

Moldova

Incidence and Nature of Child Labor

An estimated 30.1 percent of children ages 5 to 14 years were counted as working in Moldova in 2000. Approximately 31.2 percent of all boys 5 to 14 were working compared to 28.9 percent of girls in the same age group.³⁰⁵⁸ According to national custom, it is common for children in rural areas to work on family farms or help with household chores.³⁰⁵⁹ According to the Government of Moldova, the number of registered cases of the worst forms of child labor increased between 2001 and 2004, the most recent time period for which such information is available.³⁰⁶⁰ Child labor is one of many problems associated with poverty. In 2001, 21.8 percent of the population in Moldova were living on less than USD 1 a day.³⁰⁶¹

According to the IOM, Moldova is considered the primary country of origin in Europe for trafficking of women and children for prostitution throughout Southeastern Europe, the European Union, and the Middle East. Moldova is also a transit country with victims trafficked from the former Soviet Union.³⁰⁶² Estimates on the numbers of child trafficking victims remain limited. Of the Moldovan victims, including those from Transnistria, assisted by the IOM between 2000 and 2005, children accounted for seven percent of those trafficked for labor and sexual exploitation.³⁰⁶³ The most common activities for which children were trafficked include begging and delinquency (selling drugs, stealing, or other criminal activity).³⁰⁶⁴ A particularly vulnerable group is institutionalized orphans, who upon graduation from school at age 16 or 17 leave orphanages without the ability to sustain themselves or continue their education.³⁰⁶⁵ According to information gathered by ILO-IPEC through a rapid assessment survey, boys and girls as young as 12 years old are trafficked, many of them recruited by people they know.³⁰⁶⁶ A December 2003 UN report states that Moldovan children are also being trafficked to Russia for begging and to Ukraine for agricultural

³⁰⁵⁸ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

³⁰⁵⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Moldova*, Washington, DC, February 28, 2005, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41697.htm>

³⁰⁶⁰ *First Periodical Report of the Government of the Republic of Moldova on the implementation of ILO Convention 182, September 2004*, as cited by United Nations, *Common Country Assessment*, United Nations, Chisinau, June 2005, 43; available from http://www.un.md/un_common/docs/2nd%20Draft_CCA_June16_2005_ver2FINAL.doc. The assessment did not specify the types of worst forms of child labor that have been registered.

³⁰⁶¹ World Bank, *World Development Indicators 2005 [CD-ROM]*, Washington, DC, 2005.

³⁰⁶² Rebecca Surtees, *Second Annual Report on Victims of Trafficking in South-Eastern Europe*, International Organization for Migration (IOM), Geneva, 2005, 337, 55; available from http://www.iom.int/DOCUMENTS/PUBLICATION/EN/Second_Annual_RCP_Report.pdf.

³⁰⁶³ *Promo-Lex Association, 2005 Human Rights Report, Chisinau 2006*.

³⁰⁶⁴ Surtees, 334, 80.

³⁰⁶⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Moldova*, Washington, DC, February 28, 2005, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41697.htm>

³⁰⁶⁶ ILO-IPEC, *Rapid Assessment of Trafficking in Children*, 25-28, 54-56. See also ILO-IPEC, *Combating the Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*, project document, Geneva, September 2003, 10.

labor.³⁰⁶⁷ The IOM also reports that an increasing number of families are trafficked to neighboring counties for the purpose of forced begging.³⁰⁶⁸

Education for children is compulsory through grade 9, beginning at age 6.³⁰⁶⁹ While the Constitution guarantees free public education,³⁰⁷⁰ families face significant additional expenses, including supplies, clothes, and transportation fees.³⁰⁷¹ In 2002, the gross primary enrollment rate was 86 percent and the net primary enrollment rate was 79 percent.³⁰⁷² Gross and net enrollment ratios are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance.

Child Labor Laws and Enforcement

Article 46 of the Labor Law sets the minimum age for employment at 16 years. In certain cases, children 15 years of age can work with parental or legal authorization, provided that the work will not interfere with the child's education or growth. Articles 96 and 100 state that children between the ages of 15 and 16 can only work a maximum of 24 hours a week, and no more than 5 hours a day. Children between the ages of 16 and 18 years can only work a maximum of 35 hours a week, and no more than 7 hours a day.³⁰⁷³ Children must pass a medical exam every year until they reach 18 to be eligible to work.³⁰⁷⁴ Children under 18 years are prohibited from participating in hazardous work, including work at night clubs or work involving gambling or selling tobacco or alcohol. Legal remedies, civil fines and criminal penalties exist to enforce the provisions of the labor law, with prison terms of up to 3 years for repeat offenses.³⁰⁷⁵ The government has approved a list of hazardous work forbidden to children, including underground work, metal work, energy and heat production, and well drilling.³⁰⁷⁶ Since 1999, the Government of Moldova has submitted to the ILO the list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.³⁰⁷⁷

