



**NATIONAL COMMITTEE FOR COMBATING  
TRAFFICKING IN HUMAN BEINGS**

**PERMANENT SECRETARIATE**

# **National Report**

**Implementation of the 2014-2016 National Plan on prevention and combatting  
trafficking in human beings**

**Achievements obtained in 2016**

**Chişinău,  
2017**

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## ***ABBREVIATIONS***

ANOFM - National Employment Agency  
ATOFM – Territorial Employment Agencies  
APC - Central Public Authority  
APL - Local Public Authority  
CAP - Centre for assistance and protection of the THB victims and potential victims  
CCTP - Centre for combating trafficking in human beings  
CCPI - Centre for International Police Cooperation  
CIDDC - Centre for Information and documentation on Child Rights  
"La Strada" - International Centre "La Strada" - NGO for protection and promotion women's rights  
CN CTFU - National Committee for combating trafficking in human beings  
CNPAC - National Centre for the child abuse prevention  
CP - Criminal Code  
CN CTFU - Territorial Commission for combating trafficking in human beings  
DPI - Department of Penitentiary Institutions  
EMT - Territorial multidisciplinary Team within the National Referral System (SNR)  
ECI - Joint Investigation Teams  
EUBAM - The European Union Mission Border Assistance to Moldova and Ukraine  
EUROPOL - Crime fighting organization at the European level  
GRETA - Group of Independent Experts on Combating Trafficking in Persons (GRETA) under the Council of Europe  
GTC - Technical coordinating group of the Permanent Secretariat of the CN CTFU  
HG - Government Decision  
ICMPD - International Centre for Migration Policy Development  
INTERPOL - Crime-fighting Organization at the international level  
MAEIE - Ministry of Foreign Affairs and European integration  
MEc - Ministry of Economy  
Med - Ministry of Education  
MF - Ministry of Finance  
MJ - Ministry of Justice  
MLSPF-Ministry of labour, social protection and family  
MS - Ministry of Health  
MITC - Ministry of Informational Technologies and Communication  
MTS - Ministry of Youth and Sports  
ODIMM - Organization for development of small and medium enterprises  
OI - International Organization  
OIM - International Organization for Migration, Mission to Moldova  
ONG - Non-governmental organisation  
OSCE - Organization for security and cooperation in Europe  
PG - General Prosecution Office  
PN - National Plan to prevent and combat trafficking in human beings  
RM - Republic of Moldova  
SNR - National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings  
SP - Permanent Secretariat of the National Committee for combating trafficking in human beings  
TC – Child Trafficking  
TFU - Trafficking in human beings  
TdH - Swiss Foundation "Terre des Hommes"  
UNC - National Coordinating Unit of the National Referral System (SNR)  
UNICEF - United Nations Children's Fund

## **METHODOLOGY**

This report represents an analysis of the results achieved by the anti-trafficking community of the Republic of Moldova in 2016 and a concise analysis of the results obtained following the implementation of the 2014 - 2016 *National Plan to prevent and combat trafficking in human beings* (hereinafter – **National Plan**).

The report was developed on the basis of:

- the relevant information provided by the Central Power Administration bodies (APC), Local Power Administration bodies (APL), NGOs and IOs regarding the implementation of the National Plan and the implementation of recommendations contained in the decisions of the National Committee for combating trafficking in human beings (CN CTFU);
- minutes of the meetings of the technical coordinating group of the Permanent Secretariat (SP);
- statistical data collected by the SP as recommended in the PRETRIAL, TRIAL, AFTERTRIAL, RELATED CRIMES and VICTIMS templates;
- recommendations contained in the international evaluation reports (GRETA Report, Trafficking in Persons Report of the U.S. State Department, etc.).

The report is structured in 3 chapters and 3 annexes:

Chapter I. "Analysis of the implementation of the 2014-2016 National Plan to prevent and combat trafficking in human beings by the anti-trafficking community";

Chapter II. "Analysis of the implementation in 2016 of the national policy on prevention and combating trafficking in human beings";

Chapter III. "Recommendations."

Annex 1 - describes the progress of the National Plan implementation and other achievements;

Annex 2- describes the activity of the territorial Commissions aimed at combating THB

Annex 3- describes the activity of PS.

## ***I. ANALYSIS OF THE IMPLEMENTATION BY THE ANTI-TRAFFICKING COMMUNITY OF THE 2014-2016 NATIONAL PLAN TO PREVENT AND COMBAT TRAFFICKING IN HUMAN BEINGS***

The National Plan of Actions included 120 activities falling under the 4P paradigm: prevention, punishment, protection and partnership. The anti-trafficking community completed successfully 104 activities. Additionally, it partially fulfilled 9 activities and, at present, 3 activities are under progress while 4 activities remained unaccomplished<sup>1</sup>.

Pursuing the goal to contribute to the implementation of the National Plan the anti-trafficking community joined its efforts and achieved positive results in each separate segment. Based on a retrospection of the activities undertaken during the last 3 years we highlight the most important achievements.

Consolidation of **the legal framework** was carried out both via amendments to existent laws and via adoption of new legal acts and regulations of high interest for the anti-trafficking community. The following are considered the most important acts:

- *Government decree no. 210 of 24.03.14 regarding granting facilities for identity documents issuance.* Also the victims of trafficking in human beings are included in the list of beneficiaries of the facilities for issuance of identity card and temporary identity card to the citizens of the Republic of Moldova
- *Government decree no. 228 of 28.03.2014 based on which the Regulation on the functioning of territorial multidisciplinary teams of the National Referral System* was approved.
- *Government decree no. 898 of 30.12.2015 based on which the Framework Regulation of the Service for assistance and protection of victims of trafficking in human beings* was approved along with the minimum quality standards hereby. The Framework regulation is meant to ensure the provision of qualitative social services from the perspective of the observance of the beneficiaries' rights. Adoption of this Regulation constitutes an adjustment of the national normative framework making the system of social assistance and protection of the THB victims more efficient as far as the prevention and combating the phenomenon is concerned;
- *Law no. 137 of 29.07.2016 on the rehabilitation of victims of crime* was adopted with the aim to create the legal framework ensuring the provision of minimum conditions for the rehabilitation of victims of crimes and for the protection and observance of their rights and legitimate interests. This legal act spells out the categories of victims of crimes falling under these provisions (including THB victims - Article 165 of the Criminal Code (CC) and CT victims - Article 206 of the CC). It also describes the organization and functioning of the mechanism developed to protect and rehabilitate the victims of crime, the way and conditions to benefit of the state financial compensation for the damage caused by the offense. *The financial compensation* to be granted to victims shall constitute the Government's first step in the realization of recommendations made, in this respect, by the international anti-trafficking evaluators during the last several years (GRETA, U.S. Department of State, etc.), which is a sign that the Republic of Moldova is aligning to international standards and practices.

Big attention was paid to capacity building for the benefit of professionals engaged in the THB prevention and combating. Thus, seminars, workshops and study tours were organised and also

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<sup>1</sup> 1.1.4. Identification and promotion within the Parliament of the modality of reporting and the organisation of joint meetings between MPs on one side and representatives of public institutions and civil society active in this field, on the other side.

