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Is Moldova able to convert international anti-trafficking treaties into domestic policies that prioritize the interests of its citizens?  
A policy process approach

Victoria Livinski



## **ABSTRACT**

This paper explores the policy process surrounding the adoption of international anti-trafficking agreements into domestic Moldovan policies. Taking a policy process perspective, this paper analyses whether the interests of Moldovan trafficking victims are accounted for in the process. The paper found that the interaction between the actors, policy spaces, and knowledge underpinning the adoption of international treaties does not provide an environment conducive to victim-oriented domestic policies. As a result, this research highlights key concerns pertaining to Moldovan victims of trafficking and advances a list of policy recommendations to members of the Moldovan state and NGOs.

## Introduction

“Like many things that should have been stamped out a long time ago, slavery, it seems, is alive and well” concludes an article of *The Economist* magazine in 2005. Although ownership of a human being as a title or property is abolished in every country, institutionalized slavery persists. Its present day manifestation is trafficking in human beings, often referred to as ‘modern day slavery’. Modern day slavery involves the control and exploitation of persons rather than titled ownership, which was the case in the transatlantic slave trade of the 16<sup>th</sup>-19<sup>th</sup> centuries. Human trafficking today is the fastest growing and the third largest illicit activity after drugs and arms trafficking (Naim, 2005). It treats people as “disposable goods”, taking advantage of vulnerability to depriving them of human rights and freedom<sup>1</sup>. The 21<sup>st</sup> century witnessed a new focus on the topic of human trafficking, marked by international, regional, and local initiatives to combat this problem. Trafficking in human beings affects almost all countries, including the Republic of Moldova, the poorest nation in Europe.

The United Nations *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children*, also called the Palermo Protocol, is the most recent and powerful international anti-trafficking agreement (UNODC, 2004). It defines human trafficking as the “recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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... for the purpose of exploitation” (Art 3, p.42). Focusing on the transportation chain of trafficking, countries are classified as source, destination, or transit states. Moldova is mainly a source country, where the combination of factors such as poverty, unemployment, discrimination, lack of opportunities, and corruption, are generating vulnerable individuals at high risk of being trafficked (Jardan, 2009). Moldovan women and girls are trafficked for purposes of sex to destination countries such as Turkey, Russia, and those in Western Europe and United Arab Emirates, where victims are brought to supplement the demand of existing sex industries (ILO, 2009). Moldovan men are trafficked mainly for forced labor, with Russia being the most cited destination (TIP, 2009). By the end of 2001, Moldova was the largest supplier state of victims of trafficking in all of Europe as measured by absolute numbers of identified victims (Bell, 2003). A 2008 International Labour Organization (ILO) survey found that 24 percent of Moldovan migrants were exploited and 8 percent were victims of trafficking for forced labor (ILO, 2009). Today, Moldova has one of the largest volumes of trafficking per capita in the world (Kontula and Saaristo, 2009). Transnistria, a small breakaway region in Eastern Moldova, is outside of the government’s control and a major source for trafficking in persons<sup>2</sup> (TIP, 2009).

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<sup>1</sup> Previous centuries’ slaves were expensive and thus an investment worth protecting while present day victims are abundant, cheap, and hence “disposable” (Bales, 2004).

<sup>2</sup> This paper applies to the territory which is under the Moldovan government’s control. Although this research makes reference of Transnistria, how international anti-trafficking efforts are adapted in the region is beyond the scope of this project.

## Research Question and Conceptual Framework

A decade ago, Moldova initiated the process of developing and implementing anti-trafficking policies in accordance to international anti-trafficking treaties (Martin, 2006). The policy process underlying the conversion of international anti-trafficking agreements into Moldovan domestic policies involves many actors and agendas. Considering the complexity of this process and the dynamics between the actors involved, a pressing concern is whether the resulting domestic policies reflect the interests of Moldovan trafficking victims. Thus, the following research question emerges:

**Given the interaction between policy actors, knowledge, and spaces, is Moldova able to convert international anti-trafficking treaties into domestic policies that prioritize the interests of trafficking victims?**

This paper defines “victims of trafficking” as the individuals who have been exploited, those who are still in conditions of exploitation, and individuals at risk of being exploited. The “policies that prioritize the interest of trafficking victims” are considered by this paper to carry the following characteristics: criminalization of all forms of trafficking, acknowledgment of exploited individual as a victim entitled to basic human rights, provision of physical safety, medical, psychological, and social services to victims, increasing awareness among groups vulnerable to trafficking, active pursuit of operations to rescue existing victims, facilitation of interagency and transnational collaboration, and punishing perpetrators of trafficking (Mattar, 2005). The terms “interests,” “needs,” and “priorities” of trafficking victims are used interchangeably. This paper combines the needs of women, men, and child victims and treats them as one homogenous group.

This paper adopts a policy process perspective to explore the research question and selects the McGee vertical slicing model as the main tool for analysis. McGee’s model breaks the policy process down into policy actors, knowledge, and policy spaces and analyzes them ‘vertically,’ from the international down to national, regional, and local levels of governance.

The research is structured as follows:

Section I reviews the major analytical approaches to understanding a policy process: the linear model, Thomas and Grindle’s interactive model, and McGee’s vertical slicing model. Section II sets up the historical context within which the analysis of this paper is situated. McGee’s model is applied in Section III, resulting in a critical analysis of the actors, the policy spaces in which they operate, and the knowledge that they use in the Moldovan counter-trafficking policy process. Section IV discusses the results of the analysis. To preview the results, the analysis reveals that the process surrounding the conversion of international anti-trafficking agreements does not provide a favorable environment for development of domestic policies sensitive to the

Moldovan victims' needs. Hence, this section also includes a list of policy recommendations. Section V concludes by discussing opportunities for further research.

**Methodology:** This research draws from primary sources such as international treaties, protocols, and conventions; Moldovan laws, memorandums, and criminal codes; and reports produced by NGOs and IGOs and international donors; and secondary sources such as textbooks, books, academic journals and magazines, conference transcripts, news reports, and agency websites.

## I. Understanding the Policy Process

Social policy fuses constituent elements of the social sciences to formulate initiatives that optimize human wellbeing (Deacon, 2007). The anti-trafficking field spans a wide range of policies: some policies are designed to decrease a person's risk of being trafficked; others attempt to prevent vulnerable individuals from becoming victims; some deal with the rescue and rehabilitation victims; and another set of policies addresses the punishment of perpetrators. The study of the *content* or substance of anti-trafficking policies cannot be divorced from the examination of the *policy process*, or the cumulus of ideas, actors, events, and relationships within which those policies exist (Hill, 1993). Minogue adds: "Specific decisions and actions may be interesting in themselves but have no meaning beyond themselves except to the extent that they contribute to understanding of the policy area within which they are located" (1983, p11). Taking Minogue's advice, studying an anti-trafficking policy should be coupled with discussions of how that policy came to be and in which direction it is taking the counter-trafficking efforts. A lack of understanding of policy-making and implementation as political processes is likely to lead to inadequate recommendations and programs destined for failure (Minogue, 1983). While this paper will touch upon the content of anti-trafficking policies, its main focus lies in the exploration of the policy process underlying the conversion of international anti-trafficking arrangements into Moldovan domestic policies.

