

REPUBLIC OF MOLDOVA
NATIONAL COMMITTEE FOR COMBATING TRAFFICKING IN
HUMAN BEINGS

PERMANENT SECRETARIAT

NATIONAL REPORT
on Preventing and Combating Trafficking in Human Beings for 2012



Chisinau
2013

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ABBREVIATIONS

TMA – Territorial Medical Association
IC „La Strada” – Public Association International Center „La Strada”
CPA – Central Public Authorities
LPA – Local Public Authorities
ATC - Anti-trafficking Community
CAP – Center for assistance and protection of victims and potential victims of trafficking in human beings, Chisinau.
NAC – National Anticorruption Center
CCTP – Center for Combating Trafficking in Persons
NC CTHB – National Committee for Combating Trafficking in Human Beings
NCPCR – National Council for Protecting Children’s Rights
CCLBGPO – Coordinating Council of Law-enforcement Bodies under the General Prosecutor’s Office
CIDCR – NGO Center for Information and Documentation on Children’s Rights
NCPAC – NGO National Center for Preventing Abuse against Children
CC – Criminal Code
TC – Territorial Commission for Combating Trafficking in Human Beings
MDT – Multidisciplinary Teams
GRETA – Group of Independent Experts on Combating Trafficking in Persons (GRETA) under the Council of Europe
ICMP – International Center for Migration and Policy Development
NIJ – National Institute of Justice
MIA – Ministry of Internal Affairs
MFAEI – Ministry of Foreign Affairs and European Integration
MdM – Medicine du Monde
MEc – Ministry of Economy
MEd – Ministry of Education
MJ – Ministry of Justice
MLSPF – Ministry of Labor, Social Protection and Family
MH – Ministry of Health
MITC – Ministry of Information Technology and Communication
IO – International Organizations
IOM – International Organization for Migration
NGOs – Nongovernmental Organizations
OSCE – Organization for Security and Cooperation in Europe
GPO – General Prosecutor’s Office
ISS – Intelligence and Security Service
NRS – National Referral System
PS – Permanent Secretariat of the NC CTHB
TdH – Representation in the RM of the Swiss Foundation “Terre des hommes” Lausanne
THB – Trafficking in Human Beings
VTHB – Victim of THB
UNICEF – United Nation Children’s Fund

FOREWORD

Preventing and combating trafficking in human beings continues to be a priority for the Government of the Republic of Moldova, this fact being expressed in the national policies and commitments related to international standards. The European and international bodies, which assess permanently the efforts undertaken by the states in the anti-trafficking area, have appreciated the progress registered by the Republic of Moldova in 2012, and the fact that the ranking within the Report on Trafficking in Persons of the US State Department was maintained for the country at the Second Tier confirms that Moldova undertakes significant dissuasive efforts in relation to the THB phenomenon.

The recommendations of the international reports are considered to be benchmarks for improving the national anti-trafficking policies. Therefore, the respective recommendations were formulated as problems to be solved, being also included in the National Plan for Preventing and Combating THB for 2012-2013. The orientation of the anti-trafficking community towards the respective recommendations has impelled the decision-making process, by initiating a number of activities, among which: collection and harmonization of statistical data, consolidation of the institutional and legislative framework, awareness-raising among the national authorities about the right of the THB victims to request for the state guaranteed compensation, improvement of the process related to THB victims' identification by consolidating the capacities of the anti-trafficking stakeholders, etc.

The National Report points out the successes registered in our country, such as: the revitalization of the Territorial Committees for Combating THB, consolidation of the PS of the NC CTHB, increase in number of prevention activities, appearance of new measures to protect children-victims, thanks to the collaboration of the NGOs with the law-enforcement representatives, maximum harnessing of the investigations carried out for the THB cases for labor exploitation purposes, etc.

The Report aims to reflect the efforts of the anti-trafficking community from the Republic of Moldova, undertaken in 2012 at the national and local levels and to produce Recommendations to better guide the competent authorities in the process of improving the policies related to preventing and combating THB.

METHODOLOGY FOR REPORT DEVELOPMENT

The development of the National Report for Preventing and Combating THB for 2012 (hereinafter referred to as the Report) derives from the legal provisions¹ and duties of the NC CTHB and PS.

Different methods/tools were used to develop the chapters and annexes of the National Report and namely:

- collection of *primary information* provided by the CPA, LPA, NGOs, and IO (anti-trafficking community) containing:
 - information on implementation of THB preventing and combatting actions, according to the provisions and responsibilities divided in the National Plan for Preventing and Combating THB for 2012-2013²;
 - additional information on implementation of THB preventing and combatting actions, additionally to the National Plan for Preventing and Combating THB for 2012-2013;
- collection of *secondary information obtained based on the*:
 - results of bilateral and multilateral meetings with anti-trafficking stakeholders;
 - reports on national and international round tables;
 - statistics obtained from the Permanent Secretariat;
 - international evaluation reports.

The National Report is composed from 5 chapters and 3 annexes:

Chapter 1. Activity of the National Committee for Combatting THB

The minutes (compiled by the PS) of the thematic meetings of the NC CTHB and those of meetings held by the Working Coordinating Group of the PS were used to develop the first chapter.

Chapter 2. Interpretation of statistical data and factors influencing the THB phenomenon

So as to hold some statistical data correlated at the national level for sketching the full picture of the THB phenomenon and taking into account the international recommendations³, the PS with the support of IOM Moldova⁴, has initiated the procedure for data harmonization, which would strengthen the PS duty to collect data according to the provisions set forth in point 9¹ of the Government Decision No. 472 dated March 26, 2008⁵. In this respect, 6 forms have been developed and pilot-tested⁶. Three forms cover all the stages of the criminal process and the statistical data were supplied by the General Prosecutor Office⁷, which undertakes maximum efforts to fill in qualitatively the respective forms. MIA (CTHB) and the MLSPF provided information about the THB victims based on 2 forms, while the MJ (Department of Penitentiary Institutions) provided information about the persons

¹ Art. 8, par. (4) of the Law No. 241-XVI dated 20.10.2005 on Preventing and Combatting THB

² Approved via the Government Decision No. 559 dated 31.07.2012

³ Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova (GRETA Report), page 19, Strasbourg, 22 February 2012

- Trafficking in Persons Report, U.S. Department of State Publication, June 2012

⁴ Financial resources offered by the Bureau for International Affairs in the area of Combating Drugs and Law Enforcement within the US State Department.

⁵ "On approval the nominal composition of the National Committee for Combatting THB and the Regulation of the National Committee"

⁶ Software (http://www.un.md/tenders/2012/11_IOM/index.shtml)

⁷ Section for Combating THB in the General Prosecutor Office

servicing their sentence for committing THB based on a special form. The data filled in the forms are stored in a multifunctional software and the information is used upon need.

In spite of the still existing deficiencies, this exercise proved to be useful, and its continuity should be binding, as the data provided by the stakeholders would serve as a benchmark in the reporting process.

Chapter 3. Intervention of anti-trafficking stakeholders.

Primary information and data from Annex 1 of the National Report were used.

Chapter 4. Activity of the Territorial Committees for Combatting THB (summary).

Secondary analysis and interpretation of data from Annex 2 of the National Report were used.

Chapter 5. Conclusions and recommendations

Conclusions and recommendations were developed based on the analysis of the information used in the report.

Annex 1 reflects the progress obtained in implementing the National Report and additional achievements. The information was collected through a reporting file for monitoring the National Plan, which includes:

- information regarding the implementation of actions according to the responsibilities distributed in the National Plan;
- additional information regarding the implementation of additional actions to the National Plan.

The standard reporting file was distributed among the anti-trafficking stakeholders, responsible for fulfilling the National Plan and the partners from NGOs and IO. All in all, a number of 21 files were processed (17 - CPA, 3 - NGO and 1- IO).

The need of including the respective annex in the Report derives from the duty of the NC CTHB to periodically assess and monitor the implementation of the National Plan and to inform the Government and the society about the obtained results. The document contains detailed information about the implementation of the activities set forth in the National Plan, as well as the actions carried out additionally to the given plan by the CPA and the active partners in this area.

