



UNODC Human Trafficking and Migrant Smuggling Section

**Project title: “Improving Criminal Justice Responses to Trafficking in Persons in
South Eastern Europe with a focus on Moldova”**

2013 Assessment Report

**Targeted needs assessment of the legislative framework and institutional capacities of the
criminal justice response in the area of anti-trafficking in persons in the Republic of Moldova**

Vienna, March 2013

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**ACRONYMS**

THB	Trafficking in human beings
TIP	Trafficking in persons
GRETA	Group of Experts on Action against Trafficking in Human Beings
OSCE	Organization for Security and Co-operation in Europe
UPR	Universal Periodic Review
SEE	South East Europe
CCTIP	Inter-Agency Center for Combating Trafficking in Persons
UN	United Nations
US TIP Report	United States Department of State Trafficking in Persons Report
NGO	Non-governmental organization
NRS	National referral System
NAP	National Action Plan
IOM	International Organization for Migration
PS	Permanent Secretariat of the National Committee to Combat Trafficking in Human Beings



1. Executive Summary

Trafficking in persons remains a major concern for Moldova and for countries in SEE. According to the trafficking database of the UNODC, in global comparison Moldova is one of the main countries of origin for trafficking victims. Over the last years, Moldova has undertaken a host of anti-trafficking efforts including establishment of a National Committee, adoption of National Action Plans, creation of a specialized police unit, designation of focal points within the office of the Prosecutor General, establishment of an Inter-Agency Center for Combating Trafficking in Persons (CCTIP) and reform of criminal legislation especially the Criminal Procedure Code and Criminal Code.

This assessment is an activity within the UNODC project “Improving Criminal Justice Responses to Trafficking in Persons in South Eastern Europe with a focus on Moldova” (Project). The Project is primarily designed to improve the criminal justice responses of Moldova to trafficking in persons through increasing operational capacity to investigate and disrupt human trafficking activities. It also aims at enhancing regional cooperation among justice and home affairs institutions of Moldova and identified countries in the SEE region, through intensive international knowledge exchange, institutional strengthening and capacity building measures.

Enhanced knowledge on the existing legislation and national responses in addressing human trafficking by national law enforcement/criminal justice institutions will contribute to the development of adequate policies, the planning of future interventions and the provision of effective responses to the existing problem. Strengthening of criminal justice responses to trafficking in persons in Moldova within the Project will be achieved through national capacity building based on a needs assessment and enhancement of regional cooperation among justice and home affairs institutions of Moldova and the target countries in the SEE region.

This assessment will strive to identify the existing national responses in addressing human trafficking by national criminal justice institutions in Moldova and highlight remaining needs and gaps in capacity. Thereafter, a set of recommendations will be proposed to stakeholders on how to better address those problems through the Project. The assessment is targeted in its scope and focused predominantly on criminal justice responses to THB, and it is aimed at collecting, systematizing and analyzing evidence-based information which will in turn facilitate ownership by the national authorities for implementation of the Project.

The assessment is a combination of an open source desk research and a field mission to the Republic of Moldova by UNODC representatives from 11-14 March 2013, which incorporated a series of meetings with representatives of the central national authorities dealing with THB, in order to prioritize in partnership a set of activities to be delivered by the Project. The assessment report acknowledges findings of all recent reports and recommendations made by relevant international instances (UNODC Global Report on TIP, GRETA, TIP report of the USA Department of State, UPR, Report by OSCE Special Representative and Coordinator for Combating THB, International Center “La Strada”, Moldova etc.), and is also in line with UN-Republic of Moldova Partnership Framework 2013-2017¹.

¹ The United Nations – Republic of Moldova Partnership Framework 2013-2017, signed on 20 December 2012



2. Introduction

i) United Nations response to trafficking in persons

On 25 December 2003, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking in Persons Protocol), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC)², entered into force. Trafficking in persons was thus clearly defined and recognized by the international community as a serious organized criminal activity. By ratifying the Protocol, States Members of the United Nations demonstrated their commitment to combating this crime. As of August 2012, 170 countries had ratified the Protocol.

In July 2010, the General Assembly marked another milestone in the multinational effort to combat human trafficking, by adopting the United Nations Global Plan of Action to Combat Trafficking in Persons. The Global Plan of Action lists a number of specific provisions to be adopted by the international community to promote universal ratification and to reinforce the implementation of the Protocol. For instance, the Global Plan of Action also prompted the creation of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children.³ The Global Plan of Action also called for an increased knowledge base with regard to trafficking in persons, in order to facilitate the creation and implementation of evidence-based programmatic interventions. In paragraph 60 of the Plan of Action, UNODC is assigned the mandate and duty to collect relevant data and report on trafficking in persons patterns and flows at the national, regional and international levels⁴.

ii) Republic of Moldova and South Eastern Europe

The regular monitoring of the implementation of the UNTOC and its supplementing Protocols, in particular the Trafficking in Persons Protocol, indicate that the criminal justice systems in South Eastern Europe (SEE) are still not sufficient enough to provide effective responses to human trafficking, despite the existence of relevant national legislation, action plans and respective structures.