The concept of process brings to mind images of linearly positioned stages the achievement of which constitutes progress. The *linear model* of policy-making stemmed from this conceptualization of process. Linear models categorize the policy process into separate stages – issue emergence, agenda setting, alternative selection, enactment, implementation, and evaluation – and assume policy making proceeds in a step-by-step linear manner (Birkland, 2001). The usefulness of linear models lie in their simplicity: they break down the complexity of the policy process into manageable phases and assign to policy actors easily understood roles (McGee, 2004). Linear models emerge as problem-solving processes, in which rational policy makers follow logical steps to advance balanced and objective recommendations (Sutton, 1999).

Two main approaches explain the decision-making process in the linear model. The 'rational view' holds that decisions are made in a rational model based on the best information available (Birkland, 2001). The model assumes that individuals have perfect information about a problem and its potential solutions and that the evaluation of all alternatives leads to the optimal solution. Such rational development of decision-making is however rarely achieved, because decisions do not often involve perfect information about a problem or a consensus on how to solve it (ibid). Birkland (2001) suggests that despite its idealized view, rationality is important to keep in mind, at least as a goal if not a realistic end.

Lindblom (1959) proposes a different view. He argues that individuals make decisions incrementally – they start with existing policies and make small changes at the margin instead of dramatic leaps (Birkland, 2001). As a result of this 'muddling-through' approach, incremental changes are significant enough to drive policy but not big enough to cause agitation in the policy-making process. This view is, however, inapplicable to issues that require fundamental changes or when the achievement of certain outcomes is dependent on sudden, non-incremental steps (ibid).

The linear model visualizes the policy process as a system that receives inputs (public opinion, media coverage, election results) and responds with outputs (decisions, policies, laws) (Birkland, 2001). The inputs influence the issue emergence and agenda setting stages and outputs are created during alternative selection and enactment stages. *How* the inputs are transformed into outputs, the main mechanism that drives policy process, is not explained by the linear model. Moreover, implementation and evaluation seem disjointed from the other stages in the model. Linear models tend to create a fissure between policy formulation and its implementation: the assumption is that once a policy has been determined by policy experts, the responsibility is handed over to implementers (McGee 2004, p.7). This separation, however, is one of the model's major weaknesses: "The dichotomy between policy-making and implementation is dangerous. That is because it separates the 'decision' from the 'implementation' and thus opens up 'escape hatches' through which policy makers can avoid responsibility (for example, the oft-heard problems of 'bad implementation')" (Gillespie and McNeill 1992, quoted in Sutton 1999 p.23).

The linear model was used to describe a wide range of policy processes in the developed as well as developing world and despite its criticism, it still lives on as a 'necessary fiction' (McGee, 2004). Although the model presents the most simplistic view of policy-making, its critics see it as reductionist, agentless, too mechanical and rigid, deficient at handling change and uncertainty, possessing a top-down bias, ignoring opportunities for political maneuver, and failing to account for the policies which do not follow the sequence of stages prescribed by the model (Thomas and Grindle 1990, Birkland 2001, Sabatier 2007, McGee 2004, Sutton 1999,

Shaffer 1992). The policy process in human trafficking does not follow a linear path but rather a disordered trajectory with many feedback loops, shaped influences of various actors involved in the field. Because human trafficking is a complex issue spanning the fields of human rights, migration studies, international law, and criminology and confining its policy process to a linear framework would lead to dangerous oversimplification.

Criticism of linear model opened avenues for the body of literature that considers policy making a multi-dimensional process. Frameworks which move away from linearity accept uncertainty and power plays as integral components of the policy process (Sabatier, 2007). The analysis of anti-trafficking policy field and the complexity surrounding the adaptation of international treaties into domestic Moldovan policies necessitates such a framework.

The *interactive model* developed by Thomas and Grindle (1991) offers a multi-dimensional tool to examine the policy process. Central to their model is the idea that "a policy reform initiative may be altered or reversed at any stage ... by the pressures and reactions of those who oppose it" (1991, p.126). The model therefore acknowledges that policy is rarely linear and that its trajectory is enveloped in uncertainty and shaped by power plays. This model evolved out of analysis of 12 cases studies of public-sector reform throughout the developing world.

Thomas and Grindle identify several important factors that influence how changes in policies and institutions happen. First, contrary to the linear model, which treated implementation as separate and secondary to policy formulation, the interactive model subscribes to the notion of *policy as implementation*, stressing the role of implementers in the outcome of a reform. "Distribution of implementation outcomes is not bi-modal, with the policy being successfully or unsuccessfully being implemented. [There is] a third outcome: the policy is significantly changed during implementation and the final outcome is very different from that intended by the decision-makers" (Thomas and Grindle 1990, p.235). This suggests that characteristics of reforms, such as the concentration or dispersion of costs and benefits, the degree of administrative and/or technical content, and expected duration of the implementation can greatly impact the policy process (ibid). The implementers' perception of how a policy will affect them has bearing on that policy's success. This implies that in order to increase the probability of a policy being translated into a successful program, it is necessary to consider the incentives of the policy's implementers.

Second, Thomas and Grindle state that the policy process will vary depending on whether change is made in an environment of urgency or in an atmosphere of politics-as-usual. They argue that how a policy reform is being addressed and which policy makers are involved in the process will differ significantly in the two contexts (Leonard, 1993). The reforms during crisis are characterized by stronger pressures for change, higher perceived stakes, a steady

upward move of concern up the decision-making hierarchy of the government, and a tilt toward innovation marked by the consideration of a higher degree of change (Thomas and Grindle, 1989).

Third, the authors discuss the role of *policy elites* in shaping policy. Policy elites are the actors who hold influence over policy-making (Skrentny, 2006). Thomas and Grindle treat them as active integrals of the policy process: “[Policy elites] can provide initiative, orientation, leadership, ideology, expertise, and political sensitivity to major issues of reform” (Thomas and Grindle 1990, p. 223). Lipsky (1980) adds that it is not only the policy elites but also the *street level bureaucracies* or the ‘crowded offices’ of social service organizations that influence the policy process. Regarding human trafficking, Thomas and Grindle and Lipsky would divide our attention evenly among the processes in the Moldovan parliament and the routines of the trafficking-combating agencies at the ground level: law enforcement officers, rehabilitation center staff, awareness program administrators, and NGO staff.