Annex 2 aims to assess the activity of the TC for Combating THB as they monitor and assess periodically the activities related to preventing and combating THB, which are undertaken by the state bodies in the territory. Subsequently the TC inform the National Committee and submit proposals for making these activities more efficient⁸

The information was collected by distributing the reporting file, developed by the PS for monitoring the activity of the TC for Combating THB (all in all, a number of 31 materials were processed, of which 14 were files and 17 information about achievements). The document contains data about monitoring and evaluation of activities related to preventing and combating THB carried out by LPA and NGOs at the local level.

Annex 3 reflects the institutional framework for preventing and combating THB.

⁸ Point 10, e), from the Government Decision No. 234 dated 29.02.2008 on approval of the Framework Regulation of the Territorial Commissions for Combating THB

Activity of the National Committee for Combating THB

1.1. Retrospective

At the national level, the coordination of the THB preventing and combating activities, as well as the cooperation activities among CPA, LPA, and IO with other institutions and representatives of civil society are carried out by the NC CTHB. Taking into account the provisions of the legal rules⁹, it is necessary to mention that during the reported period, the NC CTHB has convened in 2 ordinary meetings. Another meeting was chaired by the President and the two Deputy Presidents of the NC CTHB and was organized together with the Chairs of the TC. The respective meeting aimed to establish partnerships and cooperation relations between the LPA and CPA, IO and NGO. The most essential topics tackled during these meetings referred to the area of fighting against THB. Every meeting contributed to solidarity consolidation among all the partners and pointed out the main activity directions for 2012. Hence, during 2012 the NC CTHB carried out the following activities:

- has approved:
 - the National Report for Preventing and Combating THB in the Republic of Moldova for 2011;
 - the Report on Monitoring the Implementation of the NRS Strategy for Protecting and Assisting THB Victims and Potential Victims for 2011;
 - the Action Plan regarding the PS priorities for the activity period in 2012;
 - the draft National Plan for Preventing and Combating THB for 2012-2013.
- has taken notes of the Recommendations of the GRETA Report for the Republic of Moldova;
- has set the priorities of the Government for improving the quality of polices related to preventing and combating THB and namely through:
 - investigation, prosecution and conviction of offenders, especially of the state officials (according to art. 123, Criminal Code), involved in THB and other related crimes;
 - consolidation of the Section for Combating Trafficking in Human Beings under the GPO by increasing the number of personnel, so as to increase the quality of law enforcement;
 - modification and completion of the legal framework according to the international standards;
 - revitalization/consolidation of the TC;
 - consolidation of the NRS;
 - consolidation of strategic partnerships in the area.

⁹ art.8 (8) of the Law No. 241-XVI dated 20.10.2005 on Preventing and Combating Trafficking in Human Beings

- has coordinated and facilitated the procedure for selecting national experts and submitted the candidates for the following activity period of the GRETA group¹⁰;
- has prioritized the implementation of the study on the possibility to create a compensation fund for the THB victims, etc.

One of the most important achievements obtained by the entire anti-trafficking community during 2012 was the consolidation of the efforts expressed via a complex plan of activities, approved by the Government.

1.2 National Plan for Preventing and Combating THB for 2012-2013

For the purpose of enforcing art. 7 of the Law No. 241-XVI dated October 20, 2005 on Preventing and Combating Trafficking in Human Beings (Official Gazette of the Republic of Moldova, 2005, No. 164-167, art. 812), in 2012 PS of the NC CTHB has initiated and coordinated the development of the National Plan for Preventing and Combating THB for 2012-2013. The commitments of the Government of the Republic of Moldova to prevent and combat THB generate the need to continuously improve the national policies in this area. Therefore, the National Plan for 2012-2013 differs significantly from the previous plans; its structure and content were modified in compliance with the international standards.¹¹ The Plan describes the existing problems, identifies the goals and objectives of the tackled problems, and defines the activities to be undertaken for settling the given problems via observation of human rights, having set the international and national evaluations as benchmarks¹².

So as to observe the technical-legal conditions for approving the legislative acts, a draft Government Decision on approving the National Plan for Combating and Preventing THB for 2012-2013, modifying and completing a Government Decision was developed, being approved within the Government meeting.¹³ The development of the National Plan was supported financially by the US State Department and the Danish Kingdom Government, based on the expertise of the IC La Strada and with the technical assistance of IOM Moldova.

The National Plan for 2012-2013 covers 102 activities focused on approval of the 4 “P” (prevention, punishment, protection, and partnership) and contains 3 Annexes which make up the full picture of a national document, being developed within a participatory process. The justification of such an approach derives from the need to use a multidisciplinary and multi-sectorial approach to the challenges imposed by the complex nature of the THB phenomenon. Moreover, the systemic approach generates sustainability for the intentions expressed by the participants. In this respect, the GPO, MIA, MLSPF, MJ, MITC, SIS, MEd, ME (Small and Medium Enterprises’ Development Organization), Institute of Education Science, National Anticorruption Center, Superior Council of Magistrates, MH, NIJ, MF, **MTS**, **MC**, Tourism Agency, together with the representatives of the IOM Mission to Moldova,

¹⁰ As of November 12-13, 2012, the Parties Committee has decided to select the representative of the Republic of Moldova in the GRETA experts group (http://www.coe.int/t/dghl/monitoring/trafficking/default_en.asp)

¹¹ „Guidelines for Development and Implementation of a Comprehensive National Anti-Trafficking Response”, International Centre for Migration Policy Development, Vienna, 2006

¹² - Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova, GRETA, Strasbourg, 22 February 2012; Report by OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings, following her visit to the Republic of Moldova, 31 October – 3 November 2011; 2012 Trafficking in Persons Report, US Department of State, June 2012, etc.

¹³ Government Decision No. 559 dated 31.07.2012 (Official Gazette No.165/616 dated 07.08.2012) on approval of the National Plan for Preventing and Combating Trafficking in Human Beings for 2012-2013, modification and completion of a Government Decision.

OSCE Office in Moldova, IC La Strada, NGO “Terre des Hommes”, NGO NCPAC, NGO CIDRC, NGO “Every Child”, Foundation “Lumos”, UNICEF, MdM, have participated together with the PS at every stage of the National Plan development, promotion, implementation, and monitoring.

1.3 Monitoring of the National Plan

The priority objective of the NC CTHB is to monitor and evaluate the implementation of the National Plan for Preventing and Combating THB, submitting an annual National Report on Preventing and Combating THB to the Government.¹⁴

The implementation of those 102 activities of the National Plan for 2012-2013 is divided into different timelines. The first compartment refers exclusively to 2012 and covers 38 activities. Other 50 activities, being more complex, have a longer implementation period, hence covering 2012-2013 period, while the implementation of 14 activities has to be monitored during 2013.

The monitoring process led by the PS covers the first and second timelines and marks the implementation success or failure using the following scores: accomplished, partially accomplished, unaccomplished. *A detailed interpretation of the progress achieved in the implementation of the National Plan is presented in Annex 1 of the given Report.*

It should be mentioned that in ideal conditions, the quantitative accumulation of the “accomplished” activities should be equivalent to some qualitative jumps obtained for the respective timeline. In this respect, the qualitative evaluation of the national policies is imperative, while the methodological evaluation foundation is just being developed, therefore the Report’s authors with the support of a national expert have initiated the design of a methodology on how to develop qualitative evaluation indicators. The respective indicators would be used to interpret the causality relation between the implementation of some activities from the Plan and their interaction on the dynamics of the respective phenomenon at the national level.

Currently, the monitoring of the National Plan has pointed out the fact that only 27 activities were implemented out of the 38 activities which were to be carried out exclusively in 2012, and 1 activity was implemented only partially. Only 37 activities were fulfilled out of the 50 activities with an implementation deadline for the period of 2012-2013. As for the implementation of other 14 activities, the PS will express its evaluation opinion in the National Report 2013. It should be mentioned that only 2 activities out of the total number of (38) in 2012 were considered to be irrelevant.

It can be noted that the intention to extend the times limits for carrying out the activities for the both timelines is counter-productive, as the prioritization of the activities is influenced by the existence of the alternative to give up an activity in the advantage of another pre-established task. Hence, 13 activities out of those which were partially accomplished refer to the timeline 2012-2013.

The activities unaccomplished in 2012 (8) were transferred for 2013 – this fact derives from the comments of the CPA responsible for non-fulfilling the obligations assumed in the plan, expressing thus the commitment to eliminate them on priority basis during the next timeline. The respective approach cannot be encouraged, but it remains to be a necessary alternative.

