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Concern voiced about alleged misuse of Interpol international arrest warrants

It is claimed the warrants are being used solely for "politically motivated" reasons

By Martin Banks

European Business Review (09.05.2017) - <http://bit.ly/2q5a6lX> - Human Rights Without Frontiers (HRWF), the leading human rights NGO, is among those to voice concern. The Brussels-based organisation told this website that it is "deeply concerned about the increasing political instrumentalisation of Europol and Interpol by tycoons in Eastern Europe who have engaged in politics at the highest level and torpedo the EU-supported democratic development of their countries by corrupting the judiciary and getting rid of their political opponents."

Willy Fautre, director of HRWF, said it was "getting more and more complaints from opposition leaders in the Eastern part of the EU and beyond who claim to be unduly prosecuted and victims of abuses of international arrest warrants." One such case is that of Renato Usatii, leader of "Our Party", a political party in Moldova. He is also the mayor of Beltsi, the country's second city.

An international arrest warrant, or "red notice" as it's also known, has been issued against him by Interpol's office in Moldova. But, it is claimed, the man who took the decision to issue the warrant is an associate of the all-powerful business tycoon Vlad Plahotniuc, the man who effectively rules Moldova, and a bitter political enemy of Usatii.

Usatii, currently in exile in Russia, and his supporters say that Vitalie Pirlog was directly nominated by Plahotniuc to the Interpol board that decided to issue a warrant and it is for that reason that his impartiality has been questioned.

Interpol is based in Lyon and is the second largest political organisation after the United Nations. There are now demands from lawyers representing Usatii for Pirlog to be removed from the body that will decide Usatii's fate.

Pirlog, branded a "crony of Plahotniuc", has a five year term on the board and it is claimed his involvement represents a serious conflict of interest. A lawyer for Usatii said,

"Mr Pirlog has presented himself as a lawyer with data protection expertise but it is a known fact that he was minister of justice under communist rule in Moldova from 2006-09.

"It is also a fact that he was a prosecutor in cases against peaceful protestors during the 'Moldovan Revolution' on 7 April 2009. "All this information could have easily be obtained from the internet before he was appointed to the Interpol body. Had these details been sought and taken into consideration it is very unlikely that Mr Pirlog would have been considered suitable." "The danger is that, as he chairs this particular body, Mr Pirlog will personally deal with the Usatii case and therefore exert a crucial influence on the eventual outcome."

The legal representative went on, "In Moldova Mr Pirlog is also known as a crony of Plahotniuc who is, realistically, the only person who could have nominated him for the Interpol post." She said that as an associate of Plahotniuc, a well-known political opponent of Usatii, Pirlog cannot be considered suitable for a position on a body that will decide his (Usatii's) fate.

"We are now asking Interpol and the international community to look closely at this case which calls into question the whole system of international arrest warrants. "We believe Pirlog should be removed from this body immediately as there is a real risk of a conflict of interest. Under no circumstances should he be allowed to be involved in this case."

The accusations against Usatii have been dismissed as "absolutely groundless." A close aide of Usatii said, "He has been charged with something he has never done. All the accusations had been put forward are in violation of the judicial procedures in Moldova." Plahotniuc - who is the country's sole oligarch - has been accused of exerting an unhealthy influence across a vast range of public and civil life in Moldova. He is said to be determined to keep Usatii in exile.

Several international organisations including the Council of Europe, have voiced concern about this while the NGO Human Rights Watch says that the situation in the country "should be taken under strict control." The political situation in Moldova, branded a "captured state", was the subject of a recent visit by Moldovan Opposition MPs to the Strasbourg based Council of Europe.

HRWF's Fautre added, "The alarm sounded by the Moldovan delegation in Strasbourg cannot remain unheard, including in Brussels."

The West is about to lose Moldova

Moldovans are rising up against corruption. But that doesn't mean they're embracing the West.

Foreign Policy (19.02.2016) - <http://atfp.co/20JwYRE> - Almost every week for over a year, large crowds have gathered in downtown Chisinau, the capital of Moldova, to protest the corruption and cronyism endemic to its government. When I met with several important leaders of this opposition movement last month, they told me that they were determined to step up the intensity of their protests, and that they would keep bringing people onto the streets as long as the current government remained in power. In particular, they are furious at Vladimir Plahotniuc, an influential oligarch and de-facto leader of the Democratic Party, whom they describe as "the man who stole justice" because of his outsized, corrupt influence in parliament.