The linear model stresses the state as the main constituent of policy process (Maxwell, 1998). Although both the administrative and the political facets of the state are important in the policy process, the simplistic view of the linear model only considers the administrative side. Thomas and Grindle’s model, however, takes account of politics and engages numerous other constituencies in the policy process: policy elites, bureaucrats, and mid-level policy implementers. As a result, in the interactive model “policy is not about how the state should behave, but how a human organization should behave” (Maxwell, 1998). Although the Thomas and Grindle interactive model provides valuable insights for studying the anti-trafficking policy, the case of Moldova requires a more nuanced model. This paper explores the conversion of international anti-trafficking agreements into Moldovan domestic policies, which implies a policy process driven by complex political interactions between actors at the international, national, regional, and local level; tensions between the interest of the international community and those of Moldova; and a convergence of global and domestic trafficking-related rhetoric. McGee’s vertical slicing model emerges as the tool most suited for such analysis.

Rosemary McGee developed the multi-range *vertical slice* model in 2001 within the context of poverty reduction initiatives and policy processes in Uganda. McGee’s approach includes important aspects from the previously noted models: the acceptance of uncertainty in the process; the bisection of different incentives and agendas; and the concept of street-level bureaucracy and policy elites. The model’s explanatory power is enhanced by its ability to examine the policy process on the ‘vertical slice,’ from the “interface between national government actors and international agencies, through national level, down through all the levels of local governance to the most local level of the village or community” (McGee 2004, p.8).



Using the vertical slice framework for the study of a different set of social policy processes on a different side of the world raises concerns of applicability. Could this framework, initially developed to conceptualize the poverty-reducing policy process in Uganda be applicable to the study of anti-trafficking policy process in Moldova? The answer is yes. Poverty was a persistent problem in Uganda for decades. However, it was not until 1992 that tackling poverty became a stated goal of the Ugandan government and this happened mainly as a result of 'solid prompting' from the international donor community (Connink, 2004). Poverty eradication became a government priority only after pressures from international organizations. Poverty-reducing initiatives of an international flavor were imported into Uganda and converted into domestic policies. In the early 1980's, the World Bank and International Monetary Fund entered Uganda for the first time to institute the Stabilization and Structural Adjustment Programmes. Uganda complied with the organizations' prescriptions and subsequent positive indicators gave legitimacy to the international recipe for development. Moreover, it warranted donors with the most authority to influence the subsequent policy initiatives for poverty reduction: the Poverty Eradication action Plan and the Uganda Participatory Poverty Assessment Process (ibid). The McGee vertical slicing model was constructed to analyze this specific policy process witnessed in Uganda, characterized by imported policies which were to be converted into domestic ones. Such is the case in Moldova. Prior to 2000, Moldova had no laws regarding human trafficking. Pressures from the international community prompted Moldova to sign the international anti-trafficking protocol and amend its laws accordingly. As in Uganda's case, Moldova's anti-trafficking policies did not evolve organically within Moldova but were imported and expected to be integrated into the Moldovan system. This similarity in the type of policy processes between Uganda and Moldova allows for the use of McGee's model in the Moldovan context. Out of the models discussed, McGee's framework emerges as the most adequate and versatile tool when attempting to explore whether Moldova is able to convert international anti-trafficking policies into domestic policies sensitive to the priorities of its victims.

McGee's vertical examination of different levels of governance is guided by three main components: (1) the policy actors, (2) the policy spaces in which they operate, and (3) the knowledge used in carrying out the policy process. Adopting this model means seeing the policy process evolve out of the intersection of these three components within the context of power, history, culture, and political economy. The author defines the actors as those individuals, coalitions, and organizations involved in any step of the framing and implementation of policies and they can include anyone up and down the vertical slice inside or outside of government (McGee, 2004). McGee adds to their description: "Actors hold opinions and interest; they are embedded in institutional and political cultures; they exercise agency; each is a power-holder" (ibid, p.9).

The knowledge portion of the model incorporates official knowledge compiled from national survey-based statistics, collection of narratives constructed by actors, and popular knowledge stemming from personal experiences and media portrayals (McGee, 2004). Michel Foucault, a French philosopher and sociologist, saw knowledge as an amalgam of opinion and science, well assimilated not only in theory and experimental instruments, but also within practices and institutions (Horrocks and Jevtik, 2004). The concept of knowledge within a policy domain is further expanded by questions such as: Which discourse is utilized to describe a problem and what language pervades its related policies? What kind of evidence supports the body of knowledge surrounding an issue and how reliable it is? What data is gathered, the methods in which it has been acquired, how it is constructed, disseminated, and by whom are significant factors in understanding a policy process.

Actors do not operate in a vacuum but within policy spaces. These spaces refer to the environments which serve as host sites that either enable or restrict the ability of actors to exert their power. Policy spaces do not refer exclusively to physical places, but also include the opportunities for a shift in policy direction. McGee discriminates between several types of policy spaces: *closed* spaces are those where participation is restricted to only the government actors; *invited* spaces are those where government actors invite the participation of other non-governmental actors; and *autonomous* spaces are constructions independent of and outside the official government processes, which most times run parallel to official invited spaces (McGee, 2004).

Although this research borrows insights from the Thomas and Grindle model, the analysis draws mainly from the McGee's approach to understanding the policy process.

## **II. Historical Context**

McGee's model highlights the importance of describing the historical perspective of the environment in which a policy process evolves. The following sections provide a briefing on the evolution of international anti-trafficking treaties and Moldova's socio-political developments over the past few decades. These descriptions establish the context within which this paper explores the transition of counter-trafficking efforts from the international to the domestic level.

### **Evolution of International Anti-Trafficking Treaties**

The first international treaty, *The International Agreements for the Suppression of the White Slave Traffic (1904)* acknowledged the act of trafficking for prostitution (Emerton, 2004). Punishment of the trafficking crime was mandated in the *International Convention for the Suppression of White Slave Traffic (1910)*. This document also extended the definition of

trafficking to cases of exploitation within national borders as well as across international borders. *International Convention for the Suppression of Traffic in Women and Children (1921)* acknowledged that boys, not just women and girls, are potential targets for trafficking. The *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)* consolidated the above laws, maintaining the broad definition of trafficking and emphasis on prostitution. Following the 1949 Convention, international documents mentioned trafficking but only partially or tangentially. The 1949 Convention has therefore remained the leading international treaty that specifically addressed human trafficking until 2000. A changing international landscape and growing concerns with trafficking incited criticisms of this treaty, characterizing it as outdated, ill-defined, and no-longer responsive (ibid).