¹⁴ Point 4 of the G. D. No. 559 dated 31.07.2012 on approval of the National Plan for Preventing and Combating THB for 2012-2013, Official Gazette No. 165/616 dated 07.08.2012

Interpretation of statistical data and factors influencing the THB phenomenon

2.1 Interpretation of statistical data and factors influencing the THB phenomenon

The statistics provided by the law enforcement bodies on the number of registered crimes or convictions for cases of THB/TC, as well as the statistics provided by the social protection institutions reflect the activity of the respective structures, their spirit of initiative, and not directly the dynamics of the phenomenon. The table below contains statistical indicators provided by the MIA, GPO, MJ, MLSPF, and IOM, indicators which express the situation during a certain period of time.

Statistics of the law enforcement bodies, MLSPF, and IOM THB/TC (art.165/art.206)									
Year	Registered crimes	Sent to the court	Convictions (per person)	Persons convicted with prison	Executed with suspension	Persons serving their sentence	No. of victims assisted by IOM	No. of victims according to the MIA	No. of victims assisted by NRS
2006	245/59	141/52	62/7	67	Missing data	Missing data	295	Missing data	41
2007	245/43	150/26	52/7	51			273		34
2008	215/31	96/12	63/5	58			158		84
2009	185/21	102/11	64/4	43/6			159		131
2010	140/21	45/10	48/5	31			139		132
2011	111/24	45/14	35/2	7/1	11/1		98	131	109
2012	151/20	60/5	21/10	13/9	8/1	8	205	290	189

It may be noted that in 2012, the number of registered THB crimes has increased as compared to the same period of time from the previous year. This thing may be explained through the consolidation of pro-active intervention capacities of the anti-trafficking subjects. Hence, the numerous trainings offered to the persons responsible for preventing and combating THB are considered to be a factor that influenced the increase of registered THB cases.

The below table indicates approximately the actions carried out in this respect in 2012.

Total number of seminars / workshops / trainings	95
Total number of beneficiaries	1671
- Prosecutors	149
- Judges	82
- Policemen	236
- Members of the group coordinating the Permanent Secretariat	32
- Pedagogues/Psychologists	29
- MDT members	697
- Doctors	433
- Representatives of embassies / consular offices	13

Nevertheless, the leadership of the criminal investigation bodies recognizes that the investigation of the THB cases would be more efficient if the employees of these bodies benefit from training on how to monitor or control financial transactions, because there are no such trainings at the moment. It is to be mentioned that these trainings should be preceded by some modifications to be made in the Criminal Procedure Code.

The increase in number of the THB/TC crimes is also induced by some specific factors. It is well known that many citizens, whenever looking for a better-paid job, are tempted to accept attractive employment offers proposed by pseudo-employers, who turn to be traffickers. The misbalances existing on the national labor market confirm the vulnerability of the rural inhabitants, as about 70% of the registered unemployed people come from the rural area, and about 90% of the vacancies registered in the territorial labor employment agencies also come from the rural sector, but they offer unattractive salaries (the vulnerability of these persons is also mentioned in subchapter 2.2). According to the data provided by IOM Moldova, about 89% of the total number of assisted victims did not have any job before exploitation. All the victims, except for 2 of them, have left the country to look for a job.

The legal framework is another factor which may influence the activity of the law-enforcement bodies in preventing and combating THB. In 2012, some amendments were made in the specialized legal framework, which may be qualified as a positive factor, hence:

- to make more efficient the process of combating the THB crimes perpetrated outside the borders of the Republic of Moldova, starting in 05.04.2012 the law enforcement bodies may create joint investigation teams¹⁵;
- to increase the protection of children's rights and to eliminate the risks of sexual abuse against children, a new article was introduced in the Criminal Code via the Law No. 34 dated 24.05.2012, and namely article 104¹ "Chemical castration".
- another legislative initiative¹⁶ was approved by the Parliament (in the second reading), which prohibits applying amnesty or pardoning in case of the persons which have committed sexual crimes against minors.

Nevertheless, according to practitioners' views, some counter-productive completions were made as well, and they may influence negatively the activity related to combating THB, such as:

- art. 132⁸ of the Criminal Procedure Code¹⁷ excluding the possibility for the criminal investigation body to use special investigation measures, such as interception of communication in case when THB related crimes are perpetrated (pimping, organization of illegal migration);
- art. 134² of the Criminal Procedure Code, which makes it impossible to follow the illegal proceeds obtained by the traffickers of human beings.

A vulnerable factor refers to the low level of victims' **education / information**. According to the MLSPF data (victims assisted in the shelter centers), the majority of THB victims identified and assisted in 2012 have only primary or

¹⁵ Art. 540² of the Criminal Procedure Code

¹⁶ Draft Law No. 297 for amending and completing the Criminal Code of RM No. 985-XV dated 18.04.2002 (art.107, 108, 109)

¹⁷ Law No. 66 dated 05.04.2012 for amending and completing the Criminal Procedure Code.

secondary education (90%). People holding university or college diplomas do not figure so frequently in the statistical data of the respective profile.

The level of education explains also the data referring to those who have committed THB crimes. Hence, taking into account the information provided by the Department of Penitentiary Institutions of the MJ, it may be noted that out of the 107 defendants serving their sentence at the current moment: 1 person has no education, 4 have primary education, 96 – secondary education, 2 – vocational education (97%), 1- college education, 3 – university education.

The Republic of Moldova is a *pioneer in preventing THB* by *providing qualitative social assistance to potential victims of THB*. Prevention actions are visible especially through: the geographic extension of the NRS, MDT capacity building for identifying and assisting THB victims and potential victims. The table below confirms these statements:

NRS statistics

	Year	THB victims	THB potential victims	Total
1	2006	41	19	60
2	2007	34	52	86
3	2008	84	203	287
4	2009	131	308	439
5	2010	132	328	460
6	2011	109	651	760
7	2012	189	1214	1403
	Total	720	2775	3495

Prevention of the THB phenomenon has turned in Moldova into a mature approach, and the awareness and information tools and methods are novel and with real impact. The active involvement of CPA and LPA in partnership with civil society and IO may generate considerable results.

2.2 Considerations regarding the THB victims

Identification of and assistance provision to victims is carried out by CPA, LPA, NGOs from the NRS, as well as some NGOs outside the NRS. At the national level, the PS collects information about the number of THB victims from a number of sources, via official requests and reception of data under the signature of the head of the institution providing the data. The PS encounters difficulties when processing and interpreting these data, as institutions cannot provide data for all the requested indicators. Hence, all the institutions responsible for collecting data on THB victims should focus their efforts on developing a feasible solution, which finally would settle this problem. As an argument for the above-mentioned, the table below indicates the institutions and the statistics generated by them:

Number of victims identified/assisted during 2012

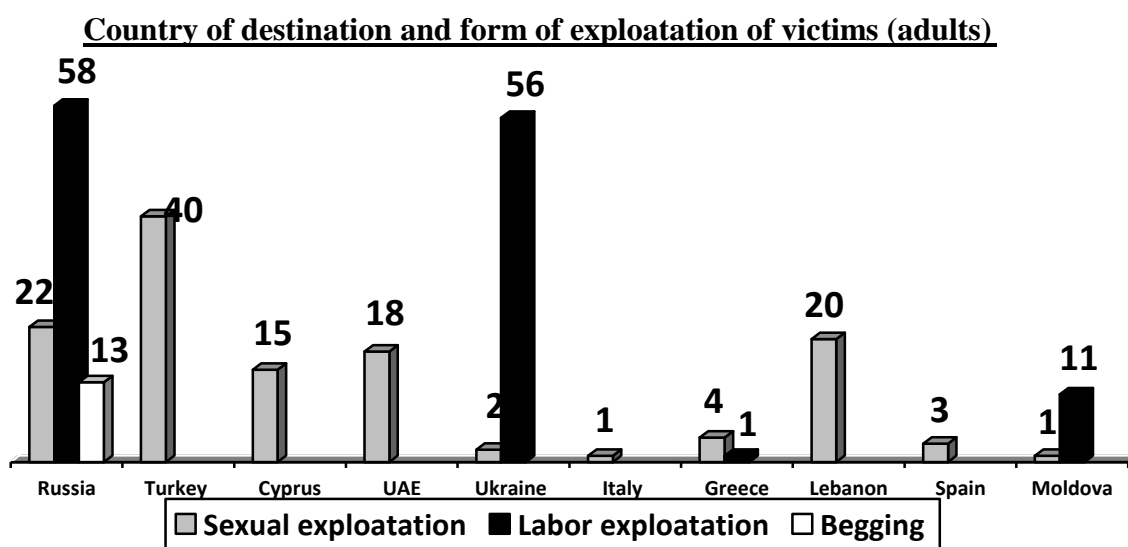
Institution	adults/children	Total
CCTP	266/24 (MIA)	290
Assistance centers	98/12	110
Repatriated (IOM Moldova)	80 /3	83
Identified/assisted by IOM	189/16	205
Assisted within the NRS, MLSPF	169 /20	189