Among SEE countries Moldova was identified as a major source country, and, to a lesser extent, a transit and destination country for women and girls trafficked for sexual exploitation, and for men, women, and children trafficked for forced labour exploitation. Moldovan women are subjected to forced prostitution in Turkey, Russia, Cyprus, the United Arab Emirates, Austria, Bulgaria, Germany, Kosovo, Israel, Indonesia, Malaysia, Lebanon, Italy, Greece, Ukraine, the Czech Republic, Romania, Poland, Slovenia, Spain and Tajikistan. Men, women, and children are subjected to conditions of forced labour in Russia, Ukraine, Turkey, UAE, Israel, Greece, and the United States in the construction, agriculture, and service sectors. Men, women, and children are also subjected to conditions of forced labour and sexual exploitation in Slovenia, Spain, the Netherlands, and Ukraine. According to various global and regional reports, such as GRETA and the 2012 Trafficking in Persons Report of the U.S. Department of State, though the Government of Moldova is making significant efforts to do so, it does not fully comply with the minimum standards for the elimination of trafficking.

²GA resolution 55/25 of 15 November 2000

³ See www.unodc.org/unodc/en/human-trafficking-fund/human-trafficking-fund.html.

⁴ Request the Secretary-General, as a matter of priority, to strengthen the capacity of the United Nations Office on Drugs and Crime to collect information and report biennially, starting in 2012, on patterns and flows of trafficking in persons at the national, regional and international levels in a balanced, reliable and comprehensive manner, in close cooperation and collaboration with Member States, and share best practices and lessons learned from various initiatives and mechanisms. (Assembly resolution 64/293, paragraph 60). This mandate was reiterated by the Commission on Crime Prevention and Criminal Justice in April 2011, while further affirming the intention of Member States to collaborate with UNODC for the production of more comprehensive assessments and systematic monitoring of trafficking in persons.



3. Legal and regulatory framework

A) The legal framework in Moldova

The Republic of Moldova ratified the Trafficking in Persons Protocol on 16 September 2005.

At the end of 2005, the Moldovan Government passed the Law on the Prevention and Combating of Trafficking in Human Beings⁵ (“Anti-Trafficking Law”) consistent with its first National Plan to Prevent and Combat Trafficking in Human Beings (“National Plan”)⁶. Aligned with, and even surpassing in some instances, its obligations under the Trafficking in Persons Protocol, the Anti-Trafficking Law provides a solid normative base for setting forth standards concerning the provision of services to, and the protection of, victims of trafficking in Moldova.

The current legislation on trafficking in persons in the Republic of Moldova covers all forms of exploitation indicated in the Trafficking in Persons Protocol. Two different offences are used to criminalize human trafficking: Art.165 (trafficking in human beings) and Art. 206 (trafficking in children)⁷ of the Criminal Code.

i) Primary legislation⁸

Law No. 241-XVI on Preventing and Combating of Trafficking in Human Beings (2005)

Law on Ratification of the Council of Europe Convention (Lanzarote Convention) on the protection of children against sexual exploitation and sexual abuse (19 December 2011)

Law on Police and on the Status of Policeman (5 March 2012).

Law on modification and amending the Criminal Code and Criminal Procedure Code in order to adjust the national legislation to the provisions of the Lanzarote Convention (12 April 2012)

Law on Operative Investigation Activity (1994 as amended 2003)

Criminal Code (2002, as amended 2006)

Law on Refugee Status (2002)

Administrative Offences Code (1985)

Law on State Protection of the Victim, of Witnesses and Other Persons who Provide Assistance in Criminal Proceedings (1998).

ii) Secondary legislation⁹

National Plan for Preventing and Combating of Trafficking in Human Beings for 2012-2013

Decision no. 599 from 31 July 2012, Official Gazette no. 165 from 7 August 2012

Decision of the Plenum of the Supreme Court of Justice on application of legislative provisions in cases of trafficking in human beings and trafficking in children (2004)

Government Decision No.775 on the approval of amendments and completions to the Government Decision No. 1219/2001 on the approval of the nominal composition of the National Committee to Combat THB and of the National Plan of Action for combating THB.

⁵ Law on the Prevention and Combating Trafficking in Human Beings, No. 241-XVI, 20 October 2005.

⁶ Government Decision No. 903, 25 August 2005

⁷ 2012 UNODC Global Report - Country Profile: Republic of Moldova

⁸ <http://legislationline.org/topics/country/14/topic/14>

⁹ <http://legislationline.org/topics/country/14/topic/14>



***B) Trafficking in persons in Moldovan criminal law*¹⁰**

The Criminal Code of the Republic of Moldova (CCRM) criminalizes trafficking in persons separately from trafficking in children. The Criminal Code relates the crime of trafficking in persons (Article 165 of the CCRM) to the crimes against freedom, honour and dignity of a person (Chapter III of the CCRM), and the crime of trafficking in children (Article 206 of the CCRM) is classified as crime against family and juveniles (Chapter VII of the CCRM).

