.

²³⁶⁷ U.S. Embassy- Chisinau, *unclassified telegram no. 1400*.

percent,²³⁶⁸ and in 2000, the net primary school attendance rate was over 98 percent.²³⁶⁹ Press reports indicate that attendance may be lower in rural areas.²³⁷⁰

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 16 years, but in exceptional cases and with permission of the Trade Union Committee, allows for the employment of minors at age 15.²³⁷¹ However, the Law on Children's Rights allows children to work at age 14, but only with parental authorization and providing that the work will not interfere with the child's education.²³⁷² Children under 18 years are prohibited from participating in hazardous work, including work underground, work related to alcoholic beverage production, transportation, and sales, and work with heavy metals.²³⁷³ Legal remedies, civil fines and criminal penalties exist to enforce labor legislation, with fines ranging from USD 133 to 400 and prison terms of up to three years for repeat offenses.²³⁷⁴ The Constitution prohibits forced labor and the exploitation of minors.²³⁷⁵ The Criminal Code prohibits selling and trafficking children and sets a penalty of three to eight years for violation. A new Criminal Code, set to come into force in 2003, provides for 10 to 15 years imprisonment for trafficking and the use of children in the worst forms of child labor.²³⁷⁶ The Law on Children's Rights protects children under 18 years of age from prostitution or sexual exploitation.²³⁷⁷

In January 2002, Moldova introduced a restructured, 121-person Labor Inspection Office, which is responsible for enforcing all labor laws, including those pertaining to child labor. According to a Ministry of Labor official, no cases of child labor were uncovered by the office between January

²³⁶⁸ Net enrollment statistics for Moldova are not available. World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²³⁶⁹ While the official age to enter primary school is 7 years, a number of children go to school before the age of 7. To account for these children, the primary school attendance rate includes all children of primary school age who were currently attending school in the school year immediately preceding the survey. Government of Moldova, *MICS2*, 14.

²³⁷⁰ According to 2001 Moldovan press reports, the Ministry of Education estimated that 25 percent of children in rural areas were not attending school. U.S. Department of State, *Country Reports- 2001: Moldova*, 1643-46, Section 5.

²³⁷¹ Article 181 of the Labor Law, as cited in U.S. Embassy- Chisinau, *unclassified telegram no. 1499*, October 2002.

²³⁷² Article 11 of the Law on Children's Rights as cited in *Ibid.*

²³⁷³ Article 183 of the Labor Law, as cited in *Ibid.*

²³⁷⁴ Article 183 of the Labor Law, as cited in *Ibid.*

²³⁷⁵ *Constitution of the Republic of Moldova*, Articles 44, 50.

²³⁷⁶ U.S. Embassy- Chisinau, *unclassified telegram no. 1499*. According to a 2002 report submitted to the UN Committee on the Rights of the Child by Moldovan NGOs, the new Criminal Code has inadequate measures for the enforcement of trafficking legislation, or for the protection and rehabilitation of victims. *Complementary Report of the Non-Governmental Organizations on the Implementation of the UN Convention on the Rights of the Child in the Republic of Moldova*, Chisinau, 2002, 31-32 [cited December 16, 2002]; available from http://www.crin.org/docs/resources/treaties/crc.31/Moldova_ngo_report.pdf.

²³⁷⁷ U.S. Embassy- Chisinau, *unclassified telegram no. 3576*, August 2000. Prostitution is also illegal under Article 105-1 of the Criminal Code, and punishable by imprisonment from six months to one year. Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, 29.

and October of 2002.²³⁷⁸ Various government agencies and units have jurisdiction to address trafficking, including a police unit within the Ministry of Internal Affairs, the Justice Service, the Police Academy, the General Prosecution Office, and the Ministries of Justice, Labor, Security, and Economy. As of September 2001, 33 cases against traffickers were pending, and prior to September, 15 cases were prosecuted and ended in amnesties (no prison sentences).²³⁷⁹

The Government of Moldova ratified ILO Convention 138 on September 21, 1999, and ratified ILO Convention 182 on June 14, 2002.²³⁸⁰

²³⁷⁸ U.S. Embassy- Chisinau, *unclassified telegram no. 1499*.

²³⁷⁹ Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, 29.

²³⁸⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 22, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.