



Strasbourg, 4 March 2015

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**Reply from the Republic of Moldova
to the Questionnaire for the evaluation of the
implementation of the Council of Europe Convention on
Action against Trafficking in Human Beings by the Parties**

**Second evaluation round
(Reply submitted on 11 February 2015)**

GOVERNMENT OF THE REPUBLIC OF MOLDOVA

**NATIONAL COMMITTEE FOR COMBATING
HUMAN TRAFFICKING**

QUESTIONNAIRE *(DRAFT)*

**for the evaluation of the implementation of the Council of Europe
Convention
on Action against Trafficking in Human Beings
by the Republic of Moldova
*(Ratified by Law no. 67-XVI from 30.03.2006)***

SECOND EVALUATION ROUND

Chişinău, February 2015

ABBREVIATIONS

- BCC - Broadcasting Coordination Council
BDR – Bureau for Diaspora Relations
BMA - Bureau for Migration and Asylum
BPD - Border Police Department
CAP - Centre for Assistance and Protection of Victims and Potential Victims of Human Trafficking
CoE – Council of Europe
CC – Criminal Code
CCCC - Centre for Combating Cyber Crimes
CCTP - Centre for Combating Trafficking in Persons
CIDCR - Centre for Information and Documentation in Child’s Rights
CORM - Classification of Occupations of the Republic of Moldova
CPA - Central Public Authority
CPC – Criminal Procedure Code
DV - Domestic violence
DIP – Department of Penitentiary Institution
EU - European Union
EUBAM - EU Border Assistance Mission to Moldova and Ukraine
EUROPOL – European Police Office
GD – Government Decision
GPI - General Police Inspectorate
GPO - General Prosecutor’s Office
GRETA - Group of Experts on Action against Trafficking in Human Beings of the Council of Europe
IC “La Strada” - Public Association International Centre for Women Rights Protection and Promotion “La Strada”
ICMPD - International Centre for Migration and Policy Development
INTERPOL - International Criminal Police Organization
NAC - National Anticorruption Centre
IOM – Mission of International Organization for Migration in the Republic of Moldova
IO – International Organization
IPA - Independent Press Association
LPA - Local Public Authority
MDL – National Moldovan currency
MDPCR - Municipal Directorate for protection of Child’s Rights
MFAEI - Ministry of Foreign Affairs and European Integration
MIA – Ministry of Internal Affairs
MITC - Ministry of Information Technology and Communications
MoEc - Ministry of Economy
MoEd - Ministry of Education
MoF - Ministry of Finance

MoH – Ministry of Health
 MoJ – Ministry of Justice
 MLSPF - Ministry of Labor, Social Protection and Family
 MYS - Ministry of Youth and Sports
 NAP - National Plan for Prevention and Combating of Trafficking in Human Beings
 2014-2016
 NC CTHB – National Committee for Combating Trafficking in Human Beings
 NCCAP - National Centre for Child Abuse Prevention
 NCTACEM - National Centre for Training, Assistance, Counseling and Education from
 Moldova
 NCU - National coordination unit of NRS
 NEA - National Employment Agency
 NGO - Non-Government Organization
 NII - National Inspectorate of Investigation
 NIJ - National Institute of Justice
 NORLAM – Norwegian Mission of Rule of Law Advisers to Moldova
 NRAECIT - National Regulatory Agency for Electronic Communications and
 Information Technology
 NRS - National Referral System for the protection and assistance to victims and
 potential victims of trafficking in human beings
 RPAC - Republican Pedagogical Assistance Centre
 NSIH - National Social Insurance House
 OSCE – Organization for Security and Co-operation in Europe
 OSME - Organization for Small and Medium Enterprises Development
 PS - Permanent Secretariat of the NC CTHB
 RM - Republic of Moldova
 SCM - Supreme Council of Magistrates
 SCP - Supreme Council of Prosecutors
 SDC - Swiss Development and Cooperation Agency
 SELEC - Southeast European Law Enforcement Centre
 SID - Safer Internet Day
 SLI - State Labor Inspectorate
 SMPU - State Medical and Pharmacy University “Nicolae Testemiteanu”
 TA – Transplant Agency
 TC – Trafficking in Children
 TC CTHB – Territorial Commission for combating trafficking in human beings
 TdH - The Swiss Foundation “Terre des Hommes”
 THB - Trafficking in human beings
 TMT - Territorial multidisciplinary team of the National Referral System
 VLAP - Visa Liberalization Action Plan
 UAE - United Arab Emirates
 UNICEF - United Nations Children’s Fund
 UNODC - United Nations office on Drugs and Crime
 UN Women - United Nations Entity for Gender Equality and the Empowerment of
 Women
 USAID - US Agency for International Development
 WLC - Women's Law Centre

(Ref. to page/pages...) - *Syntagm means a reference is made to information contained in the REPORT of the Republic of Moldova on the implementation of Recommendations of the Committee of the Parties of the Council of Europe Convention on the Action against Trafficking in Human Beings (2014)*

A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

Trafficking in human beings (art. 165 of CC)

There was a significant increase of THB exploited for begging purposes:

(2011 – 1, 2012 – 13, 2013 – 21, 2014 – 49).

During 2014, Russian Federation, Turkey, Northern Cyprus, and the UAE continued to be the main countries of destination for external traffic (in terms of the number of victims). Among them, the Russian Federation continues to be the main country of destination for all three types of trafficking in persons for exploitation purposes - 134 individuals (or about 56.5% of the total number of victims), most of them men (71 victims), trafficked mainly for exploitation of labor; next follows the exploitation in begging (42 people) and finally, sexual exploitation (20 people, exclusively women). Nevertheless, there is a small decrease of the overall share of the number of people going to this destination in comparison to 2013. Also, a number of changes are observed as far as the purpose of exploitation in countries of destination is concerned. Thus, there was registered a twofold decrease of sexual exploitation, while there was registered an increase in trafficking for exploitation for begging purposes.

Turkey and Northern Cyprus, as countries of destination, continue to be in the top positions with 19 and, respectively, 18 victims trafficked exclusively for sexual exploitation purposes. One of the main reasons of exploitation occurring in Northern Cyprus is the fact that criminals take advantage of the regional conflict, generating lack of control in this region and opportunities for criminal activities. In UAE 12 victims were identified as trafficked exclusively for the purpose of sexual exploitation, indicating a constant dynamic.

The newly emerging countries of destination are the EU countries where cases of trafficking in persons for purposes of sexual exploitation have been recorded. Countries of destinations are **Italy, Germany, Greece, Poland, Romania, Czech Republic and Spain**. Other new countries of destination are non-EU countries **Qatar and Georgia**.

Trafficking in Children (art. 206 of CC)

During 2014, 15 children were identified as falling into the category of internal TC (out of which 11 - sexual exploitation, 1 - labor exploitation, 3 – exploitation in begging).