An analysis of Articles 165 and 206 of the Criminal Code of Moldova shows that under criminalization the provisions of UNTOC were almost completely transferred to the criminal legislation of the Republic of Moldova and became elements of legal construction of two crimes - trafficking in persons and trafficking in children.

It should also be noted that under the criminalisation of trafficking in persons/children in Moldova the legal constructions of these crimes included some additional elements which did not appear in UNTOC and which made the legal constructions of these crimes even more sophisticated. Thus, the Articles 165 and 206 of the CCRM included some additional means of exploitation which are not stated in UNTOC such as “using people in armed conflicts”, “using people in criminal activities”, “removal of tissues for transplantation”. Besides, the Article 206 included such purposes of exploitation of children as “exploitation in a pornographic industry”, “abandonment abroad”, “sale or purchase”, “exploitation in slavery or in conditions similar to slavery including illegal adoption”.

The legislation provides severe penalties for committing crimes stipulated in Article 165 and 206, from 5 years of imprisonment up to life imprisonment. It should be mentioned that in a similar form as Articles 165 and 206 of the CCRM are currently presented in Moldovan legislation, they have been used since 2003 when the current Criminal Code entered into force. These articles have already been amended several times, but they still remain a challenge when applied in practice. In order to harmonize the legal framework in the anti-trafficking field, an expert group was created to review current legislation. In order to simplify the legal construction of a crime, it is important to make it more understandable and convenient for practical use.

Besides Articles 165 and 206 of the CCRM, relevant articles concerning anti-human trafficking are Article 207 (Illegally taking children out of the country), Article 220 (Pimping) and Article 362 (Organization of illegal migration).

Despite the efforts in enacting of anti-trafficking legislation and policy, there is still a need to enhance the capacity of law enforcement, prosecutors, judges as well as public officials in social and education services to secure a thorough and accurate understanding and implementation of all its provisions¹¹. There is also a concern about reports of frequent reclassification of cases from arts. 165 and 206 to art. 168, as well as with the implications of such reclassification in terms of victim assistance, protection of rights and access to effective remedies. A recent report on trafficking in persons in Moldova¹² indicates that Moldovan prosecutors frequently reclassified cases of labor trafficking from articles 165 and 206 to article 168, which also criminalizes forced labor. Article 168, however, prescribes lighter penalties with a maximum of only three years' imprisonment and the possibility of probation or dismissal of the case if the parties achieve reconciliation. Therefore the Moldovan authorities are encouraged to examine and address these inconsistencies in the legislation, as well as in its implementation.

The report of International Center “La Strada Moldova”¹³, Moldova on forced labour exploitation stressed the sophisticated legal construction of the crime of trafficking in persons in the criminal law, which gives certain freedom to the law-enforcement but on the other hand complicates collection of evidence related to the committed crime. The report again found that many cases which are initially classified as trafficking in persons

¹⁰ Source: 2011 International Center “La Strada”, Moldova, Trafficking in Persons for Forced Labour Exploitation in the Republic of Moldova. Problems and Solutions

¹¹ 2011 OSCE Report

¹² 2012 US TIP Report - Moldova (p. 250-252)

¹³ Trafficking in Persons for Forced Labour Exploitation in the Republic of Moldova. Problems and Solutions, International Center “La Strada”, Moldova, 2011



are reclassified under other articles of the Criminal Code after being heard in the courts of law. According to the Supreme Court of Justice of the Republic of Moldova, this is due to poor judicial practice in these cases, insufficient knowledge of legislation on the subject by some judges, and lack of clarification on many issues relating to application of this legislation.

4. National coordination mechanisms: policy formulation, monitoring and evaluation

A) Moldova - National Plan to Prevent and Combat Trafficking in Human Beings for 2012-2013

In July 2012 the Government of the Republic of Moldova adopted the National Plan to Prevent and Combat Trafficking in Human Beings for 2012-2013 (NAP). Elaborated with the support of the main counter-trafficking actors from Moldova, representatives of the competent governmental structures competent in prevention and combating human trafficking, non-governmental and inter-governmental organizations implementing different projects in this field.

The NAP is based on the monitoring results and external evaluation (the first report of GRETA 2012, the TIP report of the USA Department of State for 2011, UN recommendations in the framework of Universal Periodic Review, report by OSCE Special Representative and Co-ordinator for Combating THB following the visit to Moldova in 2011, etc). The current Plan is the fifth one in the field and the first one elaborated by the Permanent Secretariat of the National Committee to Combat Trafficking in Human Beings, which has been created under the Government of the Republic of Moldova in August 2011. Creation of the Permanent Secretariat (PS) has allowed authorities to enhance cooperation in anti-trafficking field and improve the elaboration of anti-trafficking policy in the country. For the first time since 2001, the NAP is based on the results of the monitoring of the implementation of the previous plan for 2010-2011, conducted by the Permanent Secretariat.