1.2.2. Examination and promotion of the draft Government Decree on amendments and supplements to Law No. 241-XVI of 20 October 2005 on prevention and combating of trafficking in human beings

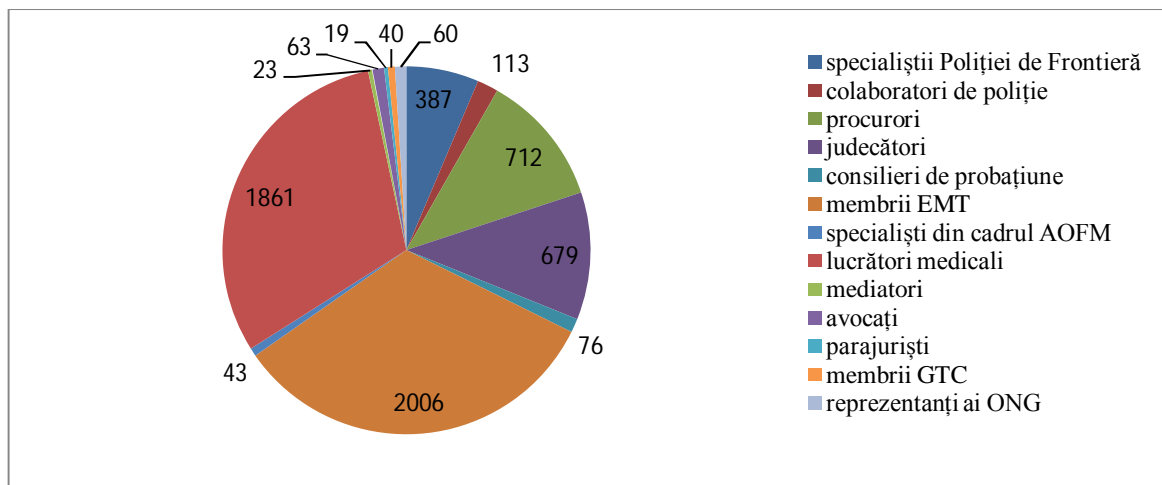
1.3.5. Development and adoption of supporting materials for the continuous training of specialists working in the National Referral System

1.6.1. Institutionalization of the national unity under the Ministry of labour, social protection and family set up for the purpose of coordinating work within the national referral system

efforts were made to create a collaboration platform between Local Power Administration bodies (LPA) and local NGOs.

**Chart no. 1.**

*The number of specialists trained during the 2014-2016 period of time (approximately)*



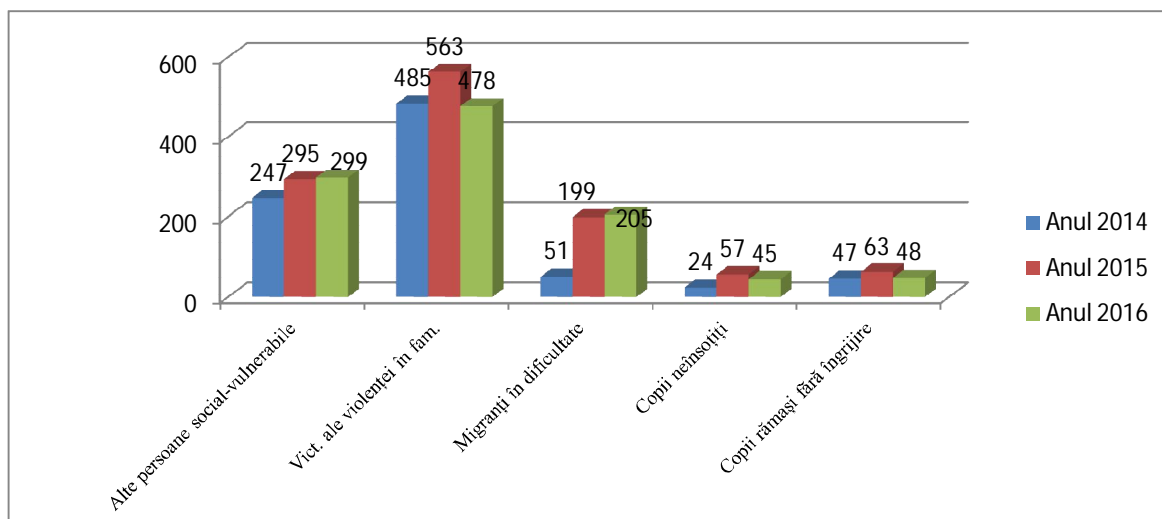
Pursuing the aim to ensure prevention of the THB phenomenon a Campaign for Information and Raising Awareness in the form of the "Combating Trafficking in Human Beings"<sup>2</sup> Week was carried out on an annual basis, along with a number of other campaigns aimed at informing and raising the awareness of the general public regarding the THB phenomenon and related crimes. The public authorities, jointly with the implementation partners, carried out, during the 3 years under consideration, more than **9000 activities** (seminars, training courses, summer camps, public lectures, classes in the educational institutions, etc.) involving pupils, students, parents, teachers and general public and distributed about 329,000 informative materials.

The social assistance to potential victims is carried out via the National Referral System (NRS) and its functioning has an important role for the prevention of THB. Ministry of Labour Social Protection and Family (MLSPF) carries out the coordination and monitoring of the NRS. A total number of **3106 THB potential victims** benefited of assistance via this system in 2014-2016. The Chart below describes the profile of the THB potential victims.

**Chart no. 2**

*Categories of assisted beneficiaries*

<sup>2</sup> - <http://antitrafic.gov.md/libview.php?l=ro&idc=30&id=483&t=/ National/Reports/Press release-on-National Campaign-the Week dedicated to -the fight against trafficking in human beings-carried aut during- 16-23-October-2014>  
- <http://antitrafic.gov.md/libview.php?l=ro&idc=30&id=622&t=/ National/Reports/Press release-on-National Campaign-the Week dedicated to -the fight against trafficking in human beings-carried aut during- 16-23-October-2015>  
- <http://antitrafic.gov.md/libview.php?l=ro&idc=30&id=847&t=/ National/Reports/Press release-on-National Campaign-the Week dedicated to -the fight against trafficking in human beings-carried aut during- 16-23-October-2016>

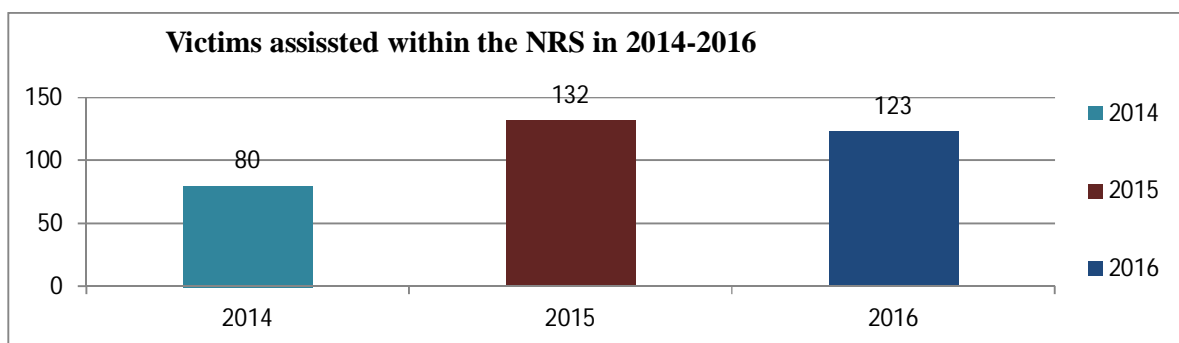


The statistical analysis of data recorded during the National Plan implementation period, indicates a positive dynamics of actions aimed at the assistance and protection of THB victims and potential victims as well as at combating THB.