On September 7, 2005, the Ministry of Education issued a decree which authorized the use of children from village schools in agricultural labor at the request of local public authorities. The decree stipulated

³⁰⁶⁷ Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe. 2003 Update on Situation and Responses to Trafficking in Human Beings in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Serbia and Montenegro including the UN Administered Province of Kosovo, the Former Yugoslav Republic of Macedonia, Moldova, and Romania.*, UNICEF, UNOHCR, OSCE-ODIHR, December 2003, 73, 84, 85; available from http://www.osce.org/documents/odihr/2003/12/1645_en.pdf. See also ILO-IPEC, *Rapid Assessment of Trafficking in Children for Labour and Sexual Exploitation in Moldova*, 2003, Chisinau, 2004, 1; available from http://www.ilo.org/public/english/standards/ipecc/publ/download/cee_moldova_ra_2003.pdf. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*.

³⁰⁶⁸ U.S. Department of State, *Country Reports- 2004: Moldova*, Section 5. U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*, Washington, D.C., June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm#moldova>.

³⁰⁶⁹ Euroeducation.net, *The European Education Directory, Moldova*, December 14, 2005; available from <http://www.euroeducation.net/prof/moldovco.htm>.

³⁰⁷⁰ *Constitution of the Republic of Moldova, 1994*, Article 35; available from <http://www.e-democracy.md/en/legislation/constitution/>.

³⁰⁷¹ U.S. Embassy- Chisinau, *reporting*, September 25, 2001. See also U.S. Department of State, *Country Reports- 2004: Moldova*, Section 5.

³⁰⁷² UNESCO Institute for Statistics, *Gross and Net Enrollment Ratios, Primary*; accessed December 2005; available from <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51>.

³⁰⁷³ See the Labor Law as cited in U.S. Embassy- Chisinau, *reporting*, August 26, 2005.

³⁰⁷⁴ Article 152 of the Labor Law, as cited in *Ibid*.

³⁰⁷⁵ Article 183 of the Labor Law, as cited in U.S. Embassy- Chisinau, *reporting*, October 16, 2002.

³⁰⁷⁶ The definition of hazardous work addresses work that is harmful or dangerous, as well as jobs that can damage children's health or moral integrity. See Article 255 of the Labor Law as cited in *Ibid*. U.S. Embassy- Chisinau, *reporting*, August 26, 2005.

³⁰⁷⁷ ILO-IPEC official, email communication to USDOL official, November 14, 2005.

that children between the ages 11 and 14 could work for 2 weeks in support of the fall harvest, a direct violation of the Labor Code of the Republic of Moldova.³⁰⁷⁸ In response to criticisms, the Ministry of Education promised to coordinate any future measures with the National Steering Committee for the Elimination of Child Labor and the ILO, but did not discard the possibility of a similar decree for 2006.³⁰⁷⁹

The worst forms of child labor may be prosecuted under different statutes in Moldova.³⁰⁸⁰ The Constitution prohibits forced labor and the exploitation of minors.³⁰⁸¹ In an effort to combat the trafficking of children, the parliament passed Law No. 692 in September 2004 that amends legislation to better protect and monitor children crossing the borders of Moldova.³⁰⁸² The parliament ratified new legislation to address all aspects of trafficking comprehensively and the law entered into force on December 9, 2005.³⁰⁸³ Article 206 of the Criminal Code provides for 10 years to life imprisonment for trafficking and the use of children in the worst forms of child labor, as defined by Convention 182.³⁰⁸⁴ The Law on Children's Rights protects children under 18 years of age from prostitution or sexual exploitation.³⁰⁸⁵

Decision No. 1059 issued in September 2004 hands over all juvenile justice functions and responsibilities to the Ministry of Justice, which is responsible for addressing juvenile delinquency and the social reintegration of children who have been used for criminal activities and are at risk of trafficking.³⁰⁸⁶ The minimum age for compulsory military services is 18 years. The minimum age for voluntary military services for officer trainees is 17 years, though participation in active combat is not permitted until 18 years.³⁰⁸⁷

The Labor Inspection Office is responsible for enforcing all labor laws, including those pertaining to child labor. While child labor violations are known to occur, there were no formally reported or uncovered cases during 2005.³⁰⁸⁸ On June 2, 2005, the Parliament adopted several amendments to the Law on Labor Inspection, now permitting inspection of both legal workplaces and "physical persons." The changes are aimed at greater inspection of work in the informal sector, as the amendments cover persons involved in work in non-fixed locations, such as street sales. The inspectors will also be allowed to seek assistance from local public administrators to withdraw licenses of employers who repeatedly neglect labor inspection recommendations.³⁰⁸⁹

³⁰⁷⁸ Labor Code, article 46.