The PS is the operational unit of the National Committee for Combating Trafficking in Human Beings which is a consultative body of the Government. PS is part of the State Chancellery, with no separate bank account and no right to legal initiative. PS currently employs three staff and among them two are paid by IOM Office in Moldova's project funded by Danish Government until end of 2013, as only the Head of PS is employee of the Government of the Republic of Moldova. A future plan for the PS is to be transformed into National Co-ordinator / National Rapporteur, and this was recommended by PS to the National THB Committee. Thus far, 70% of current NAP activities are implemented and draft NAP Report 2012 is prepared with two annexes (NAP implementation and territorial committees), and it will be placed in April 2013 on website of the Government of the Republic of Moldova.. An international expert was engaged to produce a study on compensation of THB victims in the Republic of Moldova, as per GRETA recommendation. An initiative by PS to amend the legal framework and introduce harsher penalties, in particular for public officials is in progress.

i) National Committee for Combating Trafficking in Human Beings

The National Committee for Combating Trafficking in Human Beings ("the National Committee") was established in 2001. It is a permanent consultative body of the Moldovan Government, created with the aim of coordinating the activities of relevant bodies. Amongst the functions of the National Committee are: making policy proposals to the Government concerning combating THB; supervision of the implementation of the activities included in the National Plan; collection and analysis of information concerning the scale and trends of THB; drafting proposals for legal improvements; organising awareness-raising campaigns; and coordinating the activities of the territorial commissions. The National Committee periodically evaluates the implementation of the National Plan and reports to the Government.

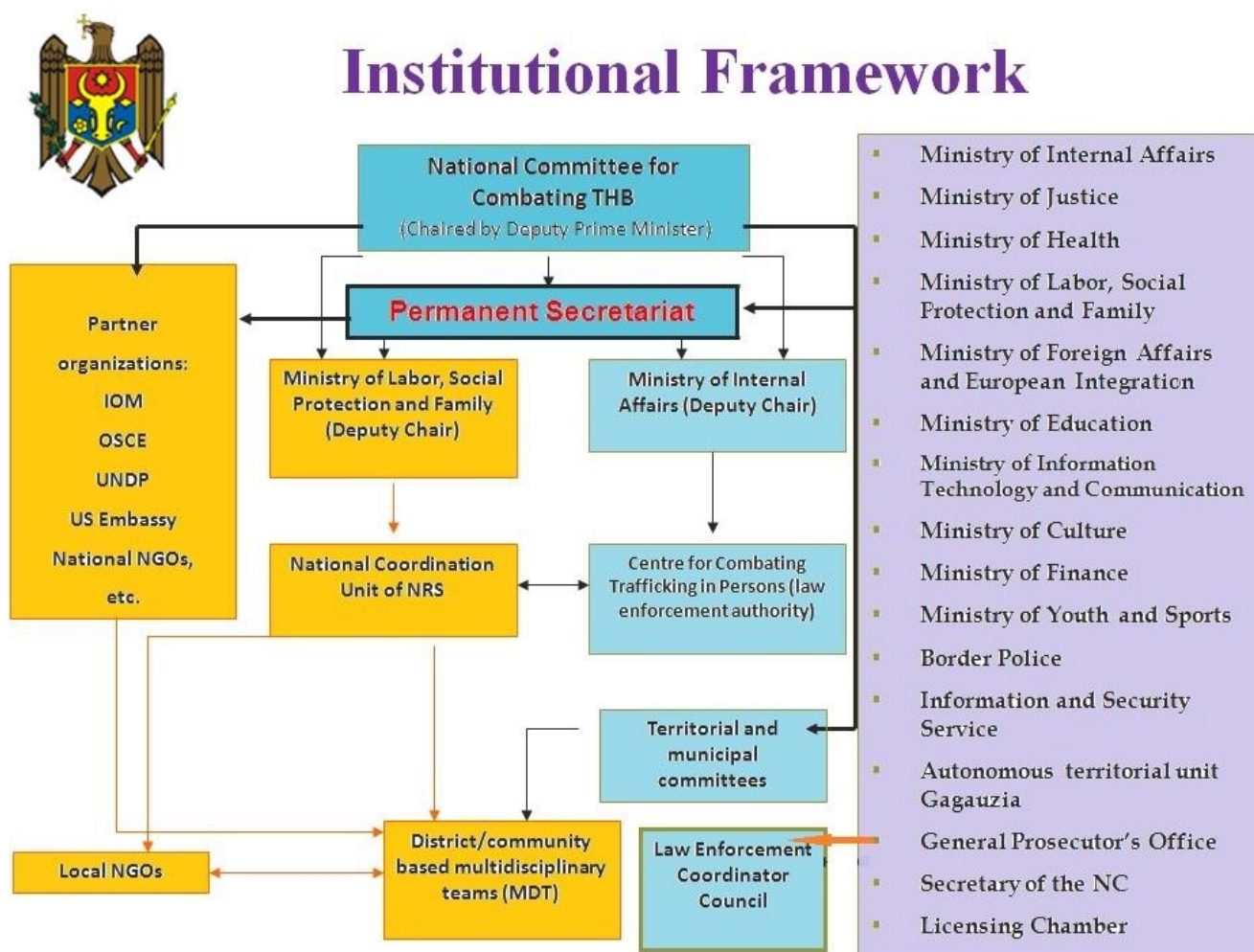
The establishment of a dedicated Permanent Secretariat to support the work of the National Committee and to guide the development of the NAP is of a great importance to the criminal justice response to human traffick-