As if to demonstrate the opposition's commitment to radicalizing its movement, a stubborn young lawyer named Andrei Nastase, who leads an opposition political movement, led dozens of his supporters into the Supreme Council of Magistrates, a key judicial body, last week. Chanting "down with the mafia" and carrying the blue, yellow, and red national flag, the protesters tried to prevent the court from reelecting its chairman, Mihai Poalelungi, who they see as connected to Plahotniuc. (He was later reelected anyway.)

Moldova, a tiny former Soviet republic, is proud of its identity and its independence — but it is one of the poorest countries in Europe, and utterly crippled by corruption. In 2014, nearly \$1 billion — or about 12 percent of the country's GDP — disappeared from the country's banks in a mysterious scheme. A devastating 88 percent of the population say Moldova is moving in the wrong direction. This is what has brought the people onto the streets.

The protesters are neither pro-Russian nor pro-Western — and what's happening in Moldova shows that not every chanting, stomping square in eastern Europe is trying to throw off the shackles of the old empire.

In Moldova, they just want the corrupt insiders out — and many of these insiders happen to be pro-Western.

This point, very unfortunately, seems to have been lost on Western leaders. A few days before Moldova's parliament nominated Plahotniuc's life-long friend Pavel Filip to the prime ministership in the middle of the night, Victoria Nuland, a senior U.S. State Department official, visited Bucharest, the capital of neighboring Romania, where she assured Romanian and Moldovan officials that Washington fully supported the current government, which is dominated by Plahotniuc's Democratic Party. "The most important thing is that in Moldova there is a strong pro-European government," she declared.

That statement disappointed many Moldovans. The long conflict between the opposition and the government has never been about geopolitics, but rather about the corruption that threatens to destroy the people's faith in democracy. And if the West doesn't recognize that and take the people's side, it will lose Moldova.

According to a recent survey by a Moldovan polling company, 65 percent of the population wants early parliamentary elections to get the current government out. The situation is reminiscent of neighboring Ukraine, also a largely pro-Western state, where a survey released last month found that over 80 percent of Ukrainians disapproved of their government for the same exact reason — corruption.

With the exception of the Baltics, corruption and abuse of power plague all of the post-Soviet states — and the biggest victim is people's trust in democratic values. Try to talk about democracy in Russia, for example, and nobody remembers what they ever admired in it. Most Russians associate the country's democratic reforms in the 1990s with the poverty and instability of the Boris Yeltsin era. As the Russian experience has shown, people care not only about values, rights and freedoms — but also about stability, jobs, and a secure future for their children. This is true of Moldova, too.

Three years ago, Vladimir Solovyov, a senior political analyst and the editor-in-chief of a popular independent news outlet, returned to his home country with his pregnant wife after working in Moscow for several years. "We were convinced that it wouldn't take long for Moldova, a tiny country with less than three million people, to reform itself," his wife, Nadezhda, told me. "But years have passed by and Moldova is still stuck in its struggle with the same deep-rooted issues."

Solovyov told me that “both the Americans and Plahotniuc’s officials frighten people with [the threat of] Russian tanks, but nobody in Moldova is afraid of Russian tanks.” He is referring to the Democratic Party’s constant invocation of the threat that Russian troops stationed in the breakaway republic of Transnistria may pose to Moldova itself. This is how Plahotniuc and his allies justify their rule. And Nuland’s friendly words towards them have convinced Solovyov, and many other Moldovans, that the U.S. sees their country only as a bulwark against Russia. Solovyov shares the suspicions of many Moldovans that Americans are cutting dubious deals with their corrupt leaders behind the scenes. (When reached for comment, the U.S. Embassy in Chisinau reiterated that the United States’ support for Moldova is based on its leaders’ efforts to “fulfill the Moldovan people’s desire for a European future,” and added that it “encourages” the government to undertake anti-corruption reforms.)