As far as the external traffic is concerned, the Russian Federation remains the most popular destination, with a slight decrease compared to the previous year. 4 children were trafficked to this country of destination (1 - sexual exploitation, 3 - labor exploitation). Italy comes as next country of destination (from the group of the new countries of destination) with 3 victims identified all of them for the purpose of sexual exploitation. Followed by Turkey, with 2 children trafficked for sexual exploitation. Ukraine and UAE, each with 1 child exploited in begging and, respectively, sexual exploitation.

With respect to the criminals' modus operandi, we state the following:

- The classical fraud, in its complex form, and the abuse of vulnerability are the most frequently encountered recruitment methods. At the same time, a new method appeared, that of trust abuse. In such situations, it is usual that the trafficker and the victim know each other very well (they live in the same village), the identified victims are used mainly for labor exploitation purposes.

Deceit in this case consists of vague and false promises of employment and payment of a good salary. Once convinced, the victims are transported to other destinations, and are required to practice other activities (usually for sexual exploitation and less often for exploitation through begging). It might happen that the victims reach the agreed destinations, but the remuneration and conditions of work do not correspond with the initial agreement (specific for labor exploitation).

- As far as the internal trafficking is concerned, apart from traditional recruitment methods, also the abuse of power is used for trafficking and exploitation of victims;

- Transportation by land (road) and/or by rail way is used, especially towards the Russian Federation, whereas transportation by air is used towards other destinations directly from the Republic of Moldova or it may be in combination with the transit: by land to Kiev, Odessa and then transportation by air;

- In case of sexual exploitation it is mostly the offender who covers the transportation costs, including sending the electronic tickets directly to the victim (Northern Cyprus);

- The financial loan, seizing documents and application of violence or blackmail with violence are used as control methods at the exploitation stage.

- any changes in your country's laws and regulations relevant to action against TUB

(Ref. to pages 5, 6, 8, 14, 34)

In 2014 a number of amendments and amendments were made with respect to the legal framework on prevention and combating THB, namely:

1. The national 2014-2016 Plan to prevent and combat the THB was approved through *GD no.484 of 26.06.2014*¹.

2. Initiatives of amendments and amendments of the legal and regulatory framework in the area were put forward, including the following draft of the GD, regarding the approval of the draft Law on amendments and amendments of certain legal acts. The responsibility to coordinate the development and promotion of this draft Law lies with the PS. This draft Law is meant to act as a basis for the amendments to the Law no.241 of 20.10.2005 on prevention and combating trafficking in human beings, Law no.131 of 08.06.2012 on the control of the state over business activity, Law no.140 of 06.14.2013 on the special protection of children at risk and of children separated from their parents, the Criminal Code (CC) and the Criminal Procedure Code (CPC) of the RM. The development of this draft follows the goal to create optimal conditions for law enforcement and control bodies, including the State Labor Inspectorate (SLI), to counter the human trafficking crime and to carry out effective operational investigations of the THB cases of sexual, labor and exploitation for begging, etc.

Currently, the draft is still in the finalization stage and is supposed to be submitted to the MoJ, the entity entitled to start the formal government endorsement and promotion procedures.

3. The draft law on rehabilitation of victims of crimes. The responsibility to develop and promote this draft Law lies with the MoJ.

The promotion of this draft Law and its subsequent implementation is aimed to ensure the following *results*:

¹ <http://lex.justice.md/md/353631/>

- development of the regulatory legislative framework regulating the minimum conditions for the rehabilitation of victims of crime;
- establishment of a national system for rehabilitation of victims of crime;
- regulation of mechanisms related to provision of support services to victims of crime
- creation of a compensation fund for victims of crime.

At the moment the draft is being finalized based on the comments received by the MoJ and shall be submitted to the NAC to be subjected to the anti-corruption examination.

4. Given the provision of art. 20 of the Law no.241-XVI din 20 October 2005 on Prevention and Combating THB, there was approved GD no.210 from 24.03.2014 which aims to facilitate the issuing of identity documents in order to provide protection and assistance for the envisaged category of citizens. Thus, victims of THB were included in the list of beneficiaries of facilities for the issuance of identity cards and temporary identity cards for the citizens of the Republic of Moldova.

- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;

(Ref. to pages 14-15)

According to the GD no.484 from 26.06.2014², which amended the GD no.472 from 26 March 2008 "On approval of the membership of the National Committee for Combating Human Trafficking and of the Regulation of the National Committee," the NC CTHB includes in its staff the representatives of:

1. General Police Inspectorate of the Ministry of Internal Affairs;
2. State Labor Inspectorate;
3. Bureau for Diaspora Relations – a subdivision of the State Chancellery.

² <http://lex.justice.md/md/353631/>

At present, the institutional framework for the THB prevention and combating has the following configuration:

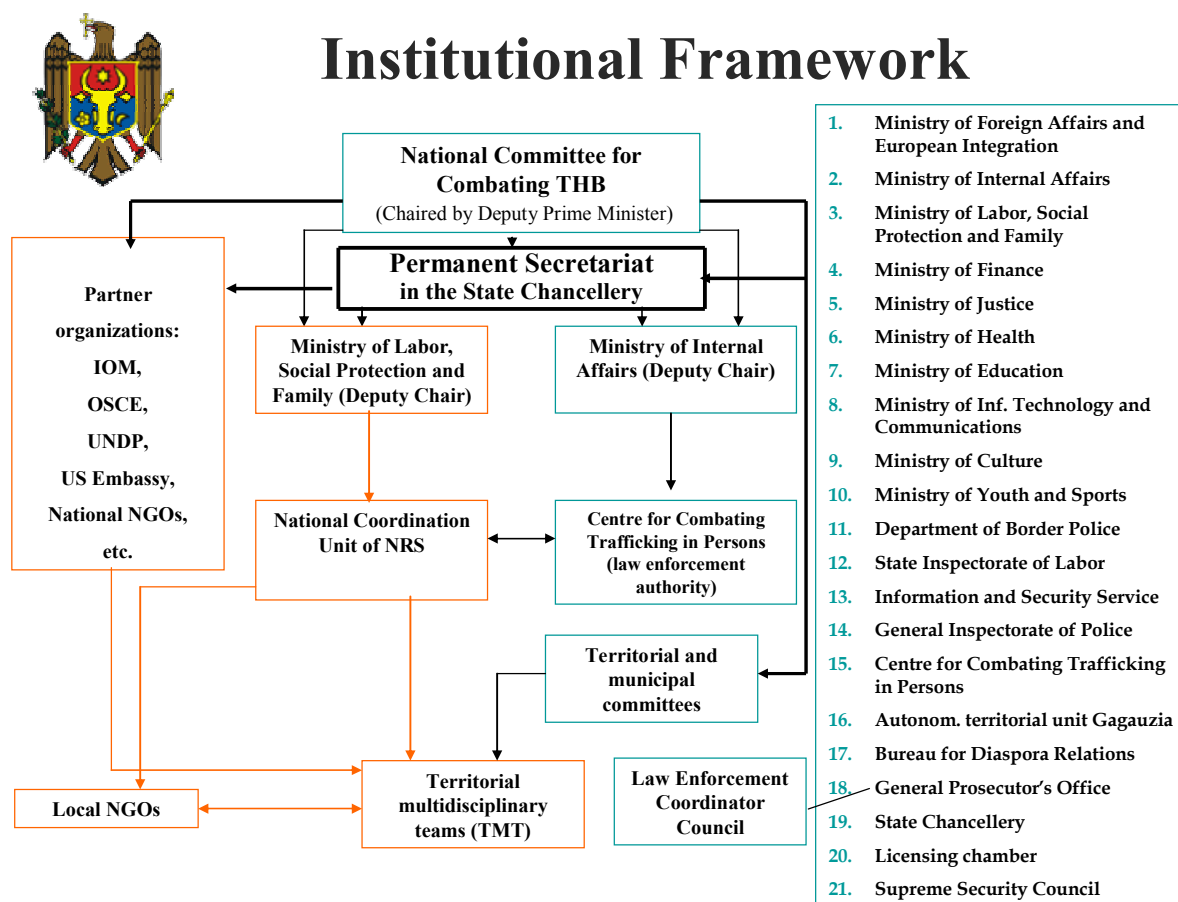


Diagram 1

The structure and responsibilities of authorities involved in the national response to THB have undergone a number of changes during the period since the last report:

Centre to combat trafficking in persons (CCTP)

The following should be mentioned with respect to the structure and responsibilities of the CCTP: this is a primary unit to combat trafficking under Police and is subordinated to the National Inspectorate of Investigation (NII) of the General Police Inspectorate (GPI). It has the status of a directorate, which by law, has the mission to investigate and prosecute human trafficking crimes and other related crimes. The Centre has jurisdiction over the entire territory of the RM.

According to the Regulation on the organization and operation of the Centre it has the following functions:

1. identification, combating and prevention of THB and of the related acts;
2. data management and analysis on THB;

3. analysis and participation in the development of the national policies for prevention and combating THB;
4. facilitating the access of victims of THB to social assistance and protection services;
5. prevention of the THB phenomenon.

Following the restructuring of the CCTP in August 2014, specialized investigation Sections have been created for separate exploitation purposes:

- Investigation Section no. 1 – combating THB for sexual exploitation and pimping purposes;

- Investigation Section no. 2 – combating THB for labor exploitation and begging;

- Investigation Section no. 3 – combating TC and THB in organs, tissues and cells.

This measure is aimed to strengthen and reorient the Centre's investigation activity towards strictly and well established directions and to ensure specialization of investigation officers per specific activity directions.

General Prosecutor's Office (GPO)

The GPO has an important role in fighting THB, punishment of traffickers and prevention of human trafficking crimes.

In view of this, the Section to prevent and combat THB was established within the GPO. Later the Section was reorganized into the Section to combat human trafficking. Currently, it comprises 7 prosecutors, with 1 prosecutor as Head of the Section and one prosecutor as Deputy Head of the Section.

This Section has got the following tasks:

- leading and exercising control over the prosecution actions performed by the CCTP prosecution officers;

- representing the state prosecution in prosecuted cases submitted to court;

- monitoring and coordination of prosecutors from the other subdivisions of the Prosecution Office in their work in the prevention and combating the human trafficking;

- carrying out mediating activities and activities aimed at prevention of trafficking in human beings.

Also, principles of interaction between the Prosecution Office subdivisions, to be observed in prevention and combating THB, have been established. Thus, based on these principles, prosecutors responsible for the application and enforcement of the legislation on prevention and combating THB in the territory were appointed in each local prosecution office.

The GPO participates at the development of the annual report on prevention and combating the THB. Thus, in conformity with art. 11, para. (8) of Law no.241 from 20.10.2005 on prevention and combating trafficking in human beings³, the law enforcement bodies shall annually, not later than 10 January, submit to the Coordinating Council of the General Prosecutor the reports on the country compliance with the legislation on prevention and combating THB. The General Prosecutor, in his turn, shall submit the respective reports to the NC CTHB before 20 January.

With respect to the involvement of NGOs in coordinating bodies we state the fact that according to section 4 of the GD no.472 from 26 March 2008⁴, the representatives of NGOs and IOs with representations in the RM, carrying out activities to combat trafficking in human beings and to provide assistance to human trafficking victims, have the right to attend the meetings of the NC CTHB with an advisory vote.

³ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313051>

⁴ <http://lex.justice.md/md/327523/>

With respect to institutions assigned as national rapporteur or other mechanism for monitoring the implementation of strategies, policies and anti-trafficking activities the same GD stipulates that the PS is responsible for the coordination and monitoring of public policies on preventing and combating THB, as well as for reporting on their implementation.

- **Coordination** is carried out during meetings of the NC CTHB, meetings of the coordination technical group of the PS and bilateral meetings with representatives of public authorities or of the implementation partners.

- **Monitoring** is carried out based on the progress indicators of the NAP and the PRETRIAL, TRIAL, AFTERTRIAL, RELATED CRIMES and VICTIMS forms for statistical data recording.

- **Reporting** at internal level is carried out by submitting reports to the government at least once a year, before 31 March of the next year. Reporting at external level is carried out at the request of international evaluators GRETA, UNODC, USA Department of State, OSCE, etc.

- **an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).**

One should mention the fact that the implementation of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of human trafficking⁵ is envisaged to be in place until 2016. In view of this it was decided to extend the national anti-trafficking plan from 2 years⁶ to 3 years of implementation. Thus, based on the GD no.484 from 26.06.2014⁷, the 2014-2016 National Plan to Prevent and Combat Trafficking in Human Beings was approved.

Following the aim to strengthen the strategic aspect of planning the following recommendations of the international and national evaluation reports were taken as reference points in drafting the 2014-2016 National Plan:

- Global Report on Trafficking in Persons, 2011 edition, US State Department (GTIP Report 2012);

- Report of the GRETA Expert Group on the implementation in Moldova of the Council of Europe Convention on Action against THB, Edition 2011 (GRETA);

- Report of the OSCE Special Representative and Co-ordinator for combating THB, following his visit to the RM on 31.10 - 03.11.2011;

- Evaluation Report of the UNODC, March 2013;

- National reports on prevention and combating THB for the 2012-2013 period of time;

- Reports of independent experts.

The PS coordinated the document development and promotion process carried out with the participation of the public institutions and the development partners.