The actions aimed at the **assistance and protection** of THB victims and potential victims were carried out within the NRS and they resulted into the development of an efficient organization of the protection and assistance of THB victims, the implementation of measures to prevent trafficking in human beings and the consolidation of efforts of all stakeholders involved in combating this phenomenon in the Republic of Moldova. The further development of NRS occurred also in result of training activities and endowment of the multidisciplinary teams and of the regional placement centres for THB victims and potential victims. These activities were supported with funds from the state budget and finances contributed by external donors.

A total number of 335 THB victims benefited of **assistance** and 202 persons<sup>3</sup> were **repatriated** via the NRS during the 3 years period under consideration (*see Chart no. 3*).

**Chart no. 3**



The following is stated with respect to **punishment of traffickers**: a number of 515 criminal cases related to trafficking in human beings were registered over the last 3 years, out of which 90 criminal offences refer to child trafficking (CT). Also, the law enforcement bodies carried out significant parallel financial investigations, which finalised with seizure of goods used in crime committing, or arising from offences, with a view to their subsequent confiscation to the benefit of the State.

Thus, in 17 cases prosecutors ruled the traffickers' property sequestration in view of a special confiscation of goods used in committing the crime. The total value of the seized goods for the entire

<sup>3</sup> 65 THB, 107 children without legal escorts, identified within other states territory, and 30 emigrants in difficult situation

2014-2016 period constituted: 297363 USD, 1088.32 EUR, 165004.33 MDL, 317322.15 RON, 10 buildings, 3 land plots and 5 automobiles.

In 6 cases, the courts ordered the confiscation of seized goods into the state benefit, in an amount of: 10209 MDL, 4530 EUR, 104 RON, 1010 US dollars, 1270 Russian rubles, 138 Ukrainian hryvna, 10 Swiss francs, 200 Turkish lire, 1000 Hungarian forints, 2 cars, one tablet, 4 mobile phones, 2 processors, 2 webcams.

In the period under consideration the courts of law pronounced sentences in 98 THB and TC criminal offences, involving 145 defendants.

**Table No. 1**

*Statistics illustrating the implementation of the CC provisions referring to THB/TC (art. 165/ art. 206 of the CC)*

Year	Recorded criminal offences	Criminal offences sent to court	Defendants (traffickers) in respect of which a sentence was pronounced	Persons sentenced to imprisonment	Persons sentenced to imprisonment with conditional suspension of the sentence	The number of victims according to CCTP
<b>2014</b>	151/24	42/7	33 9.	26 9.	6.0	238/26
<b>2015</b>	151/38	52/24	10.	27.9	0/0	242/68
<b>2016</b>	123/28	22 (11)	48 8.	8.	1 0	197/35

Public authorities of the Republic established an efficient collaboration with their national and international partners. Together with NGOs (International Centre "La Strada", NCCAP, CIDDC, etc.) and implementation partners (OSCE mission to Moldova, IOM Mission to Moldova, ICMPD, the Swiss Foundation "Terre des Hommes", etc.) the authorities carried out a number of information and awareness raising activities, targeted to the general public, and implemented capacity building measures to facilitate the provision of assistance and protection to the THB victims and potential victims. It should be noted that, although most of activities included into the National Plan were fulfilled already, some of them are still in progress and their implementation will continue in the coming years, thus ensuring the sustainability of policies in this area.

## ***II. ANALYSIS of the IMPLEMENTATION of the 2016 NATIONAL POLICY to PREVENT and COMBAT TRAFFICKING in HUMAN BEINGS***

### **2.1. PREVENTION**

#### **2.1.1. Informing the general public**

A significant number of *outreach* activities were undertaken (seminars, training courses, summer schools, public lectures, etc.) with the purpose to spread the anti-trafficking messages, including dissemination of hand outs describing illegal migration, secure employment and possible access to information services both inside the country and abroad.



**Table No. 2**  
*Number of outreach activities and of informed persons in 2016*  
*(Approximate)*

<b>Awareness raising</b>	Number of activities (seminars, training courses, summer schools, public lectures, classes in educational institutions )	<b>2000</b>
	Number of cultural and artistic actions (performances, exhibitions, music recitals, competitions, films, etc.)	<b>144</b>
	Number of distributed information materials	<b>65,000</b>
	The number of informed persons during the awareness campaigns (pupils, students, parents, the general public, etc.)	<b>360 000</b>
<b>Publications/ research</b>	<ul style="list-style-type: none"> <li>• A general analysis developed by the General Prosecution Office regarding compliance with the legislation on the prevention and combating of THB in 2015;</li> <li>• Operational Report of the Centre for combating trafficking in persons for 12 months of the 2015 period of time;</li> <li>• Joint risk assessment report regarding combating cross-border crime, trafficking in human beings and illegal migration in 2015, developed by the joint risk analysis national Group;</li> <li>• Joint risk assessment report regarding combating cross-border crime, trafficking in human beings and illegal migration for semester I of 2016, developed by the joint risk analysis national Group;</li> <li>• The survey developed by CNPAC "Correlation between the sexual abuse in childhood and the subsequent risky sexual behaviour"</li> <li>• The survey developed by CNPAC "Evaluation of the financial regulatory framework governing the provision of services to children victims and potential victims of violence, neglect, exploitation and trafficking in human beings";</li> <li>• The guidelines developed by CNPAC on the implementation of the inter-sector cooperation mechanism in cases of corporal punishment of children "Parental beating means violence".</li> </ul>	

**Activities carried out on 18-24 October 2016<sup>4</sup> to organise "The week dedicated to the fight against trafficking in human beings"**

On October 18, 2016 the "European day against trafficking in human beings" was marked for the fifth time in the Republic. With this occasion, the national campaign "Week dedicated to the fight against trafficking in human beings" was carried out. Central and local public authorities in partnership with non-governmental organizations and international organizations organised more than 2,000 activities meant to prevent the THB phenomenon and to inform the general public about this danger. Approximately 29395 informative materials were distributed in different settlements of the Republic.