To explain the need for improving this exercise (filling in the forms with all the indicators), the information can be analyzed according the form filled in by the MLSPF, regarding the 110 victims assisted in the assistance centers¹⁸ which show that:

- 85% of the THB victims are female
- 76% of the THB victims are aged in between 18 and 35 years old
- 100% of the THB victims are citizens of the Republic of Moldova
- 7% of victims are national minorities
- 72% of victims come from rural area
- 54% of victims are not married, and
- 28% have divorced previously

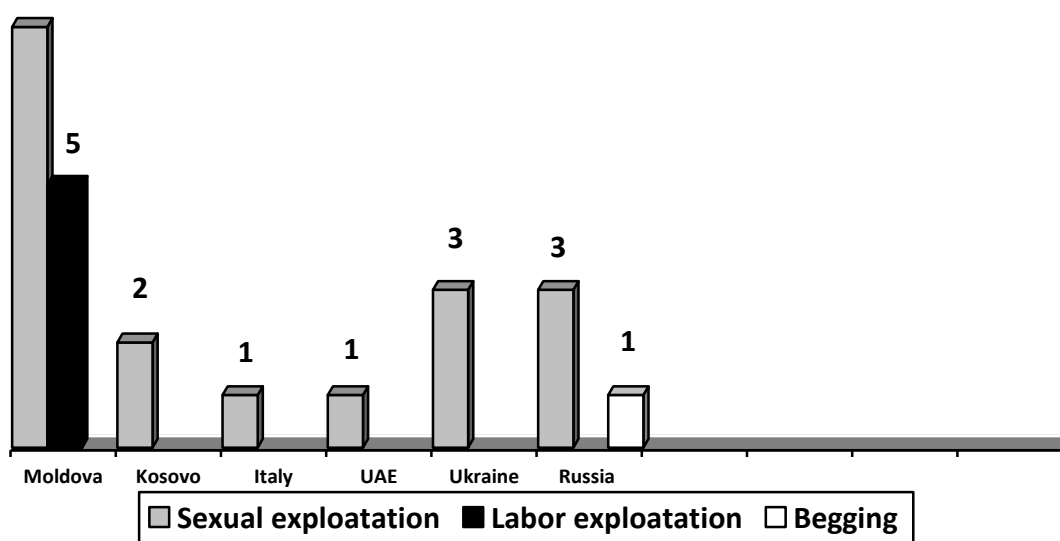
Such interpretations may serve as basis for the specialists in this area so as to focus correctly the initiatives of THB prevention. The figures reveal the vulnerability level of the person to this phenomenon. Thus, it is necessary to build the capacities of the given institutions for them to fill in and to provide qualitative requested information (so as to avoid duplications or/and to diminish the error margin for the data at the national level).

According to the information provided by the CCTP, the following factors may be interpreted: THB for sexual exploitation purpose and THB for labor exploitation purpose were the most frequent forms of exploitation, with a share of 95% equally divided between these forms of exploitation (126 each). About 5% of the THB cases were committed for exploitation through begging, and by the end of 2012, the MIA was investigating also a case of THB for removal of organs purpose. It is important to mention that 98% of victims were recruited through deceit. The majority of THB victims were trafficked and exploited outside the Republic of Moldova's border and 4% of victims were exploited within the country. The figures below represent the country of destination and the exploitation form in case of victims – adults and children:



¹⁸ Software for data harmonization, Form „Victims” filled in by the MLSPF

8 Country of destination and form of exploitation of victims (minors)



Intervention of anti-trafficking subjects

3.1 Prevention

Prevention is an important element of the 4P paradigm¹⁹. In ideal circumstances, the efforts undertaken by all the stakeholders for preventing the THB offence should generate the liquidation per se of the phenomenon. In this respect, the disaggregation of the prevention actions by ensuring the absorption of such actions by the society, and especially by the rural communities, could inhibit the development of THB.

The attempts undertaken by the Government to reduce victimization and to discourage THB were manifested by establishing a number of 26 prevention activities²⁰ in the National Plan for 2012-2013. The respective activities (detailed in Annex 1) were carried out by the CPA, LPA together with the implementation partners. These results obtained while implementing these actions may be expressed in the organization of over 170 events, attended by about 3600 persons. The decrease of the risk groups' vulnerability was tackled in 2 video spots, 3 movies, and one performance. The association "Young People for the Right to Life" active in the children's and young persons' rights protection from Balti has organized social thematic performances in the northern region of the country.

The Ministry of Education, through its educational institutions, has organized curricular and extra-curricular activities for preventing and combating THB or related areas, which are reflected in the table below:

No. of events in schools, colleges	No. of beneficiaries
1950 extracurricular activities (in residential institutions)	3957
18000 academic hours (general education institutions)	85000
348 events (secondary professional and secondary vocational education)	18000

During 2012, about 90 events were organized in 14 higher education institutions so as to raise awareness among the students about the THB phenomenon. A number of 4000 students attended all these events. The majority of these actions were carried out based on the funds provided from the budgets of these institutions.

At the same time, publications, studies, and numerous meetings and conferences were organized to tackle the THB and the influence of this phenomenon on the social relations.

A very important aspect related to prevention was materialized through the implementation of the NRS. A specific objective of the NRS in the Republic of

¹⁹ (Prevention, Punishment, Protection, and Partnership)

²⁰ These 26 activities refer only to the period of 2012

Moldova is that to identify and provide assistance to the persons from the risk groups – potential victims of THB. According to the NRS Strategy, the mentioned actions lead to pro-active prevention of THB. In line with the MDT reports, during 2012, a total number of 1214 THB potential victims were identified and assisted at the local and rayon levels. The resources managed by the public authorities and available for the MDTs sometimes are not enough to settle the very difficult situations of the THB potential victims – this segment still needs donors' support. Due to the extra-budgetary resources, it is possible to maintain the quality of these services, which are provided to potential victims.

During October 15-21, 2012, upon the initiative of the NC CTHB – CPA, LPA, NGOs, and IO have celebrated the “Week of Fight against THB”. The designation of an “Anti-trafficking Week” serves as an evidence of enhancing the cooperation among the national and international stakeholders with a mandate to promote the anti-trafficking policies in the Republic of Moldova. Hence, at the central level, lectures were organized for the students from the Moldova State University and the Free International University from Moldova; the meeting of the PS Coordinating Group was organized on October 18; and on October 19, the movie “New Faces, Old Sufferings” was shown within the premises of the ODEON Cinema, with the participation of the civil society, students, and mass-media. At the territorial level, through the TC, the local TV stations have broadcasted the photo-video contest PLURAL + Moldova 2011 “Migration and Diversity”, developed and organized by IOM. The DVDs with this material were distributed within the meeting of the NC CTHB with the Chiars of the TC on June 08, 2012. PS has coordinated, participated, and monitored the fulfilled activities. Annex 2 reflects in detail the actions undertaken in the respect by the LPA in collaboration with the civil society.

During the same period of time, the volunteers from the IC La Strada, within the “Peer to Peer” Program, have organized a number of seminars with the pupils of the senior grades from the pre-university educational institutions in Chisinau municipality and Causeni, Drochia, Telenesti, and Soroca rayons, informing and discussing about the different facets of the THB phenomenon.

