

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Republic of Moldova - 2021

*THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY
LABOUR Protocol of 2014 P029 to the Forced Labour Convention*

REPORTING

Fulfillment of Government's reporting obligations

p29 Fulfillment of Government's reporting obligations

Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

d) None

92. To which employers organizations was the report sent? [12] Please provide the list

National Confederation of Employers of the Republic of Moldova

93. To which workers organizations was the report sent? [13] Please provide the list

National Trade Union Confederation of Moldova

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

83. Have employers and or workers organizations been consulted in the development and implementation of adopted measures? [6.1]

Yes

95. Did employers organizations comment on the report? [11a]	No
Workers' organizations	
83. Have employers and or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
96. Did workers organizations comment on the report? [11b]	No
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	
Ratification	
Ratification intention	
61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?	Likely
62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?	Political will.
Existence of a policy and or plan of action for the suppression of forced or compulsory labour	
63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]	No

<p>66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?</p>	<p>No</p>
<p>68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]</p>	<p>Yes</p>
<p>69. Please describe these measures. [1.5]</p>	<p>The Republic of Moldova has a National Strategy for preventing and combating trafficking in human beings for the years 2018-2023, approved by Government Decision no.461/2018. The measures described in the National Strategy are the following: informative campaigns, reducing vulnerability, and administrative control.</p>
<p>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</p>	<p>Yes</p>
<p>71. Please describe these data. [1.6.1]</p>	<p>In 2020, 88 victims of trafficking in human beings exploited through work were identified (compared to 154 victims identified in the same period in 2019), representing 75.8% of the total number of victims of trafficking in human beings identified at the national level. On the territory of the Republic of Moldova, 13 adults (of which 12 men and 1 woman) and 2 children (both boys) were exploited through work. The area of the European Union is confirmed as a constant destination, with 62 victims of trafficking in human beings exploited through work (3 women and 59 men). The main destination country for external trafficking (in terms of the number of victims) is Slovakia, with 31 people trafficked (mostly men) for labor exploitation. On the territory of the</p>

Commonwealth of Independent States (CIS), 16 victims were identified (1 woman and 15 men), exploited mainly for work. The Russian Federation is no longer of interest to the citizens of the Republic of Moldova, so there is a significant decrease in their number compared to previous years. Also, through 49 "SOS" calls from the country and abroad, were registered 2 cases of trafficking in human beings for labor exploitation in Poland (1 case with 80 suspected victims, men and women, and 1 case with 1 victim, a man). In 2020, the following criminal cases were opened in the category of trafficking in human beings and related crimes: - Use of the results of the work or services of a person who is a victim of trafficking in human beings (article 1651 of the Criminal Code) - 2 offenses, - Forced labor (article 168 of the Criminal Code) - 15 offenses. During the reference period, the courts ruled: - 4 sentences on "forced labor" - against 5 defendants; - A judgment on the "use of the results of the work or services of a person who is a victim of trafficking in human beings" - against one defendant. The information described above can be found in the "National report on the implementation of the policy for preventing and combating trafficking in human beings for 2020" - <http://www.antitrafic.gov.md/lib.php?l=en&idc=30&t=/Reports/National-Reports>

Measures taken or envisaged for systematic and coordinated action

64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]

The prohibition of forced labor is a fundamental principle regulated by article 44 of the Constitution of the Republic of Moldova. Article 168 of the Criminal Code no. 98/2002, also punishes forced labor. Moreover, forced labor is also prohibited by the provisions of article 7 of the Labor Code no. 154/2003.

	<p>The Republic of Moldova has a National Strategy for preventing and combating trafficking in human beings for the years 2018-2023, approved by Government Decision no. 461/2018. The authorities responsible for preventing and reporting cases of forced labor are the State Labour Inspectorate (an institution subordinated to the Ministry of Labour and Social Protection) and the Center for Combating Trafficking in Persons (an institution subordinated to the Ministry of Internal Affairs). And the National Committee for Combating Trafficking in Human Beings coordinates the activities of preventing and combating trafficking in human beings for labor exploitation at the national level, and at the local level, these responsibilities are fulfilled by the Territorial Commissions for Combating Trafficking in Human Beings.</p>
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Measures taken or envisaged to prevent forms of forced labour

<p>74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]</p>	<p>Yes</p>
<p>75. If so, please indicate the type of measures, [2.2]</p>	<p>a) Information, education and awareness raising targeting especially people in vulnerable situation and employers,c) Regulation and supervision of the labour recruitment and placement process,f) Promotion of safe and regular migration,h) Capacity building for the competent authorities,i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations</p>
<p>75.f. Please provide a description of measures taken or envisaged:</p>	<p>To promote safe and regular migration as mentioned previously, the Parliament has adopted Chapter VII of Law no 105/2018 on the promotion of employment and</p>

	<p>unemployment benefits. The named chapter describes the procedure of placement of workers abroad through the means of private employment agencies but also based on the treaties which the Government has signed in this regard. To promote safe and regular migration, the Government has signed 3 treaties on labor migration with Israel, Bulgaria, and Germany. The treaty with Israel was signed in 2012 and it regulates the recruitment process of Moldovan workers in the construction sector in Israel. The treaty with Bulgaria on the regulation of labor migration has been signed in 2018 and the treaty with Germany in 2021, regulating the employment of Moldovan workers in the agriculture sector in Germany.</p>
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<p>75.f. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:</p>	<p>Citizens that are the beneficiary of private employment agencies and the treaties.</p>
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Measures taken or envisaged to protect victims of forced labour

<p>76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]</p>	<p>Yes</p>
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<p>77. If so, please indicate the type of measures [3.2]</p>	<p>a) Training of relevant actors for identification of forced labour practices, b) Legal protection of victims, d) Medical and psychological assistance for victims, e) Measures for the rehabilitation and social and professional reintegration of victims, f) Protection of privacy and identity, g) Appropriate accommodation, i) Specific measures for migrants</p>
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Measures taken or envisaged to facilitate access to remedies

<p>78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]</p>	<p>Yes</p>
<p>79. If so, please indicate the type of measures, [4.2]</p>	<p>a) Information and counselling for victims regarding their rights,b) Free legal assistance,e) Access to remedies and compensation,g) Provision for authorities not to prosecute victims for acts which they have been compelled to commit</p>
<p>80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]</p>	<p>Yes</p>
<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>	
<p>79.g. Please provide a description of measures taken or envisaged:</p>	<p>According to the provisions of article 165 paragraph (4) of the Criminal Code, the victim of trafficking in human beings (including the victim who was trafficked for labor exploitation) is acquitted of criminal liability for crimes committed by her in connection with this procedural capacity. The acquittal of criminal liability is not regulated if the victim of the crime of forced labor has committed culpable acts.</p>
<p>Special initiatives or Progress</p>	
<p>85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and</p>	<p>Law No.191/2020 for the modification of some normative acts, brought amendments to Law No.140/2001 on the State Labor Inspectorate. Based on these changes, the State Labor Inspectorate re-established its control functions in the field of occupational safety and health,</p>

protected, penalties imposed on perpetrators). [7]	and labor relations, ensuring its functional integrity.
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	
86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]	a) Lack of awareness,d) Social and economic circumstances
TECHNICAL COOPERATION NEEDS	
Request	
87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]	Yes
88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]	b) Awareness-raising and mobilization activities => Important c) Collection and analysis of data and information => Important d) Guidance on the development of the national policy and plan of action => Less Important i) Promotion of fair migration policies => Most Important j) Vocational training, job-creation and income-generation programmes for at-risk populations => Most Important

m) Capacity building for employers' and workers' organizations => Important

p) Other => Important