It’s not hard to understand what really motivates Moldova’s protesters (and it isn’t Russia). Every third child in the country grows up without parents because they have to work abroad. The missing \$1 billion that was stolen from the country’s banks still hasn’t been found. And far from being punished, the businessman under suspicion for the fraud, Ilan Shor, is now the mayor of a provincial town.

The many supporters of Maya Sandu, one of the country’s impressive young opposition leaders, call her her “Moldova’s hope.” In 2012, she was invited by the prime minister to reform the education system. When Sandu saw the paperwork, she was shocked: “Some institutions kept no records of state money they had spent for five years,” she told me. As Education Minister, she went ahead with difficult reforms, closing down 150 schools with hardly any students, firing unprofessional staff, and completely reforming the examination system. For her trouble, she was let go after her reforms faced serious opposition. Today, the 43-year-old Sandu, an economist with a Harvard education, has built her own reformist political party, which now has over 1,000 registered activists. “Everybody is tired of the oligarchs,” Sandu says. “If I had a chance to talk with Plahotniuc, I would tell him to leave the country.”

The state corruption Sandu describes and the people’s loathing for oligarchs like Plahotniuc are inseparable. In an interview, Andrian Candu, the speaker of parliament, told me that the influential oligarch had “provided the majority” in parliament earlier this month. Candu praised Plahotniuc, saying that “he works long hours, has brilliant management skills and no political ambition.” Plahotniuc’s candidate Pavel Filip did receive the backing of 57 out of 101 legislators, making him prime minister.

But according to several sources, at least some of this support was secured through bribes. TV7, a local broadcaster, has reported that Vice Speaker of Parliament Liliana Palikhovich was offered 3 million Euros, allegedly by officials who supported the Democratic party, to back Filip’s candidacy. Palikhovich herself has neither confirmed nor denied the allegations, and could not be reached for comment. Another member of parliament claimed he was offered 2 million Euros. And yet another official alleged that money and other favors had been offered to legislators to join the pro-Filip majority. Representatives of the Moldovan government, and Plahotniuc himself, did not respond to requests for comment on these allegations.

Moldova’s protesters are up against powerful forces who are not above using dirty tricks — even beyond bribery — to get what they want. A star journalist, 32-year-old Natalia Morari, was shaken after receiving blackmail threats last week she says were ordered by Plahotniuc. “Plahotniuc’s associate, a well-known businessman, called me on the phone and threatened to publish a video of me having sex with my boyfriend. The video was recorded with a hidden camera in my bedroom,” she explained. Morari declined to name the businessman who threatened her, citing fears for her personal safety.

"[Plahotniuc] played a classical dirty trick on me, threatening me and my boyfriend, an opposition member of Parliament, for our public criticism of his actions. He thinks he's the Putin of Moldova and can destroy our democracy — but we won't let him do that," she said. Indeed, Morari decided to strike back. "I appeared at my television show on prime time in a T-shirt that said, 'Smile, you are being filmed by a hidden camera.'" Despite repeated attempts to contact him, Plahotniuc could not be reached to respond to these allegations.

Two out of the four opposition leaders I met have strong pro-Russian agenda, but they are not radically against Moldova joining EU. The other two are oriented more toward the West. But what unites them all is their opposition to the corrupt existing order. The more corruption threatens democracy in Moldova, the stronger argument the opposition has — that is the main point the West should understand before shaking hands with shadowy fixers in its post-Soviet government.

Protest against repeated designation of Vlad Plahotniuc as candidate for PM



IPN (14.01.2016) - <http://bit.ly/1Pdy7KQ> - A lot of people gathered together again in the Great National Assembly Square to protest against the repeated fielding of Vlad Plahotniuc for premiership by the parliamentary majority on January 14. The people, mobilized by the Civic Platform "Dignity and Truth" and the Party "Platform "Dignity and Truth", welcomed the rejection by President Nicolae Timofti of the candidate and encouraged the head of state to maintain his position, IPN reports.

The leader of the Platform "Dignity and Truth" Andrei Nastase read an appeal addressed to the development partners, by which they ask for support. "We do not want to live in fear and poverty, to be humiliated and to be taken by buses to protests where to applaud Plahotniuc for fear of losing our jobs. We want to live in a democratic state," he read.