ing in the Republic of Moldova, and all efforts should be made in continuing to build the capacity of the PS and ensuring that it is appropriately resourced to carry out its work.

The NRS expanded to four more regions in 2011 and now covers all 32 regions in the country¹⁴. Each region has a multidisciplinary team composed of representatives from the police, NGOs, and care providers that is tasked with identifying and assisting trafficking victims and persons vulnerable to trafficking. The government encouraged all victims to assist law enforcement with trafficking investigations and prosecutions, and did not make assistance contingent upon their cooperation. However, a draft amendment to the Law on Foreigners requires foreign victims in Moldova to participate in the criminal case as a precondition to receiving a residence permit.

ii) Institutional Framework of the National Counter-Trafficking System¹⁵



Source: 2011 GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova

¹⁴ 2012 US TIP Report – Moldova, p. 250-252

¹⁵ Source: 2011 GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova



B) Monitoring and Evaluation

Despite promises to establish a national trafficking statistics database, the government has made little progress in doing so. The Government of Moldova has provided very limited information on other cases against public officials moving from investigation to trial. Some anti-trafficking experts noted concerns of complicity in human trafficking cases within the judicial branch¹⁶. PS is developing a database for harmonized and disaggregated national statistics on THB which is currently in a pilot phase, and it is working on establishing a THB website which will be operational in 2013

5. Investigations and court proceedings in cases of trafficking in persons

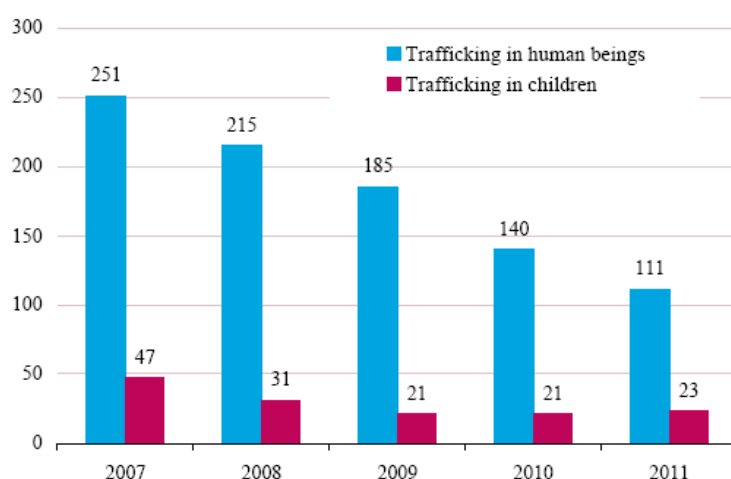
Trafficking in persons is a complex crime comprising a multitude of different criminal elements. This makes appropriate and effective investigations very challenging. Moreover, the way that the media portray trafficking in persons often creates stereotypes of both victims and offenders that criminal justice authorities must overcome in order to pursue intelligence-led investigation and prosecution techniques.

Due to the complexity of investigating cases of trafficking in persons, it is recommended that States have specialized anti-human trafficking law enforcement units in place. However, it is also important that guidelines and access to basic investigative and identification techniques be available to all front-line police units.

In the criminal system of Moldova the prosecutor is in charge of initiating and supervising criminal proceedings, and the government assigned five prosecutors to focus solely on investigating and prosecuting trafficking cases. In addition, prosecutors and judges play an important role in ensuring that the victim is not further traumatized through the criminal court proceedings.

A) Investigations and court proceedings in Moldova

i) Number of persons prosecuted for trafficking in persons, by offence, 2007-2011¹⁷