Thus, the 2014-2016 National Plan includes **120 activities**, as shown below:

⁵ <http://lex.justice.md/md/330608/>

⁶ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=349254>

⁷ <http://lex.justice.md/md/353631/>

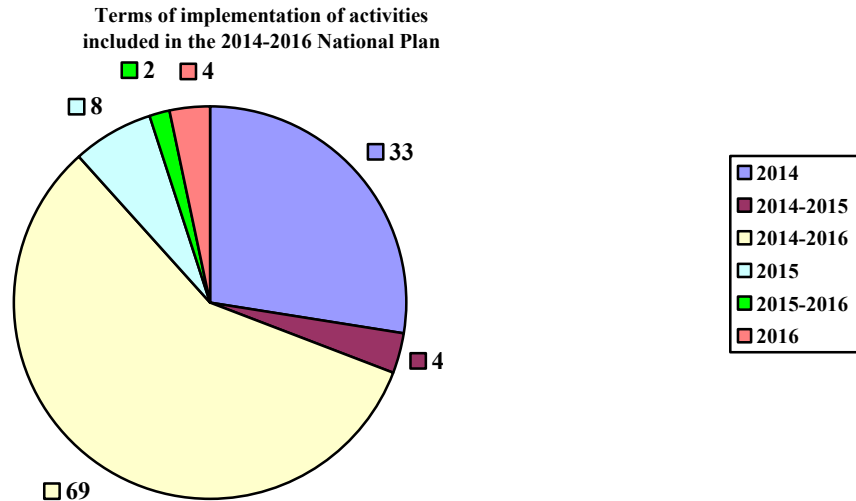


Diagram 2

The structure of the 2014-2016 National Plan includes the following chapters:

Chapter I. GENERAL MEASURES

1. Coordination of anti-trafficking activities - 4 activities;
2. Legal and regulatory framework - 6 activities;
3. Capacity building - 11 activities;
4. Management of Information and research - 10 activities;
5. Analysis, monitoring and evaluation - 5 activities;
6. Fund raising and budgeting - 2 activities.

Chapter II. PREVENTION

1. Awareness raising and education of the wide society - 19 activities;
2. Reduction of vulnerability - 17 activities;
3. Administrative Control - 5 activities.

Chapter III. ASSISTANCE AND SOCIAL PROTECTION OF VICTIMS AND WITNESSES

1. Identification of the THB victims - 7 activities
2. Repatriation - 2 activities
3. Rehabilitation and reintegration - 6 activities

Chapter IV. INVESTIGATION AND PROSECUTION

1. Investigation - 6 activities
2. Prosecution and conviction of traffickers - 4 activities
3. Legal rehabilitation and compensation of the THB victims - 1 activity
4. Protection and cure of the victims – witnesses - 7 activities

Chapter V. INTERNATIONAL COOPERATION

1. Strengthening the international cooperation - 4 activities
2. International cooperation with police and judiciary - 4 activities.

The public authorities responsible for the implementation of the activities included in the 2014-2016 National Plan are listed in the diagram below:

The number of activities per institutions responsible for the implementation

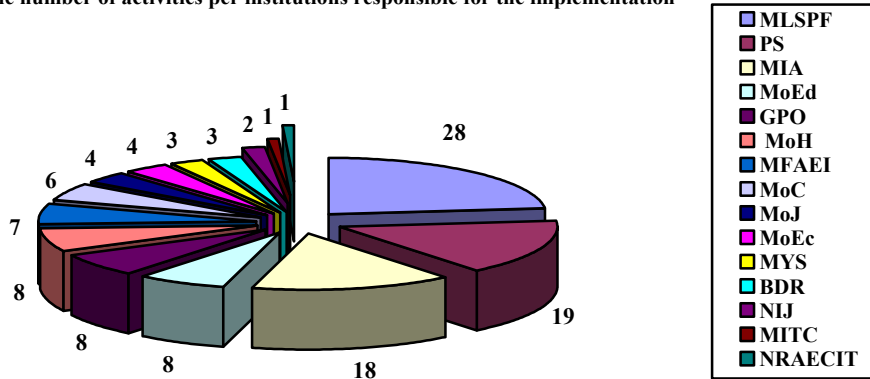


Diagram 3

The national and international partners, especially the ones indicated in the chart below, contribute with a significant support, including financial and logistical support, in the development and implementation process of the 2014-2016 National Plan:

Number of activities accomplished by NGOs/ IOs in partnership with the central administrative authorities

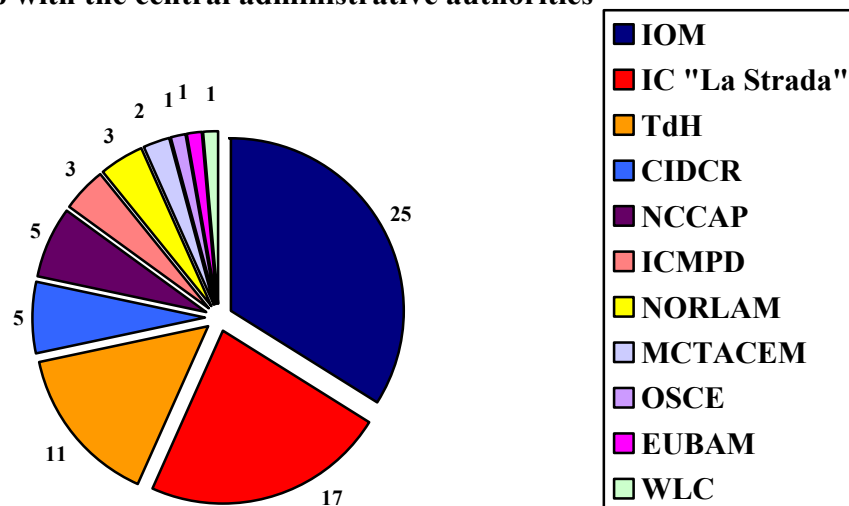


Diagram 4

According to GD no.472 from 26 March 2008⁸ the PS is responsible for coordinating and monitoring the public policies on prevention and combating THB and for reporting in connection with their implementation.

B. Cross-cutting questions

⁸ <http://lex.justice.md/md/327523/>

Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

Following the aim to facilitate the access of the wide public to information and services the GD no.661 on the organization and operation of joint information and services bureau (JISB) was adopted on 30.08.2013. The JISB provides services to urban and rural population, including women and vulnerable groups, the latter, for some reason, having less access to services of this kind. The programme "Women's Economic Empowerment through Increasing Employability in the RM", implemented by MLSPF and MoEc in partnership with UN Women and with the financial support of the Swedish Government, aims at informing, empowering and enabling women from the rural areas and suburbs to enjoy their social and economic rights. The JISB have accepted this innovative approach and they bring together the service providers of the public and private sectors and involve the civil society in providing services in a coordinated manner when it comes to employment, social protection, initiating and financing small and medium enterprises. This is planned to become a strategic mechanism for the economic empowerment of women at the local level.