**The Campaign „Families without borders”<sup>5</sup>**

This campaign was launched by the TdH Moldova on 6 October, 2016 within the Project „Protection of the child in the parents' migration context” implemented by the TdH Moldova, with the financial support granted by the Netherlands Embassy. In the course of this event the organizers offered to the general public practical recommendations regarding maintaining and developing a healthy,

<sup>4</sup> [http://www.antitrafic.gov.md/public/files/ Press release- -Antitrafficking Week-18-24-oct.pdf-2016.](http://www.antitrafic.gov.md/public/files/Press%20release-%20Antitrafficking%20Week-18-24-oct.pdf-2016)

<sup>5</sup> <http://tdh-moldova.md/index.php?page=news&id=649&rid=495&l=ro>

"without borders" relationship between parents and children, both before and after the departure of parents abroad.

### **National information and communication campaign on strengthening the donation and transplantation action guided by the slogan "I got an organ and it saved my life!"**

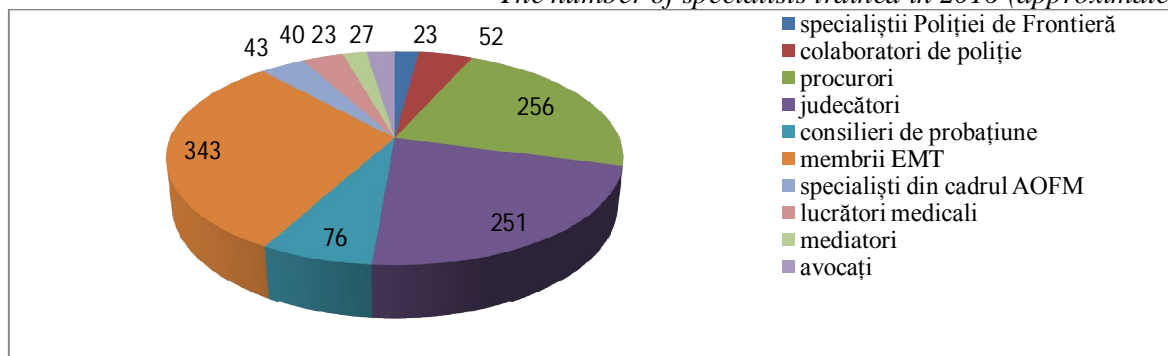
The Ministry of Health launched this campaign in January 2016, pursuing the goal to inform and make the population and the medical institutions aware of the donation and transplant of organs action.

#### **2.1.2. Capacity building targeted to specialists**

In 2016, similar to previous years, increased attention was paid to capacity building, targeted to specialists working in this area. A total number of about 1134 specialists were trained, in various topics related to prevention and combating of THB and related issues. These are reflected in the chart below:

**Chart no. 4**

*The number of specialists trained in 2016 (approximate)*



#### **2.1.3. Decrease of vulnerability**

It is expected that measures aimed at the THB prevention shall also focus on the decrease of vulnerability of groups at risk. In 2016 a number of activities were carried out in this respect:

The Employment Agency (ANOFM) organised informative seminars, awareness raising campaigns, job fairs, including on-line fairs:

- **03-07.02.2016.** The ANOFM organized the traditional Job Fair within the XV-national exhibition "Made in Moldova". 30 businesses representing different industries of the national economy, mainly from the processing industry, made an offer of about 500 job vacancies during this event. Over 2000 people had the opportunity to learn from the employers details about the requirements to be met by candidates to available vacancies, the expected qualifications and the working conditions. About 550 people negotiated directly with the employers the vacancies of interest to them and about 130 candidates were selected for the employment interview.
- On 27-28.05.2016 Edition VI of the crafts/professions Forum took place, during which the National Employment Agency organized the job fair for youth. Representatives of about 35 businesses attended this Forum and proposed over 1300 job vacancies to applicants. The event attracted about 1500 people interested in finding a job. Employers held discussions with over 700 people who requested information about vacancies and about 300 candidates received an invitation to the employment interview.
- The National Employment Agency organised 3 on-line job exhibitions with the participation of a total number of 303 employers who proposed approx. 6800 jobs. Approximately 3600 people from over 70 countries visited the on-line fair platform ([www.e-angajare.md](http://www.e-angajare.md)) during this event. A total number of 182 people submitted their CV, applying for a job on-line, directly to the fair platform.
  - Following the aim to provide information, counselling and career guidance services and to streamline integration of persons into the labour market 3 Career Guidance

centres were created in municipalities Chisinau and in districts Cahul and Soroca. Beneficiaries of these Centres are young people, students and people looking for a job and exploring the opportunities of the labour market, the diversity of crafts/professions as well as persons wishing to evaluate their own professional skills and abilities. Additionally the centres offer vocational guidance aimed at the socio-economic integration.

Among other activities realised by the National Employment Agency in 2016 are:

- Provision of labour mediation services to 40153 unemployed. As a result of these services a number of 19456 unemployed found an employment;
- Allowances (691.95 lei per month) were granted to 2828 unemployed for vocational integration or reintegration purpose out of which approx. 77.3% were women, including 6 persons belonging to the THB victims category.

The public entity ODIMM has an important role in the reduction of the population vulnerability. The following was carried out within the framework of the National Program of Economic Empowerment of Youth (PNAET):

- advice was provided to a number of 200 young potential entrepreneurs, or persons who have recently registered their own business;
- training sessions were organized for 176 young persons in 5 settlements: Stefan Voda, Ungheni, Ceadir-Lunga, Sangerei and Chisinau.

Additionally ODIMM organized 10 entrepreneurial training sessions within the PARE 1 + 1 Programme, which were attended by 246 migrants, or their relatives.

It is known that also the hot lines have an important role in the THB prevention via which consultation services are provided to citizens regarding employment, trips and studies abroad. The **CCTP Hot Line (022 25 49 98)** received 33 calls during this year, which were taken as grounds for the subsequent examination of issues involved. The international Centre "La Strada" received 34541 calls on the **Hot Line 0800777777**, out of which **33262** calls refer to the prevention of trafficking in human beings. Other **9495** calls were received at the **116 111** free of charge phone "**Children's Telephone**" Service.

### **Conclusions:**

- Ministry of Health organized a National awareness raising and communication Campaign dedicated to strengthening the donation and transplantation activity under the slogan "I received an organ and it has saved my life!", which is the first campaign of this kind carried out so far in the Republic;
- A significant number of prosecutors (256) and judges (251) were trained in the following areas: protection of human rights, hearing techniques for THB victim/witness, the rights and protection of victims of crime in criminal proceedings, etc.;
- The National Employment Agency created 3 Career Guidance centres in Chisinau municipality and in districts Cahul and Soroca.