The event involved several MPs of the parliamentary group of the Liberal Democratic Party. These said that the seven Lib-Dems who joined the parliamentary majority will withdraw their signatures from the document on the formation of the majority. "I and my

colleagues from the PLDM decided so because you entrusted us with the power to govern. In our raised hands, there is a part of your hands! This will untie the hands of President Nicolae Timofti," said Liberal-Democratic MP Tudor Deliu.

"Today our actions are directly proportional to the wrongdoings committed by the political class. It is the moment of truth. We do not have the right to be indifferent because indifference gives birth to monsters. We raised these monsters during these years when we believed their lies, when we believed that they are taking us to the EU, but ultimately reached such a disastrous state," said Platform member Valentin Dolganiuc.

Another Platform member, Chiril Motpan, said the head of state is the guarantor of the Constitution, while the people are the guarantor of the head of state, who should be supported. "Our fists are ready to fight, but we reached an agreement with the whole country to go peacefully and democratically till the end. But this does not mean that we do not warn those who are in power. The police will not go against their own people. We are convinced that together we will succeed," he stated.

A similar protest was staged in the central square of Chisinau on January 13. The organizers were the same.

Demonstration in square of National Opera House: We want a democratic government

Sympathizers of the Democratic Party of Moldova gathered together in the square of the National Opera House on January 13 to support the candidate for premiership proposed by the PDM. The protesters said they are against early elections and want a democratic government to be formed as soon as possible, IPN reports.

IPN (13.01.2016) - The people who came together in the square said the country goes through a difficult patch and the political crisis should be overcome straightaway. "I have a special message for President Nicolae Timofti: I call on you, in the name of all those who are here, to accept the proposal of the newly formed alliance and nominate the candidate suggested for premiership. I'm sure that the future Premier will be a competent person who will satisfy our wishes," said Mircea Cherdivara, a teacher from Rascani district.

"We, those from Soroca, are tired of promises and early elections. That's why we came here and make a call to President Nicolae Timofti - we ask you to sign the decree to nominate the candidate for Prime Minister proposed by the Democratic Party," said jurist Polina Cojocararu from Soroca.

The people said they want their voice to be heard and came to the square to state their wishes. "We need a Government. We don't need a 'maidan'. Mister President, time has come to bring those political ambitions to an end and to deal with the country's problems," said Valeriu Zubcu, farmer from Calarasi.

The protesters said the early legislative elections will bring no good. "We cannot allow early elections. The people here have a special respect for the country. We cannot be indifferent as indifference is a crime against the future. Let's join forces and knowledge and let's go on with a new Government headed by a Democratic Premier," said Carolina Corobai, biologist from Rezina.

Also today, a large-scale protest was mounted by the Civic Platform "Dignity and Truth" and the Party "Platform Dignity and Truth" in the Great National Assembly Square. The people there protested against the nomination of a candidate without integrity for premiership.

Contacted by IPN, head of the press service of the General Police Inspectorate Tamara Procopii said the protest in the central square of Chisinau involved about 3,500 people, while that staged near the National Opera House – approximately 60,000.

Report on trafficking in persons for forced labour exploitation

La Strada Moldova (03.07.2012) - This report is a product of the study of forms of manifestation in Moldova of the trafficking in persons for forced labour exploitation phenomenon, as well as of existing issues in criminal prosecution and legal proceedings in criminal matters related to the crimes of trafficking in persons/children for forced labour exploitation.

The main tasks of the research included:

- analysis of notions "trafficking in persons" and "forced labour" in 1) documents of international law and scientific literature on this topic;
- identification and analysis of issues in the criminalisation of crimes 2) of trafficking in persons for forced labour exploitation, establishment of a relation and impact of the concepts of "trafficking in persons" and "forced labour" in documents of international law on criminalisation of trafficking in persons in the rules of national law;
- data collection, processing and analysis of the law enforcement 3) practice in criminal matters related to the crimes of trafficking in persons/children for forced labour exploitation, focusing on the issues of practical application of relevant articles of the Criminal Code and their connection with the legal construction of crimes.

The report contains recommendations for state authorities and organisations participating in actions against trafficking in persons on overcoming the problems that exist in criminal prosecution and legal proceedings in criminal matters related to the crimes of trafficking in persons/children for forced labour exploitation.