The JISB brings together several service providers such as the Territorial Employment Agency, the Land Relations and Cadastre Service, the State Labour Inspection, the Social Security Territorial House, the district Council Directorate of social assistance and family protection and the district Council Directorate of economy. Thus, the administrative-territorial budgets requested from the state budget in 2014 an amount of 681.0 thousand MDL allocations for funding the JISBs in 32 districts of the country (for the operation of 22 JISBs and to initiate activities of the JISBs creation / opening in 10 districts). JISBs were officially opened in three districts in 2014: Criuleni, Rezina and Dubasari.

Based on GD⁹ no.484 of 06.26.2014, item 1.4, sub-point 1.4.5, the study "Assessment of compliance with gender aspects during assistance to repatriated children" was developed. The study was needed to assess the FACT program implementation by the TdH. The aims followed by this Study were:

- Strengthening the gender equality dimension in the children reintegration case management (the boys and girls have different needs depending on the abuse and crime consequences);
- Application of the gender equality dimension when managing children repatriation cases;
- Addressing the equal treatment for boys and girls issue during the reintegration needs assessment, this constituting an impediment for the implementation of the reintegration plan.

Recommendations developed in the future Report on the Study mentioned above shall be taken into consideration for further extension and consolidation of the FACT program implementation.

One should also mention here the 2010-2015¹⁰ National Plan on gender equality, item 53, incorporating special measures with respect to "Violence and human trafficking area":

- capacity building for entities carrying out prevention and combating violence and THB with special attention given to persons involved in the rehabilitation of victims and re-socialization of perpetrators, taking into account the gender dimension;

⁹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=353631>

¹⁰ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=333441>

- development of educational programs, training modules, studies, and organization of information campaigns on the violence and human trafficking phenomenon in the light of human rights and gender equality principles;
- strengthening the social programs and the rehabilitation and re-socialisation measures for victims and perpetrators of violence and for victims of THB;
- collection, analysis and dissemination of the sex disaggregated statistical data on violence and THB.

The MLSPF is the entity responsible for the implementation and monitoring of this document and for the development of annual reports. The latter can be found on the MLSPF web site.

In the support programs of the small and medium enterprises sector (SME) implemented by OSME there is no issue that would arise elements of discrimination based on gender or otherwise (as evidence can be presented all the descriptions of the programs managed by OSME).

For all the support programs, there is opting, permanently, for an active involvement of women and youth from socially-vulnerable layers.

Thus, in 2010-2013 within the project “Supporting the implementation of the migration and development component of the EU-Moldova Mobility Partnership,” OSME in partnership with the IOM has implemented two programs for youth:

1. „Fostering entrepreneurship activities of youth in rural areas”;
2. „Addressing the Negative Effects of Migration on Minors and Families Left Behind”.

As a result of implementation of these projects, there were obtained the following results:

- There were conducted 36 free training courses,
- 750 young people were trained and almost 800 young people consulted,
- 228 business plans were submitted for the contest by young people from rural areas of low-income families, who wish to develop their own business,
- 147 technical grants were awarded.

In programs PARE1+1, PNAET and GEA there is a permanent monitoring of the following indicator „number of women participating in trainings or have accessed financial resources”. Information confirming OSME efforts in this direction since these programs were launched is shown in the table below.

Table 1

	Number of trained persons		Number of funded businesses	
	Total	Women	Total	Businesses managed by Women
PARE 1+1	1094	298 (27%)	504	147
PNAET	3645	1577 (43 %)		
GEA	12374	8134 (66%)		

Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

Law no.69 from April 5, 2013 was approved to complete art.14 of Law no.436-XVI of 28 December 2006 on local public administration, conferring the local Council a new power, namely the power to decide on the establishment of the community mediator function in localities inhabited by Roma representatives in a compact or mixed manner. Later, the GD

no.557 from 17 July 2013 "On approval of the Framework Regulation on the organization of the community mediator activity" was developed and approved aimed to ensure the implementation of Law no.69 from 5 April 2013 on strengthening the regulatory framework. The pursued purpose was to create a regulatory framework on the activity of the community mediator in localities inhabited by Roma representatives in a compact or mixed manner. The framework Regulation spells out the conditions for organizing and fulfilling the community mediator function; identification of localities in which the community mediator function can be established; the requirements to be met by the individual wishing to work as a community mediator; the beneficiaries who are supposed to use services provided by community mediators.

According to the framework Regulation the community mediator shall be a person of Roma ethnicity, whose mission is to provide mediation and improve communication between that local beneficiaries (socially vulnerable persons of Roma ethnicity) and the public service providers under the first level of LPA. They are also expected to contribute to overcoming the difficult period and to the solution of identified problems or to obtain adequate support for beneficiaries.

Based on the Order of the Minister of Labor, social protection and family no.694-p of 27 December 2012, the "23256 Community Mediator" occupation was included into the "Alphabetical Index of Occupational titles (functions) of the Classification of Occupations of the RM (CORM). The occupation "341 206 Community Mediator" is also listed in the CORM (006-14), approved by Order no.22 of the Minister of Labor, Social Protection and Family from March 3, 2014.

According to GD no.791 from October 7, 2013 "On approval of amendments and completions to a number of GDs" amendments were made to the GD no.381 from 13.04.2006 "On the conditions of remuneration of the staff employed within the budgetary units," which provide new remuneration conditions and updating of the personnel wage categories of a number of municipalities. In such a way, the community mediator position was included into Annex no.3. "Conditions of remuneration of personnel employed in medical and social assistance institutions". See Table 4 "Remuneration categories related to certain categories of specialists and civil servants working in health care and welfare institutions" included in the decision mentioned above.

In 2013 was launched the employment of community mediators and finances were dully allocated in the state budget for this purpose, amounting to 462,600 MDL. Altogether 15 positions of community mediators have been established in 14 localities compactly or mixed inhabited by Roma representatives. For the establishment of all 48 community mediators positions envisaged in all 44 localities compactly or mixed inhabited by Roma representatives a budget of 1619,800 MDL has been allocated in the State Budget Law for 2014. Currently only 25 community mediators are employed.

During the period of 2013 – 2014, there were organized trainings with the participation of employed community mediators and with the participation of mayors, and guests from the 44 localities densely populated by Roma representatives. The training was supported by representatives of OIs, the Baron of Roma in the RM and NGOs of the Roma people. During these trainings the participants were made familiar with the provisions of the Law no.69 from April 5, 2013 and of the framework Regulation on the organization of the community mediator operation. They were informed about the steps to be undertaken for the institutionalization of community mediators. Also, the problems faced by the authorities in promoting the community mediation services were addressed.

On 10 December 2013, during the events conducted in the "16 Days of Activism against Gender Based Violence" campaign, the training workshop "Strategies on the work

with cases of domestic violence" was organized for community mediators employed in the settlements densely populated by Roma representatives. The objective of the seminar was to raise gender awareness among community mediators and to encourage a gender-based approach while holding the position of a community mediator. The event benefited of financial support from the OSCE Mission to Moldova.