³⁰⁷⁹ U.S. Embassy- Chisinau, *email communication to USDOL official*, August 11, 2006.

³⁰⁸⁰ U.S. Embassy- Chisinau, *reporting*, August 26, 2005.

³⁰⁸¹ *Constitution of the Republic of Moldova*, Articles 44 and 50.

³⁰⁸² ILO-IPEC, *Combating Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*, technical progress report, Bucharest, March 2005, 3. Now children can exit Moldova only when accompanied by a legal guardian, a person authorized by a guardian with notarized documentation, or with permission by child welfare authorities. Children above the age of 10 year are required to have a passport, where before they were only required a birth certificate to travel. U.S. Department of State, *Country Reports- 2004: Moldova*, Section 5. See also Surtees, *Second Annual Report on Victims of Trafficking*, 357.

³⁰⁸³ U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*. See also ILO-IPEC, *Child Trafficking Project, progress report March 2006*, 3. The law was reviewed by the Council of Europe and includes special provisions against trafficking in children. A referral mechanism for services will be established based on this law. See ILO-IPEC, *Child Trafficking Project, progress report March 2005*, 2.

³⁰⁸⁴ As reported in U.S. Embassy- Chisinau, *reporting*, August 26, 2005. See also U.S. Department of State, *Country Reports- 2004: Moldova*, Section 6d.

³⁰⁸⁵ U.S. Embassy- Chisinau, *reporting*, August 26, 2005.

³⁰⁸⁶ ILO-IPEC, *Child Trafficking Project, progress report March 2005*, 3.

³⁰⁸⁷ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, [online] 2004 [cited September 28, 2005]; available from http://www.child-soldiers.org/document_get.php?id=917.

³⁰⁸⁸ In April 2005, the government was restructured and labor issues were split between a newly formed Ministry of Health and Social Protection and the Ministry of Economy and Trade. The Labor Inspection Office was moved under the Ministry of Economy and Trade. U.S. Embassy- Chisinau, *reporting*, August 26, 2005.

³⁰⁸⁹ The Code of Administrative Offenses was also amended to allow labor inspectors to apply administrative sanctions for non-criminal violations without referring the case to a court. Suspected criminal offenses are submitted to a prosecutor's office for investigation. U.S. Embassy- Chisinau, *reporting*, August 26, 2005.

Law No. 1458 on the State Protection of the Victims, of Witness and Other Persons Who Provide Assistance in the Criminal Proceedings was adopted in 1998 and amended in 2001 to stipulate police protection for the victims/witnesses in trafficking cases. Due to financial constraints, the U.S. Department of State and others report that the law has not been implemented and very few witnesses have received protection.³⁰⁹⁰ In 2004, the latest date for which such information is available, the government withdrew the licenses of some employment and tourism agencies that were suspected to be involved in trafficking in persons.³⁰⁹¹

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

The National Strategy of Labor Force Employment (2002-2008) aims to end discrimination against youth of legal working age in the labor market, considered an important anti-trafficking strategy.³⁰⁹² The National Human Rights Action Plan (2004-2008) was also revised to include measures to address trafficking in persons.³⁰⁹³ In June 2005, the Parliament amended the Law on Employment and Social Protection to allow vulnerable youth from 16 to 18 years of age (including those living in residential institutions, orphans, children from single parent families, and victims of trafficking) to receive benefits from the Unemployment Fund.³⁰⁹⁴

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 9/21/1999	✓
Ratified ILO Convention 182 6/14/2002	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

The National Committee for Combating Trafficking in Persons created an interdepartmental working group, including NGO representation, to develop a second national action plan for the prevention and combating trafficking in persons (2005-2006) that was approved by the Government of Moldova in August 2005.³⁰⁹⁵ A working group to address the trafficking of children was formed and tasked to contribute to the development of this plan.³⁰⁹⁶ The government also participates in the Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings, which fosters regional cooperation and offers

³⁰⁹⁰ U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*. See also Limanowska, *Trafficking in Human Beings*, 2003, 79.

³⁰⁹¹ U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*.

³⁰⁹² ILO-IPEC, *Moldova Country Strategy, Child Trafficking Project*, 7.

³⁰⁹³ ILO-IPEC, *Child Trafficking Project, progress report March 2005*, 2.

³⁰⁹⁴ U.S. Embassy- Chisinau, *reporting*, August 26, 2005.