## **2.2. Protection**

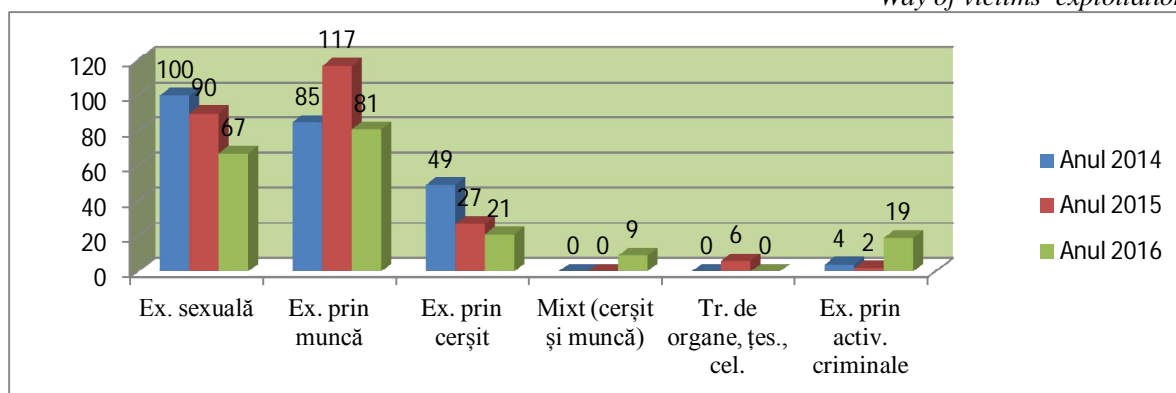
### **2.2.1. Identification of victims**

According to statistical data, submitted by the CCTP, a number of 197 THB victims (adults) were identified in 2016.

From the gender perspective criterion 95 victims were women and 102 were men. In comparison with the previous year there is a significant decrease of the share of women-victims (a number of 152 women and 89 men were registered in 2015).

**Chart no. 5**

*Way of victims' exploitation*



Source: CCTP

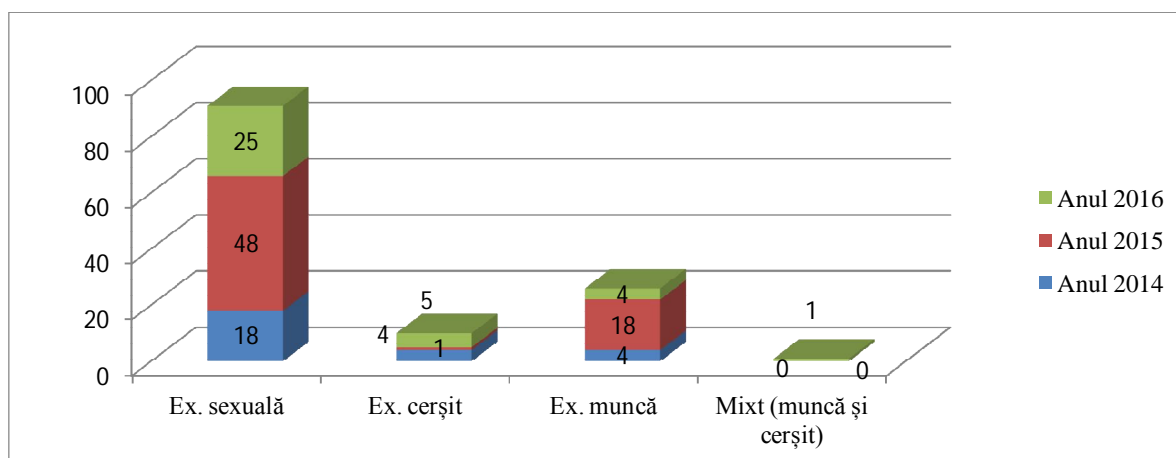
Similar to the previous year the external trafficking predominates, it covering 89% of the phenomenon (175 victims) in relation to the recorded domestic trafficking which constitutes 11% (22 victims). At the same time, in comparison to the previous year, there is a 16% decrease of the number of victims exploited abroad.

The overall picture of the trafficking phenomenon in the Republic of Moldova has undergone some changes as far as the **countries of destination** are concerned, given the emergence of new countries of destination. The Russian Federation, Turkey and the Northern Cyprus region continue being the main countries of destination (in terms of the number of victims). **Israel, Azerbaijan and Austria** are the newly countries of destination registered in 2016 compared to 2015.

A number of 35 **victims of child trafficking** were identified during the period under consideration. Out of these, 25 children were victims of sexual exploitation, 4 children were victims of labour exploitation, 5 were victims of begging, and one child was a victim of labour and begging. In 2016 the internal child trafficking remained significant, with a number of 25 identified children-victims constituting, approx. 70.5% of the total number of child victims.

**Chart no. 6**

*CT dynamics from the way of exploitation perspective*



Source: CCTP

The breakdown per genders is the following: 31 female-victims and 4 male-victims.

The Russian Federation, Turkey and Ukraine continue being the classical countries of destinations, each with two identified child trafficking victims. Also the West European countries, such

as Germany (2 victims), United Kingdom (1 victim) and Spain (1 victim) continue being countries of destinations.

### 2.2.2. Allocation of financial resources

In 2016 the funds allocated for the assistance of victims and potential victims of trafficking in human beings constituted **44651,19 thousand lei** and are reflected in the following Table:

**Table No. 3**

*Financial resources allocated for the assistance and protection of the THB victims and potential victims*

Type of support/services	Funds/the fund management Institution	The approved amount in 2016
7 assistance and protection Centres for THB victims and potential victims	MLSPF and LPA bodies	8089,59 thousand MDL
2 Maternal Centres with accommodation facilities (Balti and Chisinau municipalities)	Ministry of Health	36 093,5 thousand MDL
Repatriation	MLSPF	468,10 thousand MDL
<b>TOTAL</b>	<b>44651,19 thousand MDL</b>	

However, in 2016 no adjustment of procedures specifying the use of financial resources was done to suit the nature and the organizing circumstances of a repatriation mission, thing which often impeded the use of allocated resources. Given the fact that the repatriation process of both, adults and children, requires quick decisions, it is difficult to make arrangements for the allocation of finances necessary for ticket purchase and for payment of expenses incurred for the trips of escorts, as well as for the submission of rationales connected with the risk of failure to use the allocated funding for the repatriation procedures. Thus, the planned resources could not be entirely used, for the reason that it is not possible to accurately estimate in advance the occurrence of cases of repatriation.

### 2.2.3. Provision of assistance and reintegration of the THB victims

Provision of appropriate assistance to the THB victims in line with international standards, is a recommendation repeatedly made over the years by the international evaluators. In this context, in 2016 measures were undertaken to enhance access to and to provide qualitative services to THB victims, in particular to children. On 2 June 2016 the inauguration of the emergency placement Centre, with a capacity of 10 beds, for children, victims and potential victims of violence, neglect, exploitation and trafficking in human beings took place, aimed at providing temporary, in crisis or long-term placement of beneficiaries. Based on the MLSPF Decree No. 201 of 25.10.2016 amendments were developed and approved to the CAP internal Regulation, aimed at including a new category of beneficiaries of this institution, namely the children victims and potential victims of violence, neglect and exploitation.