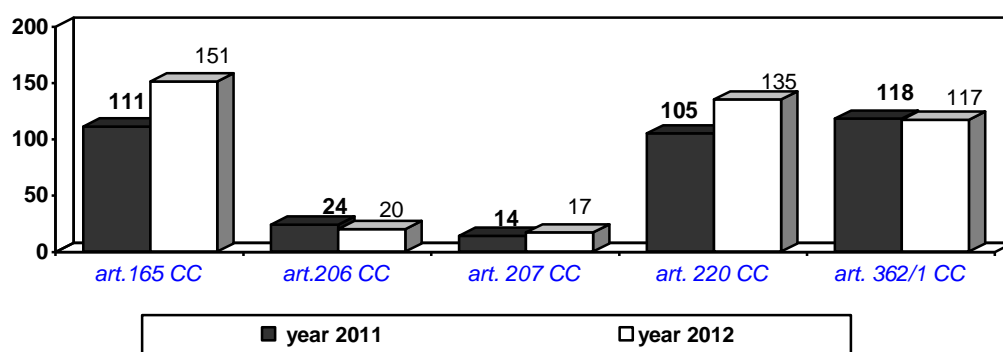
During 2012, the representation of the Swiss Foundation TdH in RM has implemented successfully activities for preventing abuse, negligence, exploitation, and trafficking in the following rayons: Ungheni, Soroca, Falesti, Chisinau municipality and in rural communities, including in the region from the left side of the River Nistru, where access to information is lower and vulnerability is higher. It should be mentioned that about 5000 children and 400 parents benefited from psycho-social activities, which raised participants' awareness about such problems as abuse, trafficking, negligence, and exploitation, both in the country and abroad.

In 2012, upon the request of the MLSPF and with the support of the NCPAC, a reflection groups was created. It was composed of children who have consulted the priorities of the draft National Strategy for Child and Family Protection for 2013-2020. A number of 24 children participated in this exercise, including children with disabilities, Roma children, graduates of boarding schools. Three consultation stages were organized, as a result of which the children developed and submitted to the national authorities, experts, and mass-media their priorities for the strategy. These priorities were subject to public debates along the priorities developed by the group of experts. During November 19-20, 2012 – a National Forum of Children was

organized. About 70 children participated at this event: members of the child rights' monitoring groups from Leova/Orhei rayons and members of the above-mentioned reflection group had the possibility to discuss with the members of the NCPCR and the Deputy Speaker of the RM Parliament.

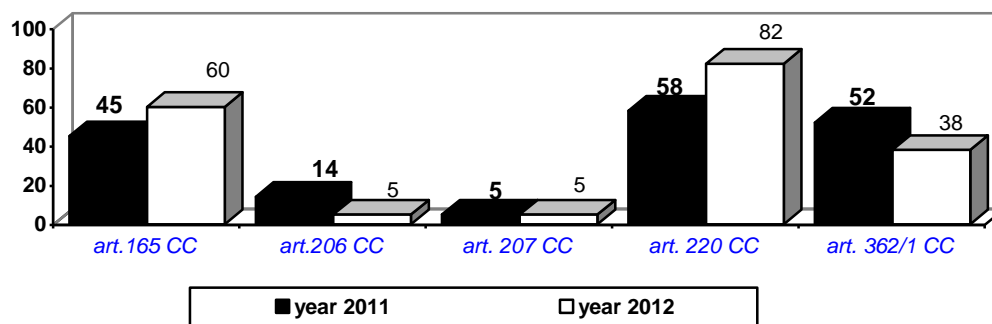
3.2 Punishment

Analyzing the criminal investigation activity in the area of THB and related crimes, it may be mentioned that in 2012, a total number of 440 offences referring to the respective category of crimes (372 offences – during the same period of 2011) were registered in the country, of which:



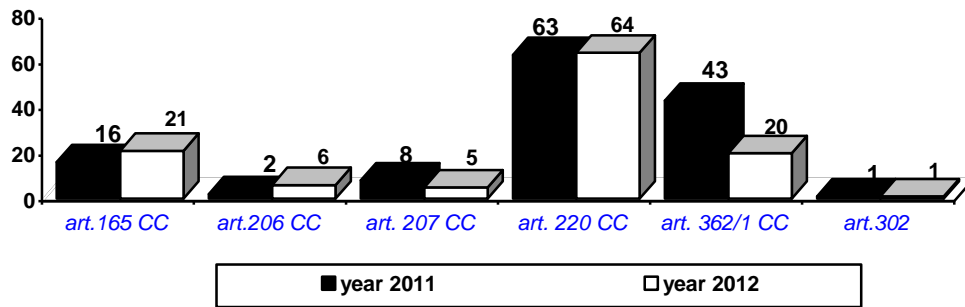
During 2012, criminal investigation proceedings were finished for 223 criminal cases, of which 190 criminal cases were finished with an indictment and sent to the court so as to be examined on the merits, while 33 cases were stopped and classified.

Out of the total number of cases sent to the court: 60 criminal cases refer to the THB crime; 5 - to TC; 5 - to children's illegal removal from the country; 82 – to pimping; 38 – to illegal migration organization.



Comparing these indicators related to the law enforcement bodies' activity with the same period from 2011, it may be noted that there is some activation in the area, *especially* in respect to the number of cases on trafficking in human beings (art.165 Criminal Code) and pimping (art. 220 Criminal Code) sent to the court, which has increased.

Analyzing the case law during 2012 in the area of criminal cases related to THB, the following situation was revealed – the first level courts has sentenced **117** criminal cases, *convicted* 146 individuals and 3 *legal entities* (in 2011 - 149 individuals and 6 legal entities). The comparative dynamics of the number of convictions sentences by the courts in 2012 and 2011 related to the cases attributed to the category of THB/TC and related crimes is shown in the following diagram:



The indicators analyzed in this area **indicate an increase** in comparison to 2011, and this situation reflects an intensification of the THB combating activities in 2012.

Referring to the categories of punishments applied by the courts, it may be noted that 29 persons were sentenced to prisons, of which 13 persons were convicted for committing THB, 9 persons for TC, 6 persons for pimping, and 1 person for organizing illegal migration. Hence, an increase in number of the THB and TC cases for which offenders were sentenced to prison is noted. At the same time, when analyzing the indicators related to application of the sentence with suspended enforcement, a decrease may be noted as compared to 2011, which actually denotes another approach used by the courts for the punitive practice in case of THB/TC. Thus, 70 persons were applied the imprisonment punishment with conditioned suspension of the sentence enforcement, of whom: 8 persons committed THB, 1 persons committed TC, 4 persons committed the illegal removal of children from the country, 48 persons committed pimping crimes, and 9 persons committed the crime of organizing illegal migration. The analysis of the statistical data mentioned above denotes an increase in number of the THB cases (art.165 Criminal Code) by almost 36% as compared to the previous period.

Fines were applied as punishment (related crimes) for 48 convicted persons: of whom 1 person committed illegal removal of children from the country, 25 persons committed pimping, 1 person – for organization of begging, and 21 persons committed the offence of organizing illegal migration.

It is important to point out the efforts of the law-enforcement bodies undertaken in their fight against THB crimes involving state officials.²¹ The preventing and combating actions related to this aspect of the THB crime represent a priority area for the national anti-trafficking authorities and are carried out in line with the recommendation set forth in the international reports.²² Thus, during 2012 the law-enforcement bodies of the Republic of Moldova have carried out criminal proceeding activities regarding 12 persons under the category of public and high-rank officials, who committed the trafficking offence or crimes related to THB (see Annex 1); 7 criminal cases from this category were sent with indictment, and in 1 case the criminal proceedings were stopped due to missing elements of the offence, for all the remaining cases – the criminal investigation still continues.

There are some deficiencies in obtaining sentence for such cases. For instance, in a case sent previously to the court, the court required for the actions to be re-qualified from THB into an administrative offence and ceased the trial due to the

²¹ Narrow meaning of the categories of persons mentioned in art. 123 of the RM Criminal Code

²² 2012 Trafficking in Persons Report, U.S Department of State, June 2012.

expiration of the prescription term for sanctioning the offence. Of course the sentence was challenged, but the respective procedure does not guarantee that the situation will be changed and thus the impact of the second element (punishment) from the 4P paradigm on the THB phenomenon is reduced and the objectives set for diminishing the phenomenon are not feasible. It should be mentioned that according to the data provided by the Department of Penitentiary Institutions under the MJ, no person serving the sentence for committing the THB crime is part of the categories provided in art. 123 of the Criminal Code (officials).²³ The respective situation should be discouraged, and thus the recommendation set in the National Report 2011²⁴ related to the involvement of independent experts in monitoring court trials hearing THB cases with public officials' involvement is still in force.