The report points out that for the proper practical application of provisions of the Palermo Protocol and observance of the relevant international obligations the Republic of Moldova needs to understand the notion of trafficking in persons. This concept is quite difficult and causes arguments on this topic among experts especially regarding trafficking in persons for forced labour exploitation. The main difficulty is caused by the fact that the Palermo Protocol do not define the elements included in the notion of trafficking in persons which are indispensable for its application in practice.

In developing the definitions in national law there are used ILO Conventions dedicated to forced labour. However, the notion "forced labour" from the ILO Convention No. 29 can not be directly used in the interpretation of the definition of "trafficking in persons" of the Palermo Protocol since the ILO's concept of forced labour is much different from the concept of Palermo Protocol. These differences are of a purely scientific nature, but they can have a considerable impact on the way the governments will identify and protect victims of trafficking in persons and forced labour.

The analysis of the scientific literature on this topic has shown that the notions "labour exploitation" and "forced labour" are not conceptualised in relation to notion of trafficking in persons and have no generally recognised definition and there is no yet developed a common approach to conceptualisation. The experts only note the need of standardisation of these notions at the international level.

The mildest forms of labour exploitation, such as violation of safety regulations, excess of the fixed duration of the working day, detention of wages, etc are violations of labour legislation by employers. For these violations the employer is liable under labour and administrative law. When, in addition to these violations the employer himself or through other people is using illegal means to engage and retain employees in situations of exploitation, then the situation can be classified as forced labour and/or trafficking in persons for forced labour exploitation which is subject to criminal prosecution.

When criminalising trafficking in persons and forced labour in the Republic of Moldova shortcomings and errors were admitted. First of all the developers of the relevant rules of criminal law did not take into account that the notion "trafficking in persons" in Palermo Protocol is not legalistic and reflects a complex social phenomenon which includes various forms of exploitation of man. When transferring this notion from international law in the criminal law of the country the social reality should have been transformed in a legal one and created a legal construction of "trafficking in persons" convenient for practical application taking into account the specific character and traditions of the national law. However, it was not achieved. The developed articles of the Criminal Code turned out to be very difficult to understand and inconvenient for practical use.

Besides, in Articles 165 "Trafficking in persons", 206 "Trafficking in children" and 168 "Forced labour" of the Criminal Code were included different means of influence for engaging and retaining people in situations of forced labour, in other words in these articles were included different signs of forced labour. Afterwards, the Supreme Court of Justice while developing clarifications to these articles had given another interpretation of this notion and of the practiced criminal means of influence. All this can create difficulties in practical application of these articles.

The analysis also showed that Article 168 provides a much milder penalty for forced labour, than Articles 165 and 206 for trafficking in persons/children for forced labour exploitation. These regulations being under competition, the classification of crime under the Article 168 allows to use conditional sentence and to close the case due to conciliation of the parties which is not permitted by law, if the action of the accused was qualified under Articles 165 and 206.

The report points out that the problems in practical application of regulations of criminal law on trafficking in persons/children for forced labour exploitation are observed already during several years. The analysis of various information leads to the conclusion that issues in criminal prosecution and legal proceedings are related not only with the well-known deficiencies in staff training, organisation of their work and shortage of necessary resources. These issues may be caused by the following factors:

- a) criminalisation, namely the drawbacks in the legal construction of crimes of trafficking in persons /children and forced labour which do not allow to carry out criminal prosecution effectively (elements of the crime are too complex, deficiencies or lack of clarifications on qualifying essential elements, discrepancy between the criminal standards and the real nature of crimes, etc.);
- b) drawbacks in the country chosen approach to counteract trafficking in persons for forced labour exploitation (excessive focus on prosecution, while ignoring other legal or organisational and technical countermeasures);
- c) the country's lack of experience in creating legal mechanisms to c) implement human dignity.