During the period under consideration, the MLSPF carried out a constant monitoring of the implementation of measures set out in the 2011 - 2015 Action Plan to support the Roma population in the RM and in the GD no.557 from 17 July 2013. These activities envisaged the development by the LPA bodies of their own regulations on the operation of community mediators and the creation of contest employment commissions for the employment of community mediators and for the resolution of problems in this area. A number of meetings and reunions were held with the participation of community mediators and mayors of the settlements inhabited by Roma representatives.

The employment agencies offer information services to all persons looking for a job, including to the representatives of the Roma community. A wide range of information with reference to the legislation and management in the country can be accessed at the following web links www.anofm.md, www.angajat.md. Information and materials regarding the situation on the labor market were also published and disseminated through mass media: 304 information bulletins - on radio and television and 401 articles - in local and republican printed media. A total number of 7418 people, including Roma, benefited of electronic media and 5635 people, including Roma, benefited of telephone services.

Based on Law no.121 on Equal Opportunities from 25 May 2012 the *Council on the Prevention and Elimination of Discrimination and Ensuring Equality* was created, which is an autonomous public authority with the statute of a legal entity of public law. It is a collegium based body whose members are appointed by the Parliament of the RM. Through a Decision of the Parliament of the RM five independent members were elected to the Council membership and the operational Regulation of the mentioned Council was approved by Law no.298 from 21.12.2012. The Council is entitled to examine all complaints stating an alleged act of discrimination. Article 1 and 2 of Law no.121 on Equal Opportunities spell out all forms of discrimination and the protection criteria: race, color, nationality, ethnic origin, language, religion or belief, sex, age, disability, opinion, political affiliation or any other criteria such as sexual orientation, social origin, property, health, HIV / AIDS, and so on (www.egalitate.md).

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

The risk analysis Directorate of the Border Police Department (BPD) has developed risk profiles which are distributed for information to border police officers, responsible for the state border security at the border crossing points. These risk profiles describe the trafficking and recruitment methods, the typical portrait of a potential victim, the visual portrait of a victim of trafficking, the key questions to be asked from the potential victims and traffickers in order to unmask them. Also other tactics are described giving informational support to border policemen in their identification of the potential victims of THB during crossing the state border.

Also the employees of the prosecution and special investigations Directorate of BPD have powers to take measures and actions aimed at the identification of victims of trafficking in human beings during criminal investigations cases filed in connection with THB. The THB, at their request, have the right to benefit of social assistance provided under the Convention.

However, according to the provisions of the Minister of Internal Affairs Order no.90 from 06.04.2011 "*On approval of methodological recommendations on combating illegal stay of foreigners in the Republic of Moldova*", whenever facts of violation by the foreigners and stateless persons of the rules of stay in the RM are established, the perpetrators shall be taken to the office of internal affairs body for an interview. A hearing of the foreign person is carried out with respect to his personal situation and the activity performed in the country. If necessary, the presence of a translator shall be ensured.

During the hearing the following is established, citizenship and identity of the foreigner, date on place of birth, residence, education, place(s) of work, family, home, etc. In the absence of travel/identity documents the information regarding the travel/identity documents is recorded (if, eventually, they are in possession of some other persons). Other collected information refers to: the way of entry into the RM (legal/illegal); previous stay in the country, if any; the work activities carried out in the country (information about the legal or physical entities); if a response to an application submitted to an institution of the country is being expected; if the person has got any assets on the territory of the country; if he has got relatives (spouse, children) in the RM or in other countries; if the person wants to go to another country than his country of origin and where exactly, etc.

In 2013, the CCTP has signed a collaboration agreement with the SLI on the prevention and early identification of cases of trafficking for purposes of labor exploitation and forced labor cases. It should be noted that the SLI exercises state control over the observance of laws and other normative acts referring to labor by enterprises, institutions and organizations, with any type of ownership and legal form of organization, individuals who have employees, and by central and LPA¹¹.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

The statistical data on prevention and combating trafficking are gender disaggregated and refer to the national level. The law enforcement institutions and the social protection and assistance institution treat the victims of human trafficking in an equal way, in line with their competences. At the same time they identify the individual needs of the victims, following the aim to provide the appropriate services in accordance with the observance of human rights. This indicates the ability of institutions to identify men-victims of THB and reflects the status and profile of the victims of THB.

With respect to the victims' right to benefit of secure shelter accommodation, men - victims of THB, enjoy the same rights as women. Men have access to accommodation assistance within the CAP where they can benefit of medical, social, psychological and legal assistance. As far as the physical protection is concerned, this depends on the case investigation. If the investigation period exceeds the sheltering period, then during 1 month period of time, the shelter accommodation shall be extended depending on the need of the victim, whether man or woman. For example, according to the statistics of the CAP from Chisinau, during 2014 a number of 84 THB victims benefited of assistance, out them: 63 women and *21 men*.

Training of relevant professionals (Articles 10 and 29)

¹¹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=312768>

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

Table 2

Responsible institution	Partners/Donors	Module/Topic	Target group/Number	Budget US dollars
MLSPF	IOM , US Department of State	Initial training at the community level TMT	Members of TMT 932 professionals	25940
PS, NIJ	IOM, OSCE Mission to Moldova, IC „La Strada”	7 workshops "Hearing of children-victims / witnesses / sexual exploitation victims"	168 professionals: 37 judges, 46 prosecutors, 73 psychologists 2 specialists of the PS 10 TMT coordinators	16261, 13
MIA, BPD	ICMPD, PS, NC CTHB	Capacity building of the law enforcement bodies (BPD) on the identification of THB for labor exploitation purposes.	40 specialists Border policemen	
GPI, CCTP	UNODC, IOM, Polish police	2 training workshops and a study tour of 72 hours dedicated to the topics: - anti-trafficking activity, protection of victims, seizure of assets generated by THB and the parallel investigations; - combating criminality at the regional level, including THB; These workshops have been financed by international organizations or by other external partners.	10 CCTP officers	
PS	OSCE Mission to Moldova	10-15 March Exchange of good practices in Serbia in the area of the THB prevention and combating and the protection of victims.	7 Specialists: 1- MLSPF, 2- CCTP, 2- GPO, 1- CAP, 1- PS	
<p>National Institute of Justice (NIJ) Training for judges and prosecutors is achieved through initial formation of candidates for judges and prosecutors positions, as well as through continuous training of judges and prosecutors. <i>Initial training of candidates</i> for judges and prosecutors is performing according with the Plan for initial training, approved by the Board of the NIJ, with prior coordination of Superior Council of Magistrates and Superior Council of Prosecutors, which includes specialized discipline „Trafficking in human beings”. The costs for initial training are allocated from the state budget. The judges and prosecutors have the right to continuous training, by selecting the subjects and topics of the program</p>				

and they have to accumulate not less than 40 hours per year based on Continuous Training Plans (annual) and Semestrial Educational Plans, which are developed after assessment of training needs, approved by the Board of NIJ with prior coordination of Superior Council of Magistrates, Superior Council of Prosecutors and Ministry of Justice. Moreover, NIJ performs continuous training of judges and prosecutors through online trainings. According with mentioned plans above, especially in anti-trafficking field, during in 2014 it took part 19 trainings and an online distance course, as:

NIJ	IOM	<p>13 March Workshop „Investigation and prosecution of human trafficking crimes in a context of new tendencies of the phenomenon and in line with the new amendments to the legislation.”</p> <p>8-9 April Seminar: „Investigation and prosecution of human trafficking crimes. Legal qualification of crimes and hearing techniques for victims/witnesses of the trafficking in human beings.”</p>	<p>23beneficiaries</p> <p>12 judges, 9 prosecutors, 2 criminal prosecution officers.</p> <p>32 beneficiaries 19 judges, 13 prosecutors</p>	
NIJ	USAID, ROLISP, OSCE Mission to Moldova	<p>5-6 May, 4-5 November 2 Workshops „Aspects related to legal qualification of the human trafficking crime. Hearing techniques for victims/witnesses of the trafficking in human beings”.</p>	<p>49 beneficiaries</p> <p>25 judges, 19 prosecutors, 5 police officers</p>	
NIJ	NORLAM	<p>14-15 May, 18-19 June 2 workshops „Protection of vulnerable categories of litigants during criminal prosecution. Challenges during investigation of the human trafficking crimes. International cooperation – good practices and standards related to rogatory Letters”</p>	<p>54 beneficiaries</p> <p>29 judges, 12 prosecutors, 13 lawyers.</p>	
NIJ	NCCAP	<p>16-17 October, 3-4 November 2 seminars „Special protection of children victims/witnesses of crimes”.</p>	<p>33 beneficiaries</p> <p>11 judges, 20 prosecutors, 2 psychologists.</p>	
NIJ	USAID ROLISP	<p>13 November, 20 November, 27 November. 3 seminars: THB for the purpose of labor exploitation</p>	<p>50 beneficiaries</p> <p>19 judges 17 prosecutors, 14 police officers</p>	
NIJ	PS , OSCE mission to Moldova, La Strada, IOM,	<p>8 seminars: 14 -15 April, 26 -27 May, 2-3 June, 24– 26 September,</p>	<p>156 beneficiaries</p> <p>37 Judges, 46 Prosecutors, 73 Psychologists</p>	

		6 -7 October, 22 -24 October, 10 -11 November, 10 -12 December, “Hearing of children victims/witnesses of abuse and sexual exploitation” connected with TC, taking into consideration the article 110 ¹ from PPC”		
INJ	USAID ROLISP	<p>With USAID ROLISP was developed first distance learning course “the psychological specific and the particularities of hearing victims of trafficking in human beings” – 8 hours, dedicated to judges, prosecutors and other specialists from justice system.</p> <p>During 1-7 April – the online course was tested by a group of 11 persons created from trainers, donors of NIJ. After improvement of the course, the online registration was opened.</p> <p>During 26.05-09.06.2014 the course was followed and completed by the first group of 23 people.</p> <p>Between 7-21 July 2014, the second group of 59 people, followed and completed the course.</p> <p>During 30.10-14.11.2014 the course was followed and completed by 17 people.</p>	86 beneficiaries	
<p>Ministry of Education</p> <p>In 2014 the Order of the Minister of Education No. 1167 of 12.14.2013 "On approval of plans for continuous training of teachers and managers in 2014" was issued. Pursuant to this Order the institutions entitled to do continuous training in the reporting period, included in the training programme the categories of teachers as indicated below. The content of the programme included specific educational problems connected with the prevention of abuse, neglect and human trafficking. A total of 2810 specialists were trained.</p> <p>345 teachers were trained, they being: <i>School psychologists – 110 persons;</i> <i>Civic education specialists – 58 persons;</i> <i>Social assistance specialists – 32 persons;</i> <i>Social pedagogy specialists – 65 persons;</i> <i>Educators of the boarding schools – 32 persons;</i> <i>Deputy directors responsible for education – 48 persons.</i></p> <p>2465 teachers and other personnel of the education system were trained in partnership, as indicated below:</p>				
MoEd	CIDCRE and with the	<i>In January and May</i>	35 specialists	

	UNICEF financial support	<p>2014 Training in the District / Municipal Directorate for Education, Youth and Sports on the prevention, identification, reporting and referral of cases of abuse, neglect, exploitation and trafficking of children. A two days workshop.</p> <p>In February 2014 – Train the trainers workshop dedicated to the work with students’ parents aimed at prevention of cases of abuse, neglect, exploitation and trafficking of children.</p> <p>In March, April and May training workshops for head teachers were held for their work with the students’ parents aimed at prevention of cases of abuse, neglect, exploitation and trafficking of children.</p>	<p>130 trainers from all districts of the country. 3 days duration of the workshop.</p> <p>2300 head teachers trained in all districts of the country.</p>	
MFAEI	IOM, IC “La Strada”, PS, MLSPF, MIA, CAP	<p>12 June 2014 - Seminar „Identification and referral of the THB victims and potential victims to protection and assistance centres. Role of the consular officer”</p>	25 future consular officers	

According to data indicated in the tables above, one can see that, during 2014 an estimated number of **4229 specialists** were trained. They can be distributed per professional categories, as follows: Members of TMT - 932; Judges – 152, Prosecutors - 138, Psychologists – 76, Border guards – 40, Criminal Investigating Officers - 33, Lawyers - 13, PS Representatives – 4, MLSPF Representatives -1, Teachers - 2810, Consular Officers - 25.

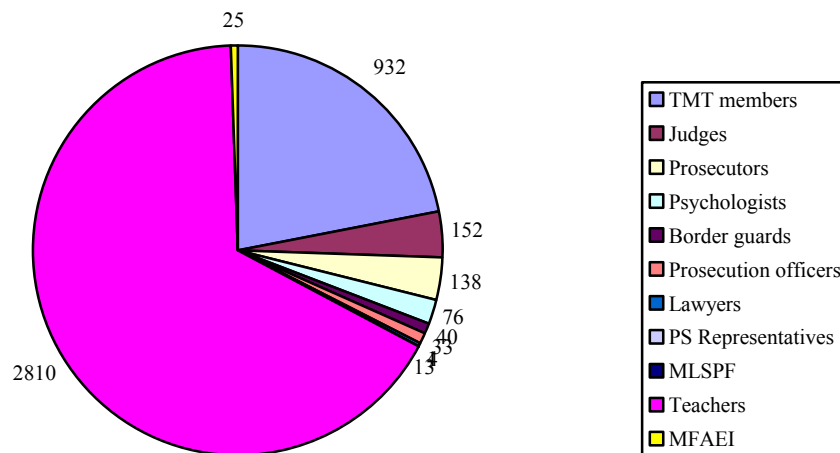


Diagram 5

**Special measures concerning children
(Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)**

7. Please describe whether and how TC is specifically addressed in your country. If there are institutions responsible for taking the lead in combating TC and a specific national referral mechanism for child victims of trafficking, please provide details.