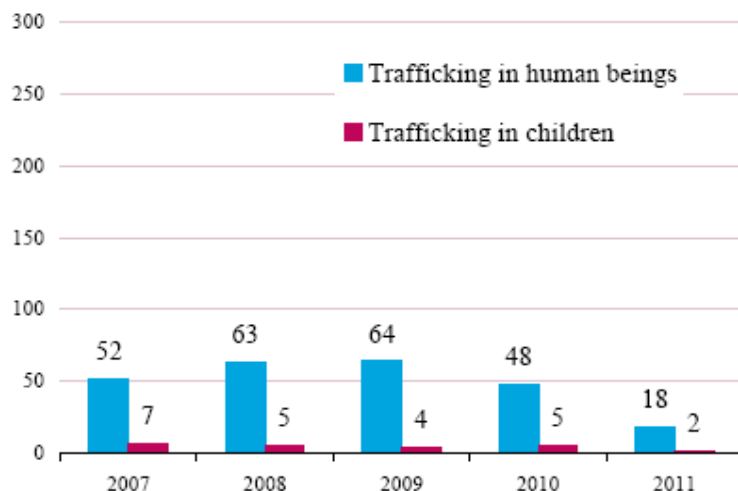


¹⁶ 2012 US TIP Report – Moldova, p. 250-252

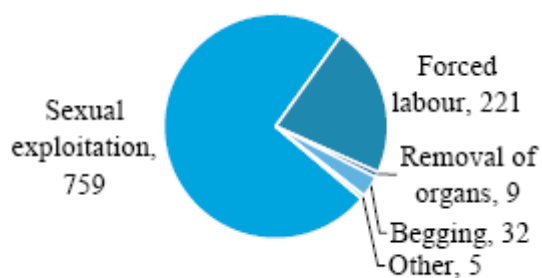
¹⁷ Source: UNODC 2012 Global Report on Trafficking in Persons – Country Profile: Republic of Moldova



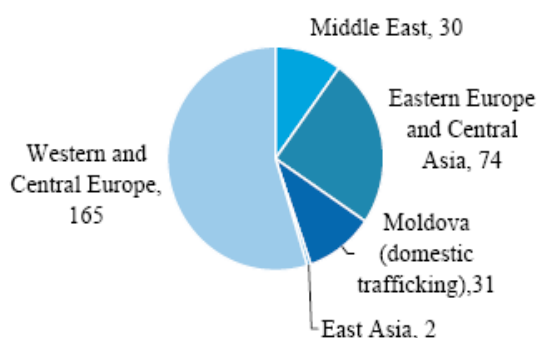
ii) Number of persons convicted for trafficking in persons, by offence, 2007-2011¹⁸



iii) Number of cases of trafficking in persons, by form of exploitation, 2007-2011¹⁹



iv) Moldovan victims of trafficking, by country of destination, 2009-2010²⁰



According to the 2012 US TIP Report for Moldova²¹, despite increased prosecutions in comparison to the previous year, the number of convictions declined and the proportion of convicted offenders receiving prison

¹⁸ Source: UNODC 2012 Global Report on Trafficking in Persons – Country Profile: Republic of Moldova

¹⁹ Ibid

²⁰ Ibid



sentences declined as well. The same document reports the persistence of widespread corruption in the police and judicial system, that no officials were convicted for trafficking-related offences, and that the government did not show sufficient progress in addressing widespread complicity in trafficking by law enforcement and other public officials. The report refers to inadequate witness protection provisions by the Government for some victims waiting to testify in court. On the other hand, the government provided anti-trafficking training through mandatory curriculum in the police academy for police officers, and anti-trafficking trainings for judges and prosecutors.

In its report on trafficking in persons for forced labour, International Center “La Strada”, Moldova stated that the articles 165 and 206 of the Criminal Code of the Republic of Moldova include various forms of exploitation, which makes these articles quite difficult to understand and creates impediments for its effective use in practice. 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, organization of their work and shortage of necessary resources.

The Special Representative considers that increased attention and efforts should be paid to further strengthening the child protection system at the local and community levels²², expresses concern about the indications that women constitute a significant portion of those prosecuted and convicted for trafficking and calls for a closer qualitative analysis of the data on women perpetrators. The Special Representative draws the attention of the authorities to recent research on judicial practice in THB cases, reports instances of lack of proper application of the law resulting in incorrect qualification of the crime, and instances of unjustified acquittal of the offender. S/he also refers to unreasonably lenient penalties, as well as overreliance on the testimony of the victim and instances of re-victimization of victims/witnesses and of cases frequently reclassified from trafficking to migrant smuggling or pimping, or from trafficking for labour exploitation to forced labour or organized begging.

B) UNODC Case Law Database– Moldova²³

UNODC has developed a human trafficking case law database to provide immediate, public access to officially documented instances of this crime. The database aims to assist judges, prosecutors, policy-makers, media researchers and other interested parties by making available details of real cases with examples of how the respective national laws in place can be used to prosecute human trafficking. Since its launch, around 800 selected cases from over 70 countries and three supranational courts have been uploaded.

By creating the database, UNODC is working to increase the visibility of successful prosecutions and at the same time promote awareness of the realities of this devastating crime. Such a database of human trafficking cases enables users to take experiences and court decisions from other countries into account when dealing with human trafficking issues, consult on practices in different jurisdictions and broaden their knowledge of human trafficking crimes.

Currently there are 60 cases from the Republic of Moldova in the database covering the period of 2008 (6), 2009 (22), 2010 (25), 2011 (7).