³⁰⁹⁵ *Ibid.* See also ILO-IPEC, *Child Trafficking Project, progress report March 2006*, 3

³⁰⁹⁶ This working group is chaired by the Ministry of Health, co-chaired by UNICEF Moldova. Save the Children Moldova serves and deputy chair. Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe. 2004 - Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo*, UNICEF, UNOHCR, OSCE-ODIHR, March 2005, 141; available from <http://www.unicef.org/ceecis/Trafficking.Report.2005.pdf>. See also U.S. Department of State, *Country Reports- 2004: Moldova*, Section 5.

assistance to governments to combat trafficking.³⁰⁹⁷ In partnership with OSCE and the Council of Europe, the Ministry of Internal Affairs and the Ministry of Economy and Trade conducted a special training for trafficking investigators.³⁰⁹⁸ The Ministry of Economy and Trade has partnered on a small scale with international and local NGOs to provide employment assistance to victims of trafficking and to address the root causes that increase at-risk populations' vulnerability of being trafficked.³⁰⁹⁹ The Government of Moldova is participating in a USDOL-funded ILO-IPEC regional project to combat the trafficking of children for labor and sexual exploitation. The project is working in partnership with local organizations.³¹⁰⁰

Local committees established in each region by the National Committee for Combating Trafficking in Persons conducted trafficking awareness-raising activities in schools.³¹⁰¹ Despite government efforts, the government relies on local NGOs and international organizations to fund and provide social services to victims of trafficking.³¹⁰² Various U.S. Government donor agencies have supported establishing a network of transition centers for victims returned to Moldova who were trafficked and for those vulnerable to trafficking. The centers link victims to legitimate employment opportunities and strengthen law enforcement efforts.³¹⁰³

In November 2004, the World Bank and the International Monetary Fund (IMF) announced their support to implement the *Economic Growth and Poverty Reduction Strategy Paper (EGPRSP)*, which contains direct references to trafficking in persons.³¹⁰⁴ In an effort to provide youth in Moldova with developmental opportunities, the government's State Department for Youth and Sports has begun implementation of the National Youth Strategy that includes the establishment of 9 community centers for youth; non-formal education sessions that reach more than 14,000 young people; and financial support to 25 youth NGOs. A draft of the UN Country Common Assessment that will serve as a basis for the development of the UN's development framework for the next 3 years (2005-2008) has integrated child labor issues, including the trafficking of children.³¹⁰⁵

The National Strategy on Education for All (2004-2008) aims to provide access to high quality early education and basic education to all children, with particular attention provided to vulnerable families.³¹⁰⁶ The government provides allowances to families with many children, and provides school supplies to

³⁰⁹⁷ The Task Force has assisted a number of countries, including Moldova, in developing national action plans as well supports projects on prevention of trafficking, protection of victims and prosecution of traffickers. See Organization for Security and Cooperation in Europe, *Stability Pact for Southeastern Europe: Task Force on Trafficking in Human Beings*, [online] [cited May 11, 2004], [hard copy on file].

³⁰⁹⁸ OSCE, *Training Police to Combat Human Trafficking in Moldova*, [online] May 30 2005 [cited June 29, 2005]; available from <http://www.osce.org/item/14059.html>. See also Limanowska, *Trafficking in Human Beings*, 2003, 76. See also Centre for the Prevention of Trafficking in Women, *Trafficking in Children for Sexual Exploitation in the Republic of Moldova*, Chisinau, 2003, 25; available from http://www.ecpat.net/eng/Ecpat_inter/projects/promoting_law/East-West_Research-2004/Moldova_ENG.pdf.

³⁰⁹⁹ In August 2004, USAID funded a four-year, USD 4 million Moldova Anti-Trafficking Initiative titled New Perspectives for Women that focuses on prevention of trafficking that improving the economic situation of persons at-risk, particularly rural populations and youth, as well as providing legal consultations, health and psychological service and job skills training to victims of trafficking. USAID, *USAID/Moldova Social Transition Program Data Sheet*, [online] 2005 [cited June 30, 2005]; available from http://www.usaid.gov/policy/budget/cbj2006/ee/pdf/md_117-0340.pdf.

³¹⁰⁰ The 3-year project began in September 2003 and in addition to Moldova, ILO-IPEC is implementing activities in Albania, Romania and Ukraine. See ILO-IPEC, *ILO-IPEC Child Trafficking Project, project document*. The ILO-IPEC project has established community-based youth centers and is working with employers' and workers' organizations to promote employment of at-risk youth and parents, and to improve care for child victims of trafficking. See U.S. Department of State, *Country Reports- 2004: Moldova*, Section 6d.

³¹⁰¹ U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*.

³¹⁰² *Ibid.*

³¹⁰³ U.S. Embassy- Chisinau, *reporting*, August 26, 2005.

³¹⁰⁴ ILO-IPEC, *Child Trafficking Project, progress report March 2005*, 2.

³¹⁰⁵ *Ibid.*

³¹⁰⁶ U.S. Embassy- Chisinau, *reporting*, August 26, 2005.