Immigration fluxes are the main predictor of incidences of human trafficking (Mahmoud and Trebesch, 2010). The collapse of the Soviet Union and the subsequent restructuring of the world generated strong waves of immigration. The desire for better living and employment opportunities was one of the strongest push-factors guiding immigration. According to the United Nations, there are currently 214 million migrants across the globe or 3.1 percent of world population - an increase of about 37 percent in two decades (UNHCR, 2009). The rise in global migratory movements along with the imminent threat of human trafficking forced the international community to reevaluate its anti-trafficking instruments. The result was the 2000<sup>3</sup> *United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children*, which supplements the *United Nations Convention Against Transnational Organized Crime*. This document is the latest and insofar the most powerful international anti-trafficking agreement (UNODC, 2004). As of March 8, 2010, the Protocol had 117 signatories and 140 parties. The 2005 *Council of Europe Convention on Action against Trafficking in Human Beings* is another authoritative treaty within the 47 member states area<sup>4</sup>. The United States also took a leading role in the fight for human trafficking by introducing the *Victims of Trafficking and Violence Protection Act of 2000* (and the subsequent *Trafficking Victims Protection Reauthorization Acts of 2003, 2005, and 2008*), a federal law that addresses domestic as well as international trafficking with an annual international budget of \$100 million (Soderlund, 2005). These instruments codify human trafficking concepts and establish global norms, which provide ground for diplomatic pressure, advocacy, and public awareness initiatives (Naim, 2005).

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<sup>3</sup>Although adopted in 2000, the Protocol entered into force in 2003.

<sup>4</sup>The Convention was signed in 2005 and entered into force in 2008.

## Overview of Moldova

The Republic of Moldova, a country of 3.6 million people, is located between Romania and Ukraine with the capital at Chisinau. The country declared independence from the Soviet Union in 1991. Moldova was the first former-Soviet state to elect a Communist Party in 2001, headed by Vladimir Voronin. The Communists governed the country until the violent elections of April and July of 2009, when they lost the parliamentary majority. The four opposition parties that ran against the Communists formed the coalition “Alliance for European Integration” (AEI) to gain enough parliamentary seats. After two failed attempts to elect a president, the parliament of Moldova was dissolved, and a new election date was set for November 2010. The interim leadership includes the Eurocentric AEI as the leader of the Parliament and Mihai Ghimpu as the acting president of Moldova.

Adding to political instability is the conflict in Transnistria: despite Moldova’s independence, a Russian military contingency remained on the Moldovan territory, supporting the separatist sentiments of the ethnically Russian and Ukrainian population. This region has *de facto* independence and is outside of Chisinau’s control.

Moldova’s 2009 GDP per capita based on purchasing-power-parity was approximately \$2,843 (IMF, 2010). Its business environment is poor (USAID, 2009), foreign investment is lowest in South Eastern Europe (SSEI Guide, 2006), corruption is high (Transparency International 2009), and job prospects continuously pessimistic (ICC, 2006). A third of the population lives in absolute poverty<sup>5</sup> and 4.5% live in extreme poverty (EC, 2008). A combination of these conditions propel Moldova’s exodus. One of the questions in the annual Barometer of Public Opinion, conducted by the Institute for Public Policy of Moldova, reads as follows: “If you have a chance to leave the country, what would you do?” In 1999, 87% of Moldovans aged 18-29 years old responded that they “would like to leave for good” or “would like to leave for a period of time.” In 2006, that number dropped to 85%, a few percentage points lower but still a staggering figure. Given the dismal economic and political situation of the country, Moldovans sought immigration as a way to escape dire circumstances and search for employment opportunities abroad. In 2003, one third of Moldova’s labor force was involved in international labor migration (Mosneaga, 2003). Such migration figures were inevitably followed by alarming trafficking data pertaining to Moldovan citizens. Moldova became one of the largest supplier states of victims of trafficking with almost one fourth of its migrants being exploited for sex or forced labor.

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<sup>5</sup> World Bank defines absolute poverty as living below a nationally-established poverty line. Extreme poverty is defined as living on less than US \$1.25 PPP per day.

It is against this historical setting that this paper analyzes the policy process underpinning the conversion of international anti-trafficking agreements into Moldovan domestic policies.

### III. Case Analysis

Considering McGee's framework, the analysis in the next sections will explore how actors use knowledge in trafficking-related policy spaces in Moldova. The analysis extends across state and non-state actors and vertically from the international, down to national, regional, and local levels.

#### **Actors: Europe's Influence**

Almost a decade after independence, Moldova lacked any law pertaining to human trafficking. Although a grave problem in the 1990s, human trafficking was not a priority of the Moldovan government. During that time, Moldova's foreign policy oscillating, preferring closer ties with Russia and the Commonwealth of Independent States (CIS) or the European Union (EU). Russia did not prioritize human trafficking either, so there were no anti-trafficking pressures on Moldova from Moscow. The EU, however, was different. The eastward expansion during the fifth wave of European enlargement made Moldova a EU neighbor, a consideration that gave Moldova a growing importance. No longer a distant nation with distant problems, Moldova was a troubled neighbor. Moldova's problems, including that of human trafficking, were an important driver in subsequent EU-Moldova agreements. The first bilateral relationship between EU and Moldova was the 1994 Partnership and Cooperation Agreement (Mosneaga, 2003). This document provided the legal framework of the bilateral relation within the economic, political, security, and cultural spheres. Increased cooperation with the EU translated into funding and technical assistance to stabilize the Moldovan state. In 2000, the government signed but had not ratified the Palermo Protocol, which prompted Moldova to address trafficking in accordance to the international definition. In September 2001, the Moldovan state founded the *National Committee to Combat Trafficking in Human Beings* (an interdepartmental body that coordinates counter-trafficking activities and acts as a special advisory body to the government) and the *National Plan to Prevent and Combat the Trafficking in Human Beings* (the strategic anti-trafficking plan of action). These were Moldova's first acts to address human trafficking, developed with the help of the EU, European Commission (EC), Organization for Security and Cooperation in Europe (OSCE), and International Organization for Migration (IOM) to ensure compliance with the European standards (ibid).

In 2003, the EU advanced the European Neighborhood Policy (ENP), in which it “[aims] to develop a zone of prosperity and a friendly neighborhood - a ‘ring of friends’ – with whom the EU enjoys close, peaceful, and co-operative relations” (EC 2003, p.4). Around the same time, Moldova’s foreign policy focus shifted. When the Communist Party took office in 2001, it first declared its affiliation with the Russia-Belarus Union (Martin, 2006). In 2003, Moldova’s refusal to sign the Russian-proposed Kozak Memorandum for settlement between Moldova and Transnistria chilled the relations between Chisinau and Moscow. The Moldovan government turned westward, making it clear that integration with the EU, while maintaining favorable relations with the CIS, was its foremost foreign policy goal (ibid). As part of this strategy, Moldova quickly signed the ENP and complied. Although the ENP does not mention potential EU membership, it provides the members a privileged relationship, based on mutual commitments to common values within the fields of the rule of law, good governance, security and respect for human rights. The ENP identifies human trafficking with its illegal immigration and organized crime undertones as a “key threat” to the security of the EU (European Security Strategy, 2003). Intentions to safeguard the EU from this problem translated into significant financial and technical assistance for Moldova’s efforts to combat human trafficking (EC, 2010). Moldova enjoys the privileges of the neighborhood partnership in return for its compliance to the initiatives advanced by the EU.