Victim's Nationality	Defendant's Gender	Categories
Moldovan (15)	Female (45)	Exploitation of the prostitution of others or other forms of sexual exploitation (53)
Ukrainian (1)	Male (21)	
Victim's Gender	Defendant's Nationality	Commercial sexual exploitation (52)

²¹ Pages 250-252

²² 2011 OSCE Report

²³ http://www.unodc.org/cld/search.aspx?f=en%23caseLaw%40country_label_s%3AREpublic%2Fof%2FMoldova



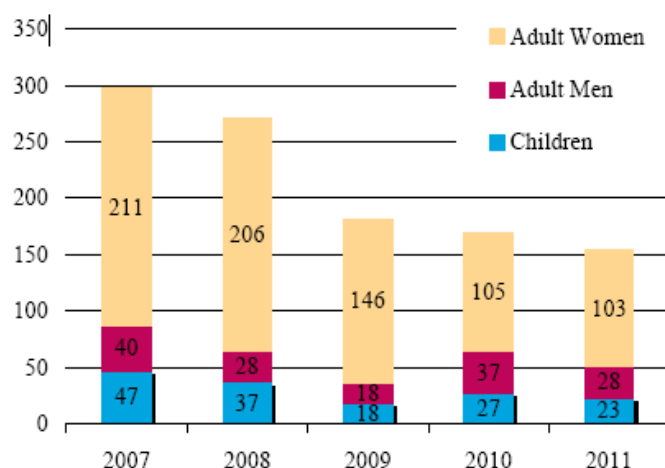
Child (4)	ty	Abuse of power or a position of vulnerability (25)
Female (57)	Moldovan (47)	Forced labour or services (6)
Male (3)	Romanian (2)	Agriculture (2)
	Turk (2)	Domestic servitude (2)
	Ukrainian (1)	Begging (1)
	Verdict	Transnational (58)
	Guilty (47)	Deception (52)
	Not guilty (18)	Recruitment (56)
		Transportation (54)
		Harbouring (4)
		Receipt (2)
		Threat or use of force or other forms of coercion (3)

6. Identification of persons presumed to have been trafficked

The government and IOM, which worked together in implementing the NRS, identified 98 victims in 2011, compared to 139 in 2010. This represents a three-fold reduction in the number of victims identified by IOM and the government since 2006²⁴ (see figure ii below).

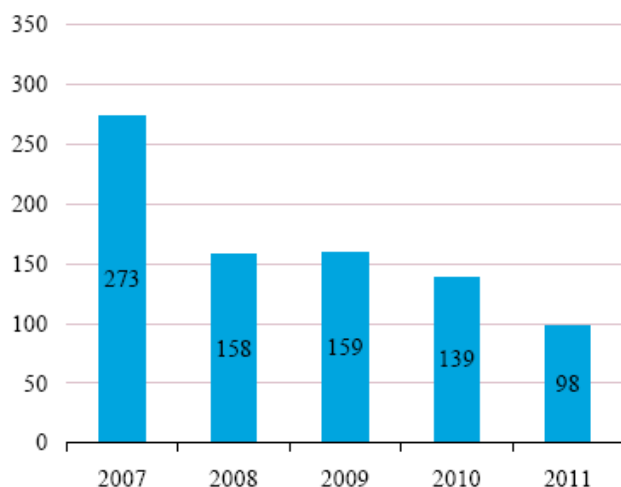
A. Victim Identification in Moldova

i) Victims of trafficking in persons by age and gender, 2007-2011²⁵



²⁴ 2012 US TIP Report – Moldova, pages 250-252

²⁵ Source: UNODC 2012 Global Report on Trafficking in Persons – Country Profile: Republic of Moldova

**ii) Victims of trafficking in persons officially returned from other countries, 2007-2011²⁶****B) Position of Victims in Criminal Proceedings in Moldova**

Moldovan law enforcement authorities have demonstrated efforts to protect and assist child victims of trafficking by more consistently involving NGO service providers early in the investigative process and adopting victim-centered interview techniques.

The government encourages all victims to assist law enforcement with trafficking investigations and prosecutions, and do not make assistance contingent upon their cooperation.

The Special Representative of OSCE in its report²⁷ expressed concern about reports that signal challenges in ensuring the protection of rights of victims and witnesses, including children. For example, there are reports of direct threats made to the victim in court with no action taken by the judge or prosecutor, repeated questioning of the victim, inappropriate and unrelated questions about the intimate life of the victim, and inadequate information of injured parties and witnesses about their rights. In the report the importance of providing legal aid to victims, in particular support for their access to effective remedies, including compensation.

C) Support and assistance structures for victims of TIP in Moldova

The existing human rights framework ensures a specific set of rights for victims of human trafficking, including through the application of the principle of non-discrimination, safe and fair treatment, access to justice, access to private action and repatriation, residence status, access to health and other services, safe and dignified return, and social inclusion.