Two hearing rooms could be equipped with the support of IOM Mission to Moldova (one for adults and one for children) within the CCTP premises. As shown in Diagram no. 3, a number of 123 THB victims benefitted of assistance within the NRS, out of them 66 women, 43 men, 11 girls and 3 boys. According to the MMPSF data, in 2016 a number of 26 TFU victims (including children) were repatriated.

Item 29 of the Parliament Decision no. 257 of 05.12.2008 on the Approval of the NRS Strategy, indicates that the implementation of the Strategy was to be finalised in 2016. According to Item 27 of

this Strategy, the institutionalization of the national coordination unit (NCU) was expected to be carried out, as part of the organization chart of the Ministry. However, this action remains a pending one. It was not carried out during the period of implementation, and no funding was earmarked in the 2017 draft State Budget Law for the realization of this task. At present, the NCU is funded from external sources.

In 2016 two THB victims graduated vocational training courses. One THB victim could find an employment after the graduation of the free of charge training course.

Following the aim to support the rehabilitation and social reintegration process, guiding and training support services were provided to 7 THB victims.

At the same time, changes of the repatriation procedure of children and adults were initiated and promoted, aimed to additionally include into this category the THB victims, the victims of smuggling of migrants and the unaccompanied children. The amendments were meant to serve as grounds for diversification of the State budget expenditures, allocated to cover the vital needs of the repatriation procedure beneficiaries (food, medicines and clothing), and to justify the inclusion of additional resources to cover the expenditures made by different escorts from the Ministry of Interior, MoH and MLSPF. As a result of these changes, a new profile of the beneficiary, namely "a person in case of difficulty", was added to the list of persons eligible for the repatriation procedure.

#### **Conclusions:**

- In 2016 the process to consolidate and further develop services aimed at the assistance and protection of victims and potential victims of trafficking in human beings, including children, continued;
- There is a lack of specialized services for men-victims (in 2016 a number of 43 men benefited of assistance provided by the existent services).

## **2.3. PUNISHMENT**

### **2.3.1. Reforms of the institutional framework**

On August 1, 2016 the reorganization of the General Prosecution Office started in accordance with provisions of *Law no.122 of 22.07.2014 on the approval of the Concept of the Prosecution Office Reform, Law no. 3 of 25.02.2016 regarding the Prosecution Office, Law no. 152 of 01.07.2016 on the amendments and additions to a number of legal acts and Law no.159 of 07.07.2016 regarding the specialized prosecution offices*. As a result of the reform, the task to lead and carry out criminal prosecution of more complex THB cases and of the ones committed by groups of organized crime, was assigned to the Prosecution Office for Combating Organized Crime and Special Cases under the General Prosecution Office.

At the same time, the territorial prosecution offices continue to have the task to lead and carry out prosecution of less complicated THB.

Within the General Prosecution Office there is a specialized Department called the Department of combating trafficking in human beings, which has the task to unify the law implementation practice in the THB combating area and to ensure effective interaction with other institutions in promoting anti-trafficking policies.

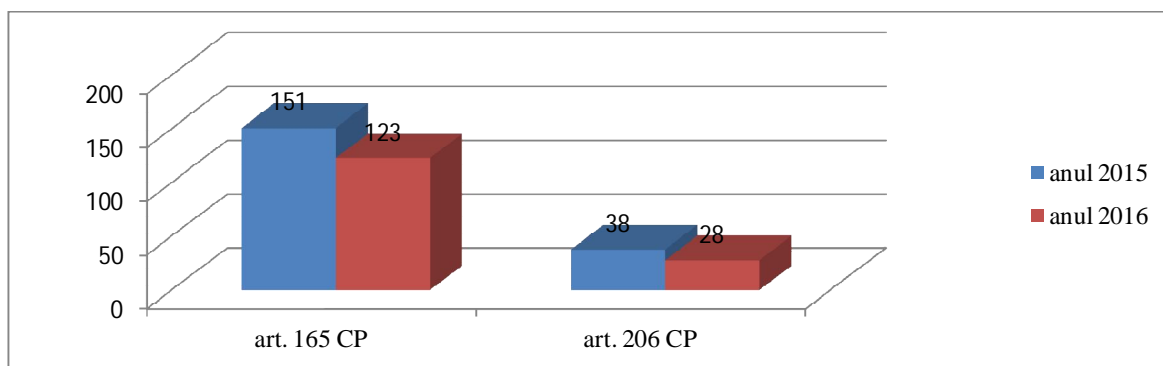
### **2.3.2. Investigation and prosecution activity**

- With respect to **punishment** of traffickers, it was stated that in 2016 a total number of 151 offenses falling under the trafficking category was registered, out of which:
- *trafficking in human beings* - 123 offenses (compared to 151 cases registered in the same period of the previous year);

- *trafficking in children* - 28 offenses (compared to 38 cases registered in the same period of the previous year).

**Chart no. 7**

*The number of offences registered in 2016 compared to 2015*

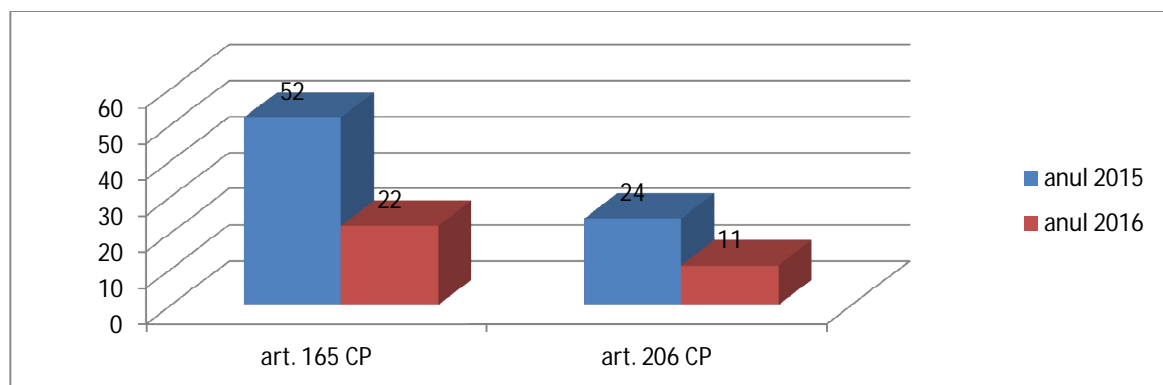


In 2016, 33 criminal cases were finalised with the development of an indictment and were submitted to courts for examination on the merits, out of which:

- 22 criminal cases refer to the crime of *trafficking in human beings* (compared to 52 cases registered in the same period of the previous year);
- 11 cases refer to *child trafficking* (compared to 24 cases registered in the same period of the previous year).

**Chart no. 8**

*The number of criminal cases sent to Court for examination*



The analysis of the *judicial practice* applied in 2016 with respect to judgement of criminal cases falling under the category of THB offenses, indicated the following state of affairs.