### **Actors: The Moldovan State**

Ten years after signing the Palermo Protocol, the Moldovan government still does not fully comply with minimum standards for the elimination of trafficking (TIP, 2010). Before 2000, the government did not have any trafficking-related laws, resources, or victim-assistance facilities. The Country’s Criminal Code was not ready to address the crime – the 12 investigated cases related to trafficking that year were investigated under pimping<sup>6</sup> regulations and most of those found guilty either received probation, small fines, or were “placed under parental supervision” (TIP 2001, p.1). After signing the Palermo Protocol and pressures from the EU and US, the Moldovan government put forth nominal efforts to incorporate international anti-trafficking standards into its domestic sphere. This section looks at the involvement of Moldova’s government in the conversion of international anti-trafficking standards into domestic reality.

Mattar (2005) argues that while there is no model legislation that can be applied by all countries, there are certain elements of an effective and comprehensive anti-trafficking legislation that must be incorporated in every country’s anti-trafficking framework. These universal elements include:

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<sup>6</sup> The act of managing prostitutes and soliciting customers for them.

- The criminalization of all forms of trafficking
- Acknowledging that victims of trafficking are entitled to basic human rights
- The adoption of the 'Five Ps' approach to combat trafficking: prevention, protection, provision, prosecution, and participation
- Investigation and prosecution of perpetrators involved in all stages of trafficking
- Acknowledgement of trafficking as a transnational issue requiring transnational policies, including extraterritoriality<sup>7</sup>, extradition, and the exchange of information.

The government made slow but steady progress towards amending its domestic legislative framework and institutions in compliance with international standards. The year 2001 marked the institution of the State Migration Service and National Committee to Combat Trafficking (National Committee), but their compliance was limited by lack of resources and political will (TIP Reports, 2001-2010). Over the next few years, there was no significant progress in the government's counter-trafficking efforts. It was not until the end of 2003, the same year Moldova signed the ENP and the OSCE *Action Plan to Combat Trafficking Human Beings*, that the President's focus on trafficking greatly increased. The Government promulgated the new Criminal Code, which according to the international standards, defines and criminalizes human trafficking and acknowledges victims as entitled to human rights. Law enforcement efforts improved and there was an increase in the State's initiatives to spread awareness regarding trafficking. A new legislation addressing all aspects of trafficking was sent to the Parliament in 2005. Since its inception, the National Committee met regularly, but produced limited results because a full-time secretariat and a clear mandate were lacking. In 2006, the government replaced an anti-trafficking unit within the Ministry of Interior with a new Center to Combat Trafficking in Persons (CCTIP). The government updated its anti-trafficking National Action Plans in 2005 and 2008. Parliament of the RM has approved the *Law on Prevention and Combating of Human Trafficking* in October 2005 and made amendments to the Penal Code and Administrative Infringements Code of Moldova. The government signed the 2005 *Council of Europe Convention on Action against Human Trafficking*. In February 2008, it adopted the *Regulation of the Territorial Commissions to Combat Trafficking in Persons*, which will coordinate anti-trafficking activity at the regional level (ibid).

Generally, Moldova has ratified the major international treaties and has converted those into a domestic legal foundation for counteracting human trafficking. The question that remains is whether these laws are observed or are they only in place for the foreign observer? Despite the increase in number of trafficking investigations, prosecutors often downgraded trafficking accusations to lighter pimping charges, allowing for lesser sentences (TIP, 2007). The National Committee lacked a full-time permanent working group, a mandate, resources, and

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<sup>7</sup> Anti-trafficking legislation that has extraterritorial jurisdiction mandates that domestic laws are applied regardless of where the crime was committed (matterIntl)

political backing (La Strada, 2010). Regarding prevention and protection of victims, the government showed a lack of leadership by relying solely on domestic and international NGOs for those activities. The government's contribution was limited to operational support, such as negotiating with TV stations for free or discounted broadcasting time, and issuing NGOs permissions to hold public lectures. The NGO's were not provided funding, tax benefits, nor government subsidies (ibid). Although it promised to do so in 2004, the government did not provide a building for a victim rehabilitation center until 2007 (TIP, 2008). The government offered no funding for victims' assistance to NGOs and the first time it allocated a \$40,000 budget for rehabilitation services was in 2008 (ibid).

In 2005, government officials were accused of complicity in human-trafficking activities and the leadership did not acknowledge nor follow up to investigate these allegations until 2009 (TIP Report). The investigations opened in 2009 did not produce any prosecutions or convictions. In 2008, the United States sent a team of Federal Law Enforcement Training and Federal Bureau of Investigation agents to provide anti-trafficking-related training to the staff of the Moldovan CCTIP. After the training, the agents noted:

"New cars were routinely given to Moldovan officials out of TIP funds to actively fight trafficking (guess who drives them)... We are "buying" their loyalty to US rather than Russia... nothing new except TIP funds are being used. [Moldovan] Officers asked for CSI equipment... we gave them flashlights and bullet proof vests" (McGaha 2008, p.27).

This anecdotal account gives the impression that the CCTIP existed more to please international donors rather than to actively fight human trafficking. High levels of corruption, lack of resources and means of victim protection, and lack of cooperation between trafficking-related agencies fuel the government's inefficiency. However, the government also seems to engage in a laborious idleness when it comes to internalizing the international standards for fighting human trafficking: the state is willing to sign treaties and create institutions, measures that don't necessitate major funding or efforts on the part of government but which give the impression of progress to the international donors. When it comes to funding anti-trafficking institutions and creating proactive initiatives to combat the problem, the government relies solely on NGOs and international organizations.

### **Actors: NGOs and IGOs**

Moldovan NGOs contribute to the public knowledge of trafficking, raise awareness, and engage in advocacy for the rights of the victims. They are also the main provider of medical, psychological, legal, and social assistance to victims, families, and potential victims of trafficking. In 2003, there were about 20 national and international NGOs operating in the anti-trafficking field in Moldova (La Strada Express, 2005). While the list has grown, the most active



and experienced NGOs remained La Strada and the Center for Prevention of Trafficking in Women. According to a 2009 Freedom House report, although there have been complaints about bureaucratic obstruction, individuals in Moldova are generally free to participate in NGOs.