Providing adequate assistance and protection to victims serves to both support the victim and prosecute the offender. The main objective of support measures is to reduce the suffering and harm caused to victims and to assist in their recovery and rehabilitation. From a law enforcement perspective, adequate victim assistance may, moreover, encourage the victim to cooperate with and assist investigators and prosecutors.

Moldovan victims of trafficking have been subjected to re-trafficking after their return to Moldova from foreign countries²⁸. Although compensation for victims of crime is guaranteed by international law (the main instruments being UNTOC, art. 25, para. 2, and the Trafficking in Persons Protocol, art. 6, para. 6). The cur-

²⁶ Source: UNODC 2012 Global Report on Trafficking in Persons – Country Profile: Republic of Moldova

²⁷ 2011 OSCE Report

²⁸ 2012 US TIP Report – Moldova, pages 250-252



rent anti-human trafficking framework, however, does not always provide institutionally established procedures to compensate trafficked persons.

7. International cooperation

Crimes related to trafficking in persons are often transnational in nature, which is why comprehensive, multi-agency and flexible cross-border cooperation is essential to ensure the appropriate prosecution of traffickers and to improve and fine-tune measures for protecting victims. UNTOC provides a framework for international cooperation aimed at combating organized crime in general; the Trafficking in Persons Protocol provides a more specific framework for international cooperation, for combating trafficking in persons.

Transnational judicial and law enforcement cooperation in the prosecution and investigation of organized crime can be accomplished at bilateral, regional, trans-regional and international levels. An important element of international cooperation is the harmonization of national legal frameworks that criminalize trafficking in persons, a transparent delineation of the respective criminal procedures that fall under national sovereignty, established mandated communication channels and the political will to prevent and combat trafficking in persons. Moreover, intergovernmental, international and regional bodies can make their respective international procedures available for prosecuting the crime and for supporting its victims.

The Republic of Moldova is an active member in all relevant regional institutions concerning international cooperation in criminal matters, such as Southeast European Law Enforcement Center (SELEC), Southeast European Prosecutors Advisory Group (SEEPAG), Police Cooperation Convention for Southeast Europe (PCC SEE), South-East European Cooperation Process (SEE CP) and Regional Cooperation Council for Southeast Europe (RCC SEE). During 2011, law enforcement officials worked with counterparts in Greece, Spain, Russia, Poland, Romania, and Ukraine to investigate transnational cases of human trafficking²⁹.

The National Virtual Center for SELEC and GUAM was established in 2006, and hosts liaison officers (5 police officers and 5 liaison officers) for fast, direct and real-time exchange of information and conducting different kinds of operations. As of 5 March 2013, it became the Centre for International Police Cooperation to coordinate with Interpol, Europol, SELEC and EUBAM (EU Border Assistance Management) and serves as link with national authorities.

8. Recommendations

- Continue strengthening the Permanent Secretariat and enhancing the budget of the National Committee for Combating Trafficking in Human Beings to ensure its effective functioning;
- Train the employees of the law-enforcement authorities and the judiciary in multidisciplinary teams, in order to enhance their level of knowledge about the problem of trafficking in persons;
- Build capacities for proactive instead of reactive investigation and for the use of advanced intelligence-led investigation techniques;
- Promoting efficient prosecution of money laundering and the use of financial investigations techniques from the very beginning of any THB investigation;
- Improve the efficiency of criminal prosecutions in this area and protection of rights of victims of trafficking;
- Improve child trafficking victim protection by continuing to encourage law enforcement officials, in both urban and rural areas, to consult with NGO experts during the victim interview process;

²⁹ 2012 US TIP Report



- Increase the safety of victims prior to testifying by increasing security at shelters, decreasing delays in court hearings, increasing prosecutions of witness tampering, and relocating witnesses when warranted; adequately inform and assist victims during the pre-trial and court proceedings;
- Harmonize legal framework in the anti-trafficking field through support of an existing expert working group;
- Simplify the legal construction of Articles 165 and 206 of the CCRM, which would enable more efficient criminal prosecutions;
- Improve of the mechanism for investigating and prosecuting the involvement of civil servants in THB cases;
- Strengthen the mechanisms for disciplinary accountability of law enforcement, prosecutors and judges for their acts or omissions harmful to the integrity of investigations, prosecution and court proceedings relating to THB;
- Take efficient measures for protection of witnesses during legal proceedings;
- Improve standards and practices to ensure compliance with data protection regulations during THB criminal proceedings;
- Develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors and allowing disaggregation of data (concerning sex, age, type of exploitation, country of origin and/or destination, etc.);
- Study good practices of other countries, and elaborate the mechanism of criminal investigation in cases of detection of illegal profit resulted from trafficking in human beings;
- Develop international cooperation channels with the countries of destination for trafficking in persons for the purpose of efficient prevention, detection and prosecution;
- Develop co-operation arrangements with States from which Moldovan nationals are repatriated with a view to facilitating the identification of potential victims of trafficking;
- Develop mechanisms to establish Joint Investigation Teams with States identified as destination countries for the trafficking of Moldovan nationals.