For the purpose of preventing and combating THB, during 2012, based on art. 17 of the Law No. 235 dated 20.07.2006 on the Main Principles for Regulating Entrepreneur's Activity, based on the decisions taken by the Licensing Chamber, the courts issued:

- **9 decisions** to withdraw and **13 decisions** to suspend the license for the type of activity related to placing citizens on external labor markets;
- 1 decision to recognize as invalid a license and 1 prescription for the type of activity related to placing citizens on external labor markets.

The continuous development of the legal framework ruling the intermediation activity, according to Summer Work & Travel Programs was a need expressed since 2010, thus activity 3 (not yet fulfilled at that time) from segment 1.2 of the National Plan on Preventing and Combating THB for 2010-2011 is actually fulfilled due to the activity of the Ministry of Economy, which based on the Law No. 127 dated 08.06.2012 (in force since 24.08.2012) has established the conditions for initiating, carrying out, and stopping an activity of enrolling students in educational-cultural exchange programs.

Taking into account the trans-border nature of the THB crime, it is important to underline the relevance of letters rogatory in criminal matters. Hence, during the reported period, 24 letters rogatory were initiated for criminal cases investigated for the offences provided in art.165, 206, 220 and 362/1 of the Criminal Code of the Republic of Moldova, by 72% more than in the previous year. Most of them were initiated for **THB crimes – 11** and organization of **illegal migration – 10**; other 2 letters rogatory were initiated for pimping and **one** for TC. Out of the total number of initiated letters rogatory, **15 were executed** by the foreign states and namely: 5 by the Russian Federation, 4 by Romania and 1 by each of the following countries: Austria, Norway, USA, Poland, Ukraine and Slovakia. Other **9 are under execution** and namely 4 by Ukraine, 3 by Russian Federation, 1 by Slovenia, and 1 by Italy. Respectively, **the foreign states submitted 8** letters rogatory for THB, organization of illegal migration, and pimping cases; of which **6 are executed** (3 of them were executed by the THB Combating Section from the GPO and other 3 by the Prosecutors' Offices from Briceni, Ialoveni, and Buiucani) and other **2 are executed** by the THB Combating Section from the GPO for THB crimes, being submitted by Romania and Germany.

²³ Decision 07/768 dated 28.01.2013

²⁴ <http://www.gov.md/libview.php?l=ro&idc=578&id=4919>

At the courts' level, 31 letters rogatory were submitted within the Ministry of Justice during 2012, of which 21 letters rogatory were formulated by Turkish authorities (16 being already executed, 5 – under execution) and 10 letters rogatory were formulated by the Romanian authorities (being fully executed).

The letters rogatory submitted by the law-enforcement bodies of the Republic of Moldova are executed rather cumbersome, and in some cases they are not executed at all. In this respect, it is necessary to rely on developing and enhancing some alternative possibilities, such as joint investigation teams. Unfortunately, whenever crimes are committed in regions which are not recognized as states by the Republic of Moldova (Northern Cyprus, Kosovo), these tools cannot be applied by the national competent institutions. Just like in the previous years, in 2012 it was a problem to have criminal investigation proceedings on the left side of the River Nistru, the territory not controlled by Moldovan authorities.

The consolidation of the institutional mechanism is also a necessary objective for combating THB. In this respect, based on the Order of the Minister of Internal Affairs No. 276 dated 14.08.2012, a Section for Combating Trafficking via Internet was created within the CCTP, which during the MIA reform was actually absorbed by the newly-created entity and namely „Center for Combating IT Crimes of the National Investigation Inspectorate”.

3.3 Protection

According to the provisions set forth in art. 20 (1) from the Law No. 241 dated 20.10.2005 on Preventing and Combating THB, “the THB victims are granted assistance for physical, psychological, and social recovery, through special medical, psychological, legal, and social actions”. The implementation of these provisions is reflected in the NRS²⁵. Starting in 2012, according to the NP for 2012-2013, protection actions are carried out according to the sub-chapters 1.6; 3.2; 3.3; 4.3. The information about the fulfillment of the activities mentioned in these sub-chapters is provided in Annex 1.

At the same time, THB victims' protection, as a topic for analysis, is tackled in detail in the Report on Monitoring the Implementation of NRS. The strategy represents a complex system of cooperation between different stakeholders and needs an adequate monitoring and evaluation mechanism. This is an annual report and has been developed for the fourth consecutive year. The report is presented during the meeting of the NC CTHB and is posted on the web site of the MLSPF.

Based on the existing legal provisions and the information provided by the concerned authorities, the table below (1) represents the financial sources allocated from the state budget and the local budgets for maintaining the centers for assisting and protecting THB victims and the psycho-social rehabilitation centers for victims of domestic violence, table (2) represents the capacity of the shelter centers and the number of victims assisted in 2012:

Locality	Number of places	State budget	Budget of administrative-territorial units	
		Executed for 2012	Allocated	Executed for

²⁵ Report compiled annually by the MLSPF in line with the provisions of the Parliament Decision No. 257-XVI dated December 05, 2008

		(thousand lei)	financial resources (thousand lei)	2012 (thousand lei)
Centers for assisting and protecting THB victims				
Chisinau	24	1118,0 thousand lei planned/ 1117,9 thousand lei executed		
Cahul	15		449,0	468,2
Causeni	14		427,8	355,3
Centers for rehabilitation of domestic violence victims				
Balti	19		826,0	598,1
Causeni	19		761,0	523,8
Drochia	30		654,2	624,9
Hincesti	18		541,3	483,0

Number of the VTHB/potential VTHB assisted in the Assistance and Protection Centers

Nr	Institution	Victims of trafficking in human beings				Potential victims of trafficking in human beings			
		Women		Men		Women		Men	
		Adults	Children	Adults	Children	Adults	Children	Adults	Children
1	Chisinau (CAP)	70	7	15	4	120	95	20	93
2	Cahul (maternal)					29	40		
3	Causeni (CAP)	5				28	21		
4	Balti (SOTIS)	6				40	21	1	20
5	Causeni (maternal)	2				30	52		
6	Drochia (Ariadna)					16	13		9
7	Hincesti (maternal)		1			23	6		24
TOTAL		83	8	15	4	286	248	21	146
		110				701			

To increase victims' access to qualitative services, it is necessary to establish in the following period the mechanism for identification of the VTHB in the social area, and to ensure at the same time their right to state guaranteed compensation for the moral and material damages. According to the General Prosecutor's Office, in 2012, about 20 civil actions were submitted by the THB victims so as to recover the material and moral damages caused by offenders. Based on the declarations of the lawyers from the Center for Assisting and Protecting THB Victims (Chisinau), just a few victims succeed finally to obtain compensations from the offenders, and the causes for such a situation are too many and too complex. In this respect, it is still necessary to study the Government's capacities to create the State Guaranteed

Compensation Fund for the THB victims. This will be possible after consolidating the legal framework and identifying the financial resources for this purpose.

The MLSPF budget for 2012 included financial means for a total amount of 100.0 thousand lei, meant for the repatriation of children and adults, which as of December 31, 2012 were executed in a volume of 59.1% (one adult victim and 8 children were repatriated within 3 repatriation missions). This amount (100.0 thousand lei) will be annually increased gradually, and the non-execution of the budget remains to be an impediment for the social protection policy.

It should be mentioned that according to the conditions set by art. 109 par. (3) and art. 110 of the Criminal Procedure Code, the court may admit for the victim to be interviewed without being physically present in the location of the criminal investigation body, so as to exclude re-victimization. Moreover, in 2012, for the purpose of ensuring the security of the participants in the criminal process, whose life, body integrity, freedom or property are endangered, the Division for Witness Protection under the MIA, based on the Law No. 105 dated 16.05.2008, has taken one THB victim (male) under protection.

3.4 Partnership

The classical partnership among the CPA, LPA, NGOs, and IO represents the element which is the best reflected in the National Plan for Preventing and Combating THB for 2012-2013. Hence, for the purpose of carrying out those over 88 activities, CPA and partners have united their efforts and succeeded to fulfill over 70% of them.

Moreover, to clarify the level of collaboration between the CPA and NGO/IO in 2012, PS launched an initiative for surveying the real situation.²⁶ Hence, based on the provisions set in point 9¹, paragraph 7, annex 2 of the GD No. 472 dated 26.03.2008²⁷, PS requested CPA and NGO/IO the information regarding the projects which were initiated or under implementation in the area of preventing or combating THB or in related areas. As a result, it was concluded that in 2012, the partnership between CPA and NGO/IO is expressed by the implementation of 31 projects with a budget of about 100 million lei, sources provided by donors.