According to the provision of Law no.241 from 20.10.2005¹², prevention and combating TC, along with the protection and assistance of child victims of human trafficking, constitutes a political, social and economic priority of the RM. Regulation of the policy in this area is spelled out by Chapter IV "Preventing and combating TC. Protection and assistance to child victims of human trafficking", articles 25-29.

The CC¹³ incriminates TC as a separate offense – art.206 of the CC. Unlike the human trafficking – art.165 of the CC, in qualifying the TC offense it is not necessary to put forward the ways of achieving exploitation (deceit, violence, abuse of a position of vulnerability, etc.). This indicates the consistency with the definition of TC as stipulated under art.4, item c) of the Convention. At the same time, the CC provides for tougher penalties for the TC crime, including life imprisonment.

A new art. (art.110/¹ CPP) has been added to the CPC¹⁴, which provides that hearing of juvenile witnesses, under the age of 14 years, in criminal cases concerning sexual offenses, TC or DV, as well as in other cases as requested by the justice or the minor's interests, under art.109 para. (5), shall be performed by the investigation judge in special rooms equipped with audio / video recording means, assisted by an interviewer. The child hearing shall be performed within short terms.

Thus, to achieve the objective 6.3.2, at p.2 of the Action Plan for the implementation of the Justice Sector Reform Strategy, approved by Parliament Decision no. 6 of 16.02.2012,¹⁵ court hearing rooms for minors were open within the GPO facilities in Calarasi, Anenii, Cahul, Leova, Ocnita, Orhei and Soroca, 2 in all three zones of the RM - north, centre and south.

Given that, so far, court hearing rooms for minors were not open in all district centres, 8 transportation vehicles have been purchased and distributed to these districts for the purpose to facilitate the transportation of minors and their accompanying persons to the place of the hearing. At present all venues for the friendly hearing of child victims / witnesses of crime are operational.

Also, it should be noted that following the last reorganization of the CCTP in August 2014 a specialized Section for TC investigation (Section no.3) has been created in this entity.

The Strategy of the NRS has been approved by Parliament Decision no.257 from 05.12.2008¹⁶. Later, through the GD no.228 of 03/28/2014,¹⁷ the Regulation on the activity of TMT within the NRS was approved aimed at ensuring the implementation of provisions of this Strategy. According to item 16 of the Regulation, once a child is identified as a beneficiary of the NRS, each TMT is supposed to:

- 1) ensure its representation through the guardianship authority ;
- 2) undertake the necessary measures for the establishment of the child's identity and nationality;

¹² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313051>

¹³ <http://lex.justice.md/index.php?action=view&view=doc&id=331268>

¹⁴ <http://lex.justice.md/md/326970/>

¹⁵ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=343439>

¹⁶ <http://lex.justice.md/md/330608/>

¹⁷ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=352498>

3) undertake special protection and assistance measures envisaged by Law no.140 from 14 June 2013.

Thus, Law no.140 from 14.06.2013¹⁸ regulates the identification, evaluation, support, referral, monitoring and recording of children at risk and of children separated from their parents as well as the authorities and structures responsible for the implementation of the respective procedures.

Under the Law, *the MLSPF is the central authority for child protection* empowered to develop, promote and monitor the implementation of the state policy in the child protection area. To ensure enforcement of art. 20 of the mentioned Law, the Guidelines regarding *the inter-sector cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking* was approved based on the GD no.270 of 04.08.2014¹⁹.

The provisions of these Guidelines are relevant for officials of the CPA and LPA, of the structures, institutions and services under their subordination working in areas of social assistance, education, health care and law enforcement. All these entities are supposed to cooperate in prevention of violence, neglect, exploitation and TC and in combating these phenomena through provision of social, educational, health care and public order services.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment¹ for them, including through:

MLSPF developed and promoted Law no.140 from 06.14.2013 on the special protection of children at risk and children separated from their parents. The Law establishes procedures of identification, evaluation, support, referral, monitoring and recording of children at risk and children separated from their parents as well as the authorities and structures responsible for the implementing of these procedures. The Law also provides for the self-notification procedure and the registration of notifications about children at risk and it contains a clearer regulation of the risk situations. It is expected that the implementation of these legal provisions will bring about consistency of the assessment and recording of children at risk national procedures. The Law includes a new notion "***child separated from parents*** – denoting the child effectively without parental care in situations generated by the absence of parents, including in cases when parents work abroad; the child separated from his parents for the reason of existence of an imminent danger for his life and health, as well as the child who has been assigned the status of a child temporarily left without parental care or the status of a child without parental care." Consequently it was proposed to divide children separated from their parents into the following specific groups: children whose parents or the single parent are abroad; children temporarily left without parental care; children without parental care. Such a status is determined by a set of characteristics. The Law also clearly spells out the circumstances and conditions under which *children are assigned the status of children temporarily left without parental care and children without parental care*. At the same time, the deadlines, the professionals and authorities responsible for issuing orders on assessing the situation of children and on assigning the status and placement of children separated from their parents are specified in the Law. The Law contains a separate provision regulating the emergency placement and the planned placement of children, and types of social institutions in which the children can be placed.

The Law stipulates the obligation of the local and territorial guardianship authorities, located in different administrative units, to cooperate in the child protection area. Same obligation refers to the employees of CPA and LPA, structures, institutions and services

¹⁸ <http://lex.justice.md/md/348972/>

¹⁹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=352587>

within/or under their subordination working in the social assistance, education, health care and law enforcement areas. Based on this provision, in the context of creation of the institutional framework meant to provide prevention and intervention in cases of violence against children, the ***Guidelines for the inter-sector cooperation mechanism*** have been developed and approved on 08.04.2014 by GD no.270. The Guidelines refer to the identification, evaluation, referral, assistance and monitoring of children victims and potential victims of violence, neglect, exploitation and trafficking. The implementation of the inter sector cooperation mechanism shall ensure:

1. Strengthening of the national child protection system enabling the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking;
2. Regulation and clear specification of responsibilities of authorities / institutions with powers in the child protection area;
3. Capacity building for professionals working in the child protection area;
4. Development and systematization of the inter-sector procedures;
5. Development and systematization of the inter-sector procedures in the education, health care and police areas.

a. ensuring registrations of all children at birth, in particular from socially vulnerable groups (ref. pages 28-29)

Law no.100-XV from 26 April 2001 on civil status acts²⁰ constitutes the legislative framework aimed at ensuring the state registration of childbirth. Under its provisions, the state registration of birth of the new-born is compulsory and free of charge and is performed at the submission of an application of parents, or other persons authorized by law, to the relevant civil