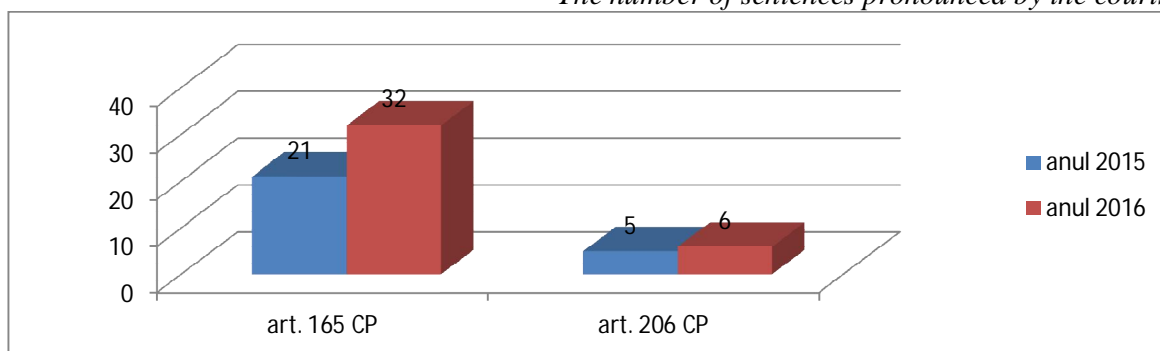
In the period under consideration the courts carried out the examination of 38 criminal cases from the THB category, involving 56 defendants, out of which:

- 32 criminal cases referred to *trafficking in human beings* involving 48 defendants (21 cases / 29 persons in 2015);
- 6 criminal cases referred to *child trafficking* involving 8 persons (5 cases / 10 persons in 2015);

The chart below illustrates the comparative dynamics of the number of sentences pronounced by the courts in 2015 and 2016 with reference to cases falling under the THB category:

**Chart no. 9**

*The number of sentences pronounced by the courts*



Referring to the categories of punishments applied by the courts, the statistics shows that out of the 48 persons, with respect to whom sentences were pronounced,

- 39 persons were convicted with imprisonment, for committing *trafficking in human beings*,
- 8 people were convicted, with imprisonment, for committing *child trafficking* offenses,
- one person who committed *trafficking in human beings* was sentenced to imprisonment with conditional suspension of the sentence execution.

However, while examining the THB criminal cases the courts used to make certain deviations as far as observance of the protection of the THB victims' rights is concerned and failed to undertake measures aimed at avoidance of their re-victimization. Existence of such cases indicates the need to supplement the education curricula and the programmes of training courses for judges with specific topics related to the hearing techniques for the THB victims of (adults and minors). These techniques should be based on practical cases and be developed from the perspective of observance of human rights and the protection of victims.

### 2.3.3. Sanctioning of legal persons

In 2016 the Licensing Chamber carried out the following actions falling under its competence:

#### **With respect to activities related to employment of citizens within the country and/or abroad:**

- **Suspension of 19 licenses** (legal grounds: Article 21 par. (2) (h), i), j) of Law no. 180-XVI of 10.07.2008 on labour migration; art. 20 par. (2) letter a) of Law no. 451-XV of 30.07.2001 on the regulation of the entrepreneurial activity via licensing "application to suspend the license submitted by the license holder");
- **Withdrawal of 15 licenses** (legal grounds: Article 21 par. (2) (a), (e), (f) of Law no. 451-XV of 30.07.2001 on the regulation of the entrepreneurial activity via licensing).

#### **With respect to tourism activities:**

- **Suspension of 6 licenses** (legal grounds: Article 20 paragraph (2) letter a) of the Law no. 451-XV of 30.07.2001 on the regulation of the entrepreneurial activity via licensing "Licensee's application for suspension", art. 14 par. (1) letter e) of Law no. 352-XV of 24.11.2006 on the organization and development of tourism activity in the Republic of Moldova);
- **Withdrawal of 17 licenses** (legal grounds: Article 21, paragraph (2) letter e) of the Law no. 451-XV of 30.07.2001 on the regulation of the entrepreneurial activity via licensing, art. 21 par. (2) letter a) of Law no. 451-XV of 30.07.2001 "Licensee's application for withdrawal", art. 14 par. (1) letter d) and i) of Law no. 352-XV of 24.11.2006 on the organization and development of tourism activity in the Republic of Moldova).



#### **2.3.4. Seizure and confiscation of the traffickers' assets**

Analysis of prosecution and examination of THB cases in 2016 indicates that prosecutors were active in conducting **parallel financial investigations** resulting in seizure of assets used in crime committing or being a product crime committing, in view of their subsequent confiscation to the benefit of the state.

In the period under consideration, in THB cases and related offenses, seizure was applied with respect to 2 cars, a dwelling house and money in an amount of 54813 MDL.

In sentences pronounced with respect to the same categories of offenses, the courts ordered *special confiscation* of 4 mobile phones, a tablet, 23 monitors, 16 processors, 14 system blocks, 13 web cameras, 15 illuminating devices, 4 information storage devices and money in the amount of 80400 MDL.

#### **2.3.5. Compensation for the prejudice caused to victims of trafficking in human beings**

The following is stated with respect to actions aimed at the compensation for the **prejudice caused to THB victims**.

In 2016, in 3 court cases, while pronouncing the sentence, additionally to the criminal aspect of the sentence, the courts made also reference to the civil aspect of the issue. Thus, the court ordered the smugglers to pay certain amounts of money. In two cases of victims' exploitation via begging, the court ordered each defendant to pay the amount of 30000 MDL. In another case of a victim's sexual exploitation the court ordered the defendant to make the payment of 15000 MDL to the benefit of the victim.

In this context, Law No. 137 adopted on 29.07.2016, which is envisaged to enter into force as of 01.01.2018, includes a section referring to the financial compensation, according to which the competent public authorities are supposed to create a mechanism facilitating the granting of such financial compensation. Additionally, the Law stipulates the employment by the Ministry of Justice of additional staff (one unit), responsible for the subsequent implementation of this Law.

#### **Conclusions:**

- a 20% decrease of the recorded number of THB offences took place in comparison with the number of offenses recorded in 2015;
- an 30% increase of the number of cases finalised with sentencing of perpetrators took place in comparison with the number of such cases recorded in 2015, thing explained by an increased responsibility of prosecutors and judges as far as observance of reasonable deadlines of examination of THB cases is concerned;
- in the period under consideration the activity of economic entities connected with employment of citizens within the country and/or abroad was subject of monitoring;
- measures were taken by prosecutors to facilitate seizure and confiscation of assets belonging to traffickers;
- an increased number of sentences pronounce in criminal cases referred, additionally, to civil actions to the benefit of injured parties, stipulating the collection of a compensation to repair the committed damage.

### **PARTNERSHIP**

#### **2.3.2. Transnational partnership**

In 2016, representatives of diplomatic missions and consular services of the Republic of Moldova carried out more than 70 meetings with competent authorities in the countries of destination pursuing the purpose to facilitate the identification of potential THB victims among the illegal immigrants and unaccompanied minors, preliminary to their repatriation.