The Strategic Partnership in this area was enhanced in 2012 via the signature of the below-mentioned agreements:

- MIA, CCTP concluded 2 Memorandums of Collaboration with:
 - NCPAC regarding assistance for children – victims of sexual violence
 - Center of Journalist Investigations regarding the awareness raising among the public regarding the THB phenomenon.

Other agreements, with IC La Strada and IOM are under negotiation.

On May 11, 2012 a Collaboration Agreement was signed between the Ministry of Health and Ministry of Internal Affairs on combating THB for the purpose of removal of organs or tissues.

It is worth mentioning the Collaboration Memorandums concluded between MLSPF, MED, MIA, MH, Rayon Councils Leova and Orhei, NCPAC and CIDCR on

²⁶ Decision 2404-92 dated October 26, 2012

²⁷ GD No. 472 dated March 26, 2008 “On approval of the nominal composition of the National Committee for Combating THB and the Regulation of the National Committee”

piloting and promoting the inter-sectorial mechanism for monitoring, preventing, and assisting the children exposed to abuse, negligence, exploitation and those at risk.

A platform for consolidating the strategic partnership and exchanging good practices remains to the technical coordination meetings organized by the OSCE Mission in Moldova. A number of 10 such meetings were organized in 2012.

Another important platform for consolidating the partnership would be the meetings of the CCLBGPO. Hence, during the period of reference, for coordinating the activities undertaken by the law-enforcement bodies for combating THB, a number of 4 meetings of the Coordinating Council under the General Prosecutor were organized so as to tackle different subjects:

Thus, on 18.01.2012, the following was discussed:

- activity of the law-enforcement bodies in the area of preventing and combating THB in 2011, priority directions for 2012;
- identification and investigation of the THB cases for the purpose of removal of organs in 2011, objectives for 2012.

On 29.02.2012, the agenda of the meeting included the topics related to identification and investigation of THB cases for labor exploitation purpose in 2011, objectives for 2012.

On 29.06.2012, the topic related to combating of THB cases for exploitation via begging was tackled.

On 17.12.2012, the results obtained after the previous recommendations of the Coordinating Council were discussed and new priorities were set.

The partnership at the national level exists and gets developed, but some deficiencies related to the reduced level of cooperation are registered at the transnational level:

- Lack of Moldovan embassies and consular offices in the states of destination of the THB victims, especially in the Middle East;
- Lack of Collaboration Agreements with the Russian Federation and Ukraine in matters related to identification and repatriation of THB victims – adults and children;

Activity of the Territorial Commissions for Combating THB

The recommendations of the Global Report on Trafficking in Persons (edition 2012) of the US State Department have revealed the need to revitalize the Territorial Commissions for Combating THB.

The legal tools ensuring the TC monitoring rights are found in the provisions of point 9¹ of the GD No. 472 dated 26.03.2008²⁸, provisions of point 26 and point 27 of the GD No. 234 dated 29.02.2008²⁹ and the directives of the Prime-Minister Decision No. 2404-60 dated July 19, 2012³⁰, which also aimed to implement the national anti-trafficking policies at the TC level. In this respect, the TC adjustment to the national rules is reflected in the sub-chapter *“Information on TC activity for combating THB”* (Annex 2).

According to the information collected as a result of the Official Decision No. 2405-109 dated December 22, 2012, a number of 31 Territorial Commissions complied with the legal provisions and reported to the PS, while 4 Territorial Commissions (Cahul, Telenesti, Basarabasca, Taraclia) did not submit any information.

Hence, from the THB prevention prospective, the TC reports revealed a number of novel actions³¹ for informing and raising awareness of the population, which were organized during 2012. The awareness raising initiatives, target groups, specialists, and the involved institutions were different from one Commission to another. The TC got significantly involved in the celebration of the ***“Week of Fight against THB”***, which took place in between October 15-21, 2012. It should be remarked that about 60% of the total number of the TC proved to be rather open for this civic initiative, which was implemented in the Republic of Moldova for the first time. The publication of articles about the THB phenomenon in the local printed press, broadcasting at the local TV stations of the video contest Plural+Moldova 2011 “Migration and Diversity” represented the actions undertaken during this period of time.

Prevention of THB phenomenon was also carried out by providing assistance to persons in extremely difficult situations. A number of 112 centers from the whole country provided services to these beneficiaries. The maintenance of such centers is ensured from the national and local budgets. For the purpose of decreasing the social-economic cause-factors, the Social Protection Local Fund has allocated the amount of about **5 million lei**. At the rayon and community level, the THB victims are protected through the NRS.

Increased attention was paid by the PS through TC to identification and collection of data regarding the number of psychologists existing at the rayon level, who after participating in some specialized trainings could be involved in the process

²⁸ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=327523>

²⁹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=327149>

³⁰ As a result of the joint meeting of the NC CTHB with the chairs of the TV for combating THB from June 8, 2012.

³¹ The association “Youth for the right to life” from Balti developed the concept of Theatre Forum (the theatre of the oppressed ones)

of legal hearing of children – victims and witnesses. Although, there are, in average, **7 psychologists** per rayon, this number proved to be rather relative, as the majority of them are school psychologists and their psychological skills are specific to school activities. Hence, during the legal hearing of children – victims and witnesses, human resources from central level are involved. This is a solution just for the time being, and cannot remain an ideal solution.

A constant trend in the Annual Anti-trafficking 2011³² refers to the increased number of THB cases for labor exploitation purpose, which determined the NC CTHB, according to the Prime Minister Decision to include a representative of the Labor Inspection as a member of the TC. Thus **18 TC** have included representatives of Labor Inspection, who participated in the TC meetings.

In the context of the provisions set forth in the Justice Sector Reform Strategy for 2012-2016³³ regarding the consolidation of the justice system for children, it is envisaged to create specially equipped premises for vulnerable victims – witnesses, especially children. As a result of the meeting from June 8, 2012, TC have to coordinate the identification of friendly spaces so as to provide mediation services and legal hearing of children – victims and witnesses.

According to the received information:

- **In 7 rayons** – the hearing rooms were partially equipped (*Hâncești, Ungheni, Criuleni, Edineț, Șoldănești, Ștefan-Vodă, Chișinău*);
- **In 15 rayons** – the necessary premises were identified to serve as interviewing room (*Drochia, Călărași, Cahul, Glodeni, Cimișlia, Sîngerei, Cantemir, Leova, Căușeni, Orhei, Ocnița, Soroca, Fălești, Anenii-Noi, Bălți*);
- **13 rayons** did not identify the necessary space for equipping the interviewing room (*Nisporeni, Dubăsari, Dondușeni, Telenești, Rezina, Strășeni, Râșcani, Ialoveni, Briceni, Basarabeasca, UTA Găgăuzia, Taraclia, Florești*).

To assess objectively the TC functionality and the inter-institutional cooperation, the minutes of the TC meetings were examined and the TC Action Plans for 2012 were revised. This analysis revealed the topics tackled during the meetings, *focused on multidisciplinary approach* and mainly referring to the actions undertaken by the law-enforcement bodies and the MDT members. At the same time, it should be mentioned that in majority of cases, the MDT responsible takes part in TC meetings either as a member or as a guest (rapporteur). Thus, the TC members know about the THB cases from the rayon and come up with decisions so as to settle the discussed cases.

During the reported period, the specialists from rayons and mayoralities have benefited from trainings, which were attended especially by the representatives of the social area. On the other hand, the trainings were focused on identifying and assisting the THB victims and potential victims. The majority of trainings were structured in a systemic way, being meant for the MDT members and community social assistants. The most important supplier of trainings was the MLSPF in partnership with the IOM, Mission to Moldova. According to the reports, it is estimated that about 70 training seminars were organized, being attended by over 1200 specialists.

³² http://www.gov.md/public/files/rapoarte/Raport_Final.pdf

³³ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=341748>

Conclusions and Recommendations

1. The intention to extend the boundaries for fulfilling the activities of the National Plan on two timelines (2012-2013) is counter-productive, as the prioritization of activities is influenced by the existence of the alternative to give up an activity in the advantage of another pre-established task. Thus, 12 activities out of the 13 partially fulfilled ones refer to the 2012-2013 timeline.