Comparative analysis of judicial practice

The analysis of the judicial practice in cases of trafficking in persons revealed a poor judicial practice in cases of trafficking in persons for forced labour exploitation, as well as the existence of the following issues:

- Courts of law do not use the possibility to charge under Articles 165 and 206 of Criminal Code for crimes of trafficking in persons/children committed inside the Republic of Moldova;
- Criminal cases are handled by courts of law during a long period of time (several years);
- Criminal prosecution is carried out ineffectively and as a result many defendants can escape punishment;
- Errors occur in judicial decision-making (unjustified acquittal, application of unreasonably lenient penalties, sentencing to fine under those articles of the Criminal Code that do not provide such penalty, etc.);
- Material and moral damage in favour of victims is rarely collected;
- Courts of law commit errors in qualifying crimes (not always properly address issues on delimitation of trafficking in persons from forced labour and organisation of beggary, disclaim transportation as proved, if the recruiter did not personally accompany people during transportation, etc.);
- Reclassification of cases frequently occurs from the Articles 165 and 206 of the Criminal Code of the Republic of Moldova (CCRM) on Article 168, which fact allows the defendants to escape penalty or get a very lenient penalty;
- Victims very often change their testimony during trial and for various reasons do not come to court sessions;
- Many witnesses have been intimidated and pressed by defendants;
- Among criminal cases there were not cases concerning trafficking in persons for forced labour exploitation, committed in several countries (Turkey, United Arab Emirates, Israel, Greece, Czech Republic, Poland), which are mentioned in different studies as countries where Moldovan citizens are subjected to forced labour.

Besides, the analysis of the judicial practice allowed gathering useful information about the phenomenon of trafficking in persons for forced labour exploitation. It has been found that in several cases the profit from labour exploitation of victims was received not only by the employer, but also by the intermediary, who did his best to engage and retain victims in this situation. At the same time the employers had direct fault for violation the terms of labour organisation and remuneration. This makes a little difficult to prosecute these cases, because they fall badly within the existing exploitation concept where only the employer is responsible for exploitation. In the abovementioned cases the penalty for exploitation must have been carried by both the employer and intermediary. But in practice such intermediaries carry a mild penalty and the employers are not punished at all since they are in another country.

Conclusions and recommendations

The 116-page report ends with a list of the most essential conclusions of the research and the relevant recommendations.

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Human Rights Without Frontiers recommends selective opening to immigration from Eastern European countries

"Mama Illegal" crowned as the best movie of the Brussels 2012 Human Rights Film Festival: a challenge to EU member states' restrictive immigration policies

HRWF (24.05.2012) - On 23rd May the One World Film Festival granted an award to Ed Moschitz, the Austrian director of the film "Mama Illegal". In light of this, Human Rights Without Frontiers recommends that EU decision-makers, in matters related to immigration, should open the borders of their respective countries to citizens of ENP countries who are willing to take on opportunities that local people are unwilling to accept.

After the screening of the film Willy Fautré, director of HRWF, commented on the issue in an interview with Romanian Public Television TVR:

"After WWII, Italian immigrants went to Belgium to work in coal-mines. They were welcomed because coal was needed and also because Belgian citizens were unwilling to mine for coal. Today, EU citizens are in need of particular services such as: private care of aged or handicapped parents or custody of young children. Many Moldovan women illegally cross the EU borders after paying a high price to human traffickers to work as cleaners, nannies or carers of old people in EU member states. The Moldovan women and their families pay a high price not only to traffickers but also for being away from their

home for years with many of them becoming alienated and schizophrenic and many of their marriages breaking down. Furthermore their children suffer as they are forced to grow up without maternal love."

The EU member states should stop filling in the coffers of criminal rings and acknowledge that these "illegal workers" contribute to the well-being of our societies and should therefore be allowed to work legally in the EU. A win-win solution.

The film was selected by a three-member jury panel who viewed the 18 films in competition.

Every year, One World and People in Need organize a first festival in Prague in which more than 1000 films are screened before a limited number of them are selected for the award of the Human Rights Documentary Film Festival of Prague. Afterwards, 18 films are selected for a similar festival in Brussels with the patronage of the President of the European Parliament.

The One World Brussels Human Rights Film Festival 2012 took place from 13th to 23rd of May at the Czech Permanent Representation, the Goethe Institute, the Bozar and the European Parliament.

In his concluding remarks in the interview with Romanian public television TVR, Willy Fautré said:

"Every political decision-maker should see the film 'Mama Illegal' hitting faceless human beings before taking bureaucratic measures restricting immigration."