In this respect, a number of consultation reunions were held in the consular area<sup>6</sup>, including the following: *Moldovan-Ukrainian consultation reunion at the consular area level (24 February 2016, Chisinau)*, *Moldovan-Italian consultation reunion at the consular area level (17 March 2016, Chisinau)* *Moldovan-Turkish consultation reunion at the consular area level (6 September 2016, Ankara)*. Similar to previous years (2012-2016) the Emirates representatives in 2016 did not honour the Moldovan request to hold consular consultations.

### **2.3.3. International legal cooperation operations**

In 2016, the **CCTP** cooperated with the following partners:

- Law enforcement agencies of the State of Kuwait, which made possible the identification of a potential THB victim, the latter having been repatriated later to the Republic of Moldova;
- Law enforcement agencies from Spain; the liaison officer, Spain attache in Bucharest, and the CCPI collaborated and arrested in flagrante a citizen of Romania while the latter was transporting a person to Spain for sexual exploitation;
- Law enforcement agencies of Germany; the liaison officer - attache of the Embassy of Germany in Bucharest, and the CCPI collaborated and carried out information exchange. Based on information submitted by law enforcement agencies of the Republic of Moldova, the German authorities carried out parallel investigations in connection with a initiated THB criminal offence;
- Law enforcement agencies of Austria, with the assistance of which a THB victim of sexual exploitation was identified and located; the latter was repatriated to the Republic of Moldova.
- France police bodies, via BNC Interpol; assistance in gathering additional information about the transportation vehicles of four suspects, involved in the facilitation of transportation to France of 5 victims from the Republic of Moldova. They created an artificial debt for these victims in France and forced them to provide sexual services against payment.
- Israel Embassy in the Russian Federation, Moscow. With the assistance of the Israeli police liaison officer, information of operative interest was collected for the purpose of documentation of a specialized group involved in organizing THB for labour exploitation of Moldovan citizens in the State of Israel.
- The liaison officer of the German Embassy in Bucharest; assistance was provided to identify the suspected persons engaged in international pimping and in the use of the German phone subscription for criminal activity. A procedure for the creation of joint investigative teams was initiated.

**The General Prosecution Office** submitted to the competent authorities of other states 7 requests for letters rogatory referring to the criminal offenses under art. 165 of the Criminal Code and art. 206 Criminal Code, out of which: 5 requests were sent to the competent authorities of Russia, 1 - to Cambodia and 1 - to Portugal. Out of the total number of requests: 4 were executed, and in 3 cases no answers were received. In its turn, in 2016 the General Prosecution Office received 2 requests for letters rogatory on the criminal cases concerning offences falling under article 165 of the Criminal Code and article 206 of the Criminal Code, out of which a request came from the law enforcement agencies of the Russian Federation and a request from Belgium.

Also the Ministry of Justice examined and fulfilled a request for legal assistance received from the competent authorities of Turkey and submitted a request for legal assistance to the Russian Federation.

### **2.3.4. National partnership**

In 2016 public authorities in partnership with non-governmental and international organizations carried out a number of operations aimed at the THB prevention, assistance and protection of the the

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<sup>6</sup> See details in Annex no. 1 to this report

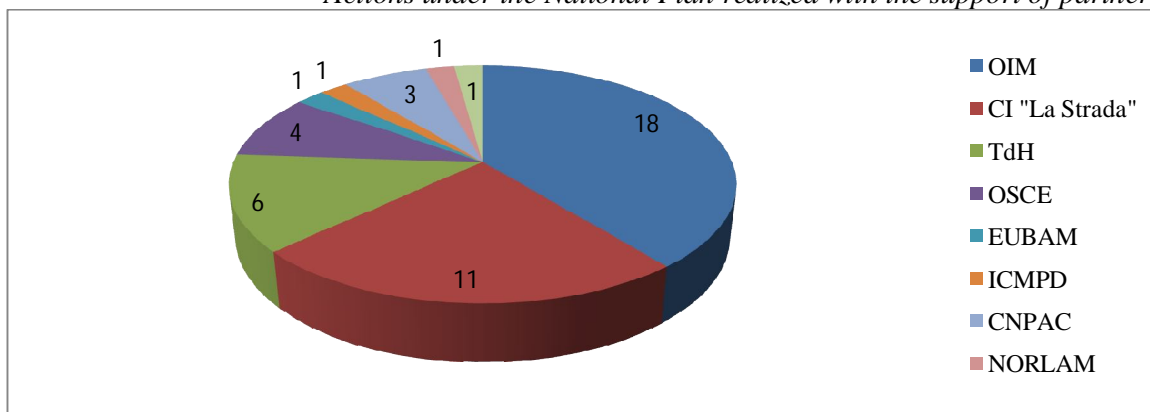
THB victims. *Diagram no. 8* illustrates the support provided by partners in the realization of the activities included in the Plan of Actions.

Pursuing the aim to ensure the continuation of good relations and mutual support in combating THB, on 28 December 2016, the CCTP and CAP signed an agreement on the establishment and implementation of activities related to the protection and promotion of human rights and the rights of the THB victims.

Also, much attention was given to strengthening partnerships with the local level NGOs, for which purpose 3 workshops were organised on capacity building of specialists involved in this area, representing the APL and the local NGOs. The topic covered in these workshops was the attraction of financial resources for the development of social services for THB victims within the NRS framework. The workshops were attended by the Secretaries of the territorial commissions and the representatives of local NGOs.

**Chart no. 10**

*Actions under the National Plan realized with the support of partners*



#### **Conclusions:**

- Actions were undertaken to strengthen partnerships with the local level NGOs;
- cooperation between the specialists of public institutions with the experts from similar institutions of other states are still facing a number of shortcomings;
- there are difficulties in obtaining answers to applications for rogatory letters, which makes impossible the examination of the transnational THB cases.

### **III. RECOMMENDATIONS**

**The following is recommended based on activities carried out in 2017:**

- Training for relevant specialists to carry out implementation of *Law No. 137 of 29.07.2016 on the rehabilitation of victims of crimes*;
- Training of specialists employed in law enforcement bodies, in line with the new trends in this area and from the perspective of observance of the THB victims' rights in the process of investigation and examination of THB cases;
- Training of specialists from the multi-disciplinary teams (EMT);
- Training of health care specialists in issues dealing with the identification and prevention of potential cases of THB for the withdrawal of organs purpose;
- Strengthening the monitoring mechanisms of the private employment agencies of citizens engaged in employment abroad, including via the exchange of experience for pupils and students;
- Cooperation with the agricultural sector, including with the livestock farming of sheep and goats, in order to prevent the labour exploitation of citizens within the country;

- Institutionalization of the National Coordinating Unit within the MLSPF by adding/modifying the staffing of this institution;
- Strengthening the activity of the territorial commissions and of the multi-disciplinary teams in the planning and partnership area at the local level, exchanges of best practices and attraction of additional funding;
- Improvement of the repatriation (adults/children) and of the financial mechanisms;
- Development of a financing mechanism for specialised social services;
- Realization of awareness raising actions for the general public, dedicated to the prevention of the phenomenon, in particular with regard to legal and safe employment, both within the country and abroad.