In 2012, eight activities from the National Plan were not fulfilled. The reason most frequently invoked by the responsible authorities for not fulfilling the activities is related to the extended term for the entry into force of the National Plan.

It is recommended:

- To give up in future the extension of the time limits (*e.g.*: 2012-2013) for fulfilling the activities of the National Plan, by indicating specific deadlines and/or setting intermediate progress indicators;
- To implement on priority basis the activities which were not carried out in 2012;
- To extend the actions of the National Plan for a period of 3/4 years according to the Analytical Study on State Policy Management in Anti-trafficking area.³⁴

2. At the current moment, some CPA do not fill in all the existing information cells from the reporting forms sent by the PS and this fact influences the quality of the National Report.

It is recommended:

- To consolidate the procedures of collecting data and to use the indicators established via the forms of the Permanent Secretariat as benchmarks for universal reporting in the anti-trafficking area;
- To train the CPA specialists on how to fill in the forms.

3. Ascending dynamics was noted in 2012 for the number of registered THB crimes - 151 cases. At the same time, the number of related offences, which were registered and examined, accounts for 269 cases. These figures speak for the fact that the competent bodies are obliged to orient their efforts mainly on examining the related offences, thus their priority competence is filled in with the examination of these 269 cases, while the indicators determine the need to intensify the efforts in the area of combating THB and CT.

At the same time, some gaps are registered in the criminal procedure legislation, which regulates the territorial competence of criminal investigation in

³⁴ Developed by the expert of the IC La Strada, with the financial support of the Ministry of Foreign Affairs of Denmark

THB cases, thus creating impediments for the operation of the MIA subdivision specialized in combating THB (CCTP). This deficiency becomes even more prominent in the context when the criminal investigation body of the MIA has subdivisions specialized in different areas, such as combating THB, illegal migration, cyber-crimes, organized criminality.

It is recommended:

- To increase the number of personnel in the CCTP (MIA) and in the Section for Combating THB from the GPO;
- To amend the criminal procedure legislation (art. 257 Criminal Procedure Code) so as to empower the heads of the GPO subdivisions which interact with the specialized subdivisions of the MIA, with duties to establish the competence in undertaking the criminal investigation for the cases identified by the respective subdivisions (*the recommendation is also valid for other areas of activity: combating illegal migration, organized crime, etc.*)

4. The forecasts made in 2011 regarding the possibility of increasing number of THB cases for forced labor exploitation purposes came true. Thus, in 2012, according to the MIA data, the number of THB victims exploited through forced labor accounted for 126 and it actually is equal to the number of THB victims exploited sexually - 126. The increase in number of identified cases was influenced also by the planned trainings which were organized during this period of time – a fact which generated increased skills to identify the competent specialists.

It is recommended:

- To promote urgently the draft law for amending and completing the Criminal Code, especially art.168 (forced labor) so as to delimit clearly the composition of this offence from the composition of THB for the purpose of labor exploitation;
- To consolidate continuously the mechanism for identifying the victims of THB for the purpose of labor exploitation;
- To fortify the collaboration relations between the Labor Inspection and the CCTP and to include Labor Inspection in the composition of the NC CTHB;
- To improve the procedures used for monitoring/controlling the actions of the private recruitment and intermediation agencies.

5. An aspect which creates impediments in the activity related to combating THB would be the gaps, which were created as a result of the amendments made to the criminal procedure legislation related to the use of special investigation measures. Due to these legislative gaps, it is impossible to undertake the financial investigation in cases of THB crimes and thus it is impossible to follow the illegal proceeds obtained by the traffickers. At the same time, the possibility for the criminal investigation body to use special investigation means, such as interception of communication, was excluded for the THB related crimes (pimping, organization of illegal migration).

It is recommended:

- To modify the Criminal Procedure Code so as to eliminate the above-mentioned gaps.

6. The establishment of the Section for Combating Trafficking via Internet is a real success of the CCTP, but during the MIA reform, the duties of the respective section were absorbed by the newly created entity, and namely the “Center for Combating IT Crimes of the National Investigation Inspectorate”. Nevertheless, based on the needs provided under the EU Strategy for THB Eradication for 2012–2016, the newly created Center will generate effects of huge resonance and for the entire anti-trafficking segment.

It is recommended:

- To harmonize the national legislation, especially according to the provisions of the Directive 2011/92/EU of the European Parliament and Council dated December 12, 2011;
- To implement projects meant to acquire better knowledge about recruitment through Internet and social networks, including the recruitment through mediators;
- To carry out campaign for public information and awareness of the public, especially of the minors about the THB risks existing on the Internet.

7. GRETA and JTiP Reports recommend the Government to create a fund for compensating the victims, so as to exercise the victim’s right to compensation. During 2012, only 20 out of the 290 victims in the registered criminal cases have exercised their right to request for payment of damages. The requests submitted to the courts are settled with great difficulties. This indicator may also mean that victims did not want to submit their claims (kinship links, the damages were already compensated by the traffickers, etc.) or the victims did not yet make up their minds about the value of the prejudice, etc.

It is recommended:

- To develop the Concept for establishing the Fund of State Guaranteed Compensation for THB Victims (concept, which could be extended for the victims of all crimes).
 - To identify the financing sources for the State Guaranteed Compensation Fund;
 - To develop the draft of the legislative act on establishment and operation of the State Guaranteed Compensation Fund for THB Victims;
 - To develop the mechanism for granting compensations.
- To consolidate the capacities of the law-enforcement bodies’ representatives in monitoring or controlling the financial transactions at all the stages of the criminal investigation.

8. In 2012 no new countries of destination were identified, nevertheless the number of exploited persons did not decrease.

It is recommended:

- To consolidate the capacities of the Border Police in pro-active identification of the potential victims;
- To organize in 2013 bilateral consular consultation with the competent authorities of the states from Middle East, Asia, etc., which are responsible for the THB combating area;
- To finalize the mechanism of collaboration with the Russian Federation and Ukraine in the area of identifying, assessing, repatriating, and assisting the victims and potential victims of THB, as well as unaccompanied children;
- To build the capacities of the specialists in post-repatriation monitoring of the THB victims / potential victims and TC victims;
- To consolidate the capacities of the law-enforcement bodies in harnessing the possibilities offered by the new art. 540² of the Criminal Procedure Code (joint investigation teams);
- To promote practices for setting joint investigation teams for the given specialists from the Russian Federation and Ukraine, within some national/international events.

9. The statistical data from the report indicate that the population from total area represents the major risk group. Another risk group would be the population with incomplete secondary education; unfortunately children left behind as a result of migration and graduates of boarding schools also represent an extremely vulnerable group.

It is recommended:

- To develop programs and tools for preventing THB by protecting these vulnerable groups;
- To collaborate with the academic environment so as to develop and include the curricula of training specialists in protecting and rehabilitating victims of THB – adults and children;
- To develop prevention measures for children's sexual abuse, as well as rehabilitation and assistance services;
- To develop the repatriation mechanism and the assistance programs for migrants in difficulty;
- For the CPA and LPA to gradually identify/plan financial resources for implementing policies to prevent and combat THB and to carry out the NP activities.

10. The Republic of Moldova is a pioneer in preventing THB via provision of qualitative social assistance for the THB potential victims. The preventing and protecting actions meant for the THB victims and potential victims are visible and they should be enhanced through: geographical extension of the NRS at the community level, development of MDTs' capacities in identifying and assisting the THB victims and potential victims, etc.

It is recommended:

- To consolidate the NRS at the rayon level and to extend it at the community level;
- To ensure the access of THB victims and potential victims to qualitative services within the rayon shelter centers meant for THB victims and potential victims;
- To gradually increase the financial resources in the state budget for: maintenance of the specialized shelter centers, repatriation of children/adults, population awareness and information about the THB phenomenon;
- To monitor the allocation/execution of the financial resources from the state budget for the operation of the specialized shelter centers, which are administrated by the LPA.

11. As for the activity of the TC, it may be noted that considerable improvements were achieved, but some of them still need to be enhanced. As well, some of the information/reports sent to the NC CTHB are still of insufficient quality. The monitoring forms were not filled in with information for all the requested indicators.

It is recommended:

- To develop a *standard-model* for concluding the Rayon Plans of TC Activity in the given area;
- To develop the Training Program for TC members;
- To revitalize/consolidate TC, which manifest insufficient activities.