La Strada is one of the most involved anti-trafficking NGOs in Moldova. In 2001, only two months into its operations in Moldova, it held 35 seminars in which it involved over 1000 people at risk of being trafficked (Mosneaga, 2003). La Strada's record in Moldovan counter-trafficking efforts is impressive. The organization runs a free national hotline, which to date assisted 1400 people ; operates a multi-field mobile team to help identify victims of trafficking; manages an emergency fund which already benefited 200 victims; provided training to 500 individuals; and created instruction modules and provided technical support to government, NGOs, diplomats, law enforcement officers, and priests. The institution also organizes continuous awareness campaigns in Moldova's capital and 36 districts.

The Center for Prevention of Trafficking in Women (CPTW) is Moldova's only NGO specializing in provision of legal services to trafficking victims. In addition, the organization offers social services in the form of repatriation and rehabilitation services and it conducts public awareness campaigns. From 2003 to 2006, the center has provided trafficking-related legal advice to 4,081 people. During the same period, the center represented 407 victims in court. Information gathered by this center helped the Moldovan law enforcement open 102 criminal cases for investigation.

NGOs are the most active organizations in the fight against human trafficking in Moldova. However, the government does not provide them with funding and the NGOs are forced to rely on international donors for support. The major sponsors are IGOs: OSCE, IOM, and ILO and various Ministries of Foreign Affairs. The largest portion of financial assistance comes from the US State and Labor Departments, which disbursed \$11 million in counter-trafficking-related funds to Moldova from 2000 to 2008 (Finnegan, 2008). Due to their access to larger financial, informational, and administrative resources, IGOs play a leading role in the conversion of international efforts into Moldovan anti-trafficking policies. In addition to providing technical and financial assistance to NGOs, the IGOs conduct anti-trafficking initiatives on their own. For example, IOM Mission to Moldova assisted 5,183 victims since 2000. Additionally, the organization operates the only trafficking shelter in Moldova, providing physical safety and health, legal and social assistance to victims of trafficking (Kontula and Saaristo, 2009). The OSCE Mission to Moldova coordinates anti-trafficking efforts and exchange of information among actors by hosting regular Technical Coordination Meetings throughout Moldova. The organization provides instructional materials, translation services, and training

for judges, prosecutors, and law enforcement officers. Moreover, the Mission offers regular legislative support in the drafting of anti-trafficking laws.

## Policy Spaces

The vertical slicing model provides a useful tool to visualize the everyday politics and practices of the actors involved in the policy process by analyzing them within policy spaces. Depending on their type, policy spaces can either foster or limit opportunities for policies that combat trafficking and respond to the needs of victims. The Moldovan government, international donors and NGOs create policy spaces and shape the decisions made in those spaces.

International anti-trafficking treaties to which Moldova is a signatory, mandate that states engage in collaboration with civil society<sup>8</sup>. The National Committee for Combating Trafficking was established in 2001 as a result of these requirements. The planned inter-agency nature of this organization pointed to an invited policy space, where the government encourages participation of the civil society and considers their input in the decision-making process. However, La Strada reports suggest otherwise. The committee was to be comprised of members of a multitude of ministries involved in anti-trafficking activities and of members of NGOs. However, the government never approved the structure of the committee with relation to members of NGOs and international organizations. Therefore, these agencies did not have a permanent seat in the Committee nor a document that stipulates actions needed to obtain one. La Strada adds: “[The Committee] does not include clarifications how to take into account the given consultancy capacity of NGOs. In practice, the voting of such decisions never took place during the meetings of the NCCTHB” (2010, p.5). Interestingly, the organizations were ‘usually’ invited to the Committee meetings and they had the right to vote in the decision-making process. However, in practice, the decisions were not made collectively but by one person. Moreover, La Strada mentions that the authority of the Committee is determined by the high rank of its Chairman, Moldova’s Deputy Prime Minister. Characteristically of a closed policy space, this organization was comprised of members of the government and did not promote the participation of outside organizations. The danger with closed spaces is that policy and program implementation are highly politicized and far from their original objective (Hashim and Walker, 2004). Closed policy spaces are rigid structures, reluctant to incorporate new knowledge, frameworks, and actors into the policy-making process. These factors constrain the advancement of up-to-date and efficient anti-trafficking policy. The NGOs are usually the

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<sup>8</sup> Palermo Protocol Articles 6.3; 9.3; and 10.2. Council of Europe Convention Ch. I and Ch. VI.

closest to the people that anti-trafficking policies are supposed to help and silencing the NGOs' voice does not augur well for the future anti-trafficking policies.

According to an ENP report, in May 2008, Moldova's Ministry of Internal Affairs, the Public Prosecutor's office and the Ministry of Social Protection signed a memorandum of understanding with the IOM, the CPTW, and La Strada to establish a framework of cooperation between public institutions, law enforcement, civil society, and donors to implement the National Referral System (NRS) project. Although collaboration efforts between state and non-state actors were initiated by the intergovernmental institution OSCE, the NRS program is still considered an invited policy space, since the government agrees to cooperate with NGOs and intergovernmental organizations (IGOs). Prior to the NRS program, there were few cases of trafficking identified on a district level. However, during the NRS piloting period of 2006-2008, there were 108 victims of trafficking and 107 persons at risk of trafficking identified and provided with assistance in several Moldovan districts (NRS, 2008). A 2008 La Strada report suggests that increased collaboration between agencies is one of the reasons for NRS's success.

Because policy spaces are interlinked through actors which work across multiple spaces, it is usually hard to find a space in the policy process that is completely autonomous of government but still be able to influence its policies (Hashim and Walker, 2004). However, the OSCE Technical Coordination Meetings (TCMs) program meets the criteria for an autonomous policy space because of its independence from the Moldovan state. In 2006, an average of 30 people attended the each TCM, with the following organizations being particularly active: La Strada, CPTW, US Embassy, and IOM (OSCE, 2006). There were simultaneous English/Romanian translations during each meeting and meeting minutes in both languages were distributed after each session and in a compilation at the end of the year. This action characterizes the policy space as inclusive and committed to considering the input of all parties. In addition, the space of the TCM was not limited to the Capital. In addition to 10 meetings organized in Chisinau in 2006, the program also organized TCMs in 5 different Moldovan regions: Causeni, Ungheni, Orhei, Soroca, and even in Bendery/Tiraspol of Transnistria. While in the capital, the main participants of the meetings were members of NGOs and IGOs, participants in the regions were more diverse, including local public authorities, law enforcement, prosecutors' offices, courts, social workers, media, and civil society. The Secretary of the National Committee also attended a few TCMs. This further suggests the TCMs comprise an all-inclusive policy space, made of actors from government and non-government agencies and spanning across the vertical slice of international, national, regional, and local levels of governance. The autonomous space, much like the invited space, aggregates and synthesizes inputs from all kinds of actors on the entire vertical range of governance. This participatory approach encourages the development of policies more sensitive to the needs trafficking victims.

How much opportunity is there to form autonomous policy spaces in the Moldovan anti-trafficking field? Turcan (2009) argues that the Moldovan university students, who are the future intellectual basis of the society, comprise a decisive factor of the direction of Moldova's social transformation. One of Turcan's studies explored their interest and grade of participation in political life. The results showed that the majority of students alienate themselves from the policy sphere, because they believe public authorities would not consider listening to their opinions. Lack of trust in the Moldovan political system eliminates the students' confidence in Moldova's politics and decreases their political participation. Lack of trust extends to NGOs as well. According to a Microconflict publication, 52% of Moldova's population does not consider the civil society as a credible and influential institution (Dura, 2010). This suggests lower implications for the creation of anti-trafficking grassroots movements or NGOs in Moldova. General political apathy and lack of trust in NGOs not only limit the development of new grassroots movements but threaten the sustainability of existing NGOs, which provide critical assistance to trafficking victims.

Closed policy spaces emerge as detrimental to the development of anti-trafficking victim-oriented policies because they ignore the voice of NGOs, the proxy for the voice of the victims. Invited and autonomous spaces, which take into account the voices of the numerous counter-trafficking actors, appear to provide a more favorable foundation for generating victim-centered policies. However, is this still the case when analyzing the knowledge that circulates within these spaces? Although the invited and autonomous spaces provide a forum for sharing and analysis of anti-trafficking information, mere operation within these spaces does not guarantee the development of victim-oriented policies. The knowledge used in these spaces, be it official national survey-based statistics, narratives constructed by actors, or trafficking discourse, have a powerful influence on shaping policy as well.

### **Discourse as Knowledge**

Sutton (1999) defines discourse as the use of language in the policy-making process. Analysis of discourse provides an understanding of the actors' interpretation of trafficking and the direction it pushes anti-trafficking policies. In the global trafficking discourse, the most prevalent image of a trafficked person is that of a 'victim' who needs to be saved, rehabilitated, and protected from re-trafficking (Guzun and Zajicek, 2009). How policies of saving, rehabilitating, and protecting victims are shaped varies depending on the type of trafficking discourses used:

- (1) The discourse of trafficking in the context of prostitution emphasized sex trafficking to the neglect of other types of trafficking (Surtees 2008, Ditmore 2005)

- (2) The discourse of “trafficking and violated borders” promotes themes of illegal immigrants and border security and overshadows the discourse of “trafficking as a violation of human rights (Saari 2006, Howard and Lalani 2008).

Associating trafficking with prostitution highlights trafficking for purposes of sex trafficking and places little emphasis on other types of trafficking such as trafficking for purposes of begging and forced labor. Additionally, because in prostitution the focus is mainly on women, such view does not give enough consideration to men and boy victims. This raises important concerns for the estimated 5,000 Moldovan minors who were trafficked to Russia for begging or for the most Moldovan men who are trafficked into forced labor (ILO, 2004). A Georgetown University study showed that most human-trafficking related research in the world concentrate on the topic of sex trafficking (89%) with slightly over half discussing forced labor (55%)<sup>9</sup> (Gozdzia and Bump, 2008). Only 10% of reports discussed victims that are men. These dimensions of international discourses made their way into Moldovan trafficking knowledge. Most Moldovan reports produced by NGOs show emphasis of sex trafficking and research concentrates on women and a limited number of reports addressed labor trafficking and men as trafficking victims.

Furthermore, seeing trafficking through the lens of prostitution encourage partial, not universal assistance of trafficking victims. While the Palermo Protocol and the European Convention do not prosecute prostitution as part of the criminalization of trafficking, the US TVPA and subsequent TVPRA, refuses the granting of funds to any organization that promotes, supports, or advocates the legalization or practice of prostitution<sup>10</sup>. This stipulation challenges the idea of ‘victim,’ specifically the ‘worthy victim’ versus the ‘unworthy victim.’ According to an IOM survey of Eastern European victims of trafficking, 8% entered the sex industry voluntarily (DiTomasso, 2009). This leads to the differentiation between the “migrant who was exploited” and the “prostitute who was exploited.” Although they are both victims of trafficking, the anti-prostitution U.S. discourse classifies one victim as more worthy of receiving social assistance than the other (Desyllas, 2007). The U.S. TVPRA is the largest source of anti-trafficking funds in Moldova and an active actor in invited and autonomous policy spaces in Moldova. Its discourse trickled down onto the Moldovan trafficking knowledge. The Moldovan opinion considers victims of sex trafficking partly to blame for their predicament because of own lack of morals (Guzun, 2008). La Strada adds: “[The Moldovan] population would rather stigmatize the victims than condemn the traffickers, which is cutting short any efforts targeted towards social reintegration of the first and tacitly facilitates freedom of action of the second.”(La Strada 2010, p.14) A discourse that places trafficking within prostitution

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<sup>9</sup> Overlapping percentages suggest that some reports discussed both sex trafficking and forced labor.

<sup>10</sup> Prostitution is illegal in Moldova, punishable with up to one year of imprisonment. However, approximately 230 brothels operate across the country (Skipper, 2003, whyshows)

encourages stigmatization and runs the risk of developing policies that help some victims but not others.

The Palermo Protocol, the most authoritative document on human trafficking, was criticized for focusing too much on crime and security with deficient attention to human rights (Emerton 2004, Howard and Lalani 2008). As discussed in the Actors section of this paper, the EU perceives human trafficking as a key threat to its security. Its predominant discourse links trafficking to migration, characterizing it as “the most menacing form of illegal migration (IOM),” as a “distortion of migration,” and as “something dark, frightening, and ugly (OSCE)” (quoted in Andrijasevic 2004, Aradau 2004). Aradau (2004) argues that although Europe acknowledges victims of trafficking as suffering bodies that need to be saved, it is also constructing them as a risk of illegal migration and organized crime to the Western Societies. This construction feeds immigration policies that are increasingly restrictive. However, increased political obstacles to migratory flows increase the undocumented methods of travel and involvement of criminal networks (Andrijasevic, 2004). Border controls and visa regimes, Andrijasevic notes, does not stop individuals from leaving their country of origin or reaching the EU. Instead, it forces them to take their journey through more complex illicit channels, where the risk of exploitation is exponentially higher. Following this argument, Saari (2006) emphasizes that: “It seems that illegal immigration has become such a feared and securitised topic within the EU that it is failing to see human trafficking in its proper context and proportion.” The EU is a key actor in the process of conversion of international treaties into Moldovan policies. In influencing this conversion, the concern is that the EU promotes Moldovan policies that encourage European interests relating to boundaries and state sovereignty at the cost of Moldovan victim’s needs, which require policies addressing immigration and labor conditions.

These discourses, which saturate international treaties, embed themselves in the Moldovan policy spaces, shaping domestic policies. Some of these discourses reflect more the interest of international actors rather than those of the Moldovan citizens.

### **Data as Knowledge**

The only thing worse than no data is misleading data (Gozdziak and Bump, 2008). Given the underground nature of human trafficking and its invisible population, an accurate of incidences of trafficking is impossible. Yet governments and NGOs across the globe have produced various estimates of the scope of the problem, which shape the anti-trafficking policy process on the international and domestic level. Estimating the scope of the human trafficking problem is fundamentally. Therefore, the trafficking-related data and the methods through

which those data were obtained are critical. However, the data feeding the international anti-trafficking policies seem to be obtained through unreliable sampling techniques or produced with unknown methodologies. For example, the U.S. State Department, one of the leading actors in the global anti-trafficking movement and major donor to Moldova, produced the often-quoted estimate of the size of the trafficked population worldwide of 800,000 to 900,000 per year but does not explain the methodology used to arrive at these numbers (Gozdziak and Laczko, 2004).

According to a Georgetown University report, which analyzed the global bibliography of English language research-based literature on human trafficking, one third of social science reports were based on unknown samples. Only 5% of reports used the random sampling, which is the sampling technique that provides the most reliable results and the vast majority of used convenience sampling, whose subjects may not be representative of the population of trafficked victims and their needs. Only 1% of reports were peer reviewed.

It follows that unreliable data feeds the international anti-trafficking treaties that Moldova is adopting. To account for this problem, the conversion of international treaties into Moldovan policies should have been coupled with emphasized domestic efforts to collect data on Moldovan trafficking trends and victims. However, the 2010 report by La Strada mention that no comprehensive data is available in Moldova. As Liz Kelly mentioned: 'Lack of research-based knowledge may inadvertently deepen, rather than loosen the factors that make trafficking both so profitable and difficult to address. (Kelly 2002, p.60).

#### **IV. Discussion and Policy Recommendations**

The interaction of human trafficking actors in Moldova is clarified by McGee's model. On the one hand, the EU is promoting Moldovan counter-trafficking initiatives to minimize the threat of illegal immigration and organized crime. On the other hand, the Moldovan government addresses anti-trafficking to advance its Eurocentric ambitions and to avoid sanctions. In this circumstance, combating human trafficking appears not to be goal in itself but a form of leverage used by different actors to achieve different goals. Unfortunately, this does not allow much room for efficient and persistent commitment to the priorities of trafficking victims in Moldova.

Analysis of NGOs and IGOs shows that the policy process of converting international anti-trafficking standards into Moldovan reality is led by the international community. NGOs have been the most active party in improving anti-trafficking efforts in Moldova, advancing prevention initiatives and protection services for victims. However, inadequate government

funding prevents them from operating without international financial and technical support. Financial and technical dependence on international donors and IGOs raises concerns about their autonomy and ability to promote policies beneficial to victims regardless of agendas of international donors.

The analysis of policy spaces reveals that the more voices are heard within a policy space the more attuned a resulting policy may be to the needs of trafficking victims. Diverse inputs generate broad protections. Therefore, policy spaces which promote inter-agency collaboration, such as invited or autonomous spaces, encourage the development of victim-oriented policies. The invited space of the NRS and the autonomous space of the OSCE TCMs are inclusive, flexible, and easily adaptable to new information or structures. Environments that promote the creation and sustainability of these types of spaces are critical. Creation of invited spaces could be achieved with increased participation and collaboration between the state and non-state actors. For example, The National Committee, while designed as an invited space, is in reality a closed space. Increased cooperation from the Moldovan government should improve this situation. Addressing autonomous spaces, however, is more complicated. Moldovans' apathy and lack of trust in civil society are barriers to the creation of new autonomous spaces. Increasing the visibility of NGOs and their successes, promoting NGOs transparency, and encouraging Moldovan youth to participate in NGO-led initiatives may improve the predicament of autonomous spaces.

The analysis of knowledge surrounding the anti-trafficking field of Moldova raises concerns. Discourses that locate trafficking within the context of prostitution neglect the needs of victims of other forms of trafficking, such as trafficking for begging and forced labor. Another danger of such discourse is that it encourages policies which selectively provision social services. Trafficking/illegal immigration discourse encourages actors to tighten immigration policies, pushing victims further into illicit channels of migration and exposing them to higher risk of trafficking. Moldovan immigrants would benefit much more from a discussion of existing migration routes and conditions of labor rather than increased border control. The analysis also shows that the body of knowledge around trafficking has been in many cases constructed with unreliable data. Spurious data pertaining to the scope of the trafficking problem leads to policies that are incapable of combating trafficking or assisting trafficking victims. Victims' interest would be much better served if actors would increase transparency, scrutiny, and data collection efforts.



**A list of policy recommendations emerge from this analysis:**

1. For the Government:
  - Increase funding for NGOs
  - Increase its collaboration with NGOs and IGOs. Specifically,
    - Provide these organizations permanent membership and voting capabilities in the National Committee
    - Invite NGO/IGO participation in official meetings
    - Increase government' attendance at the forums organized by NGOs/IGOs
  - Ensure victims' interests are accounted for when engaged in negotiations of immigration policies
2. For NGOs:
  - Increase transparency of operations and funding
  - Increase organizational visibility
  - Engage student youth
3. For both:
  - Ensure that anti-trafficking policies provide assistance to all victims of trafficking, regardless of their trafficking circumstance
  - Encourage the collection, transparency, and sharing of trafficking-related data

**V. Concluding Remarks and Avenues of Future Research**

This paper explored the policy process surrounding the conversion of international anti-trafficking agreements into domestic Moldovan policies. Taking a policy process perspective, this paper found that the interaction between the actors, policy spaces, and knowledge underpinning the adoption of international treaties does not provide an environment conducive to victim-oriented domestic policies. As a result, this research was able to highlight several concerns pertaining to Moldovan victims of trafficking and advance a list of policy recommendations to members of the Moldovan state and NGOs. What the policy recommendations seek to achieve is cooperation among actors' independent interests to produce broadly-negotiated outcomes that benefit trafficking victims. This paper combined the needs of women, men, and children victims as one homogenous group. More research is needed differentiating between the needs of those groups. This paper excluded Transnistria from its study. Similar analysis focusing on this region is greatly

encouraged though absent data collection improvements, authoritative insights will be limited. Finally, as Moldova continues its endeavors to join the EU, ongoing research is needed to explore whether the interests of trafficking victims are represented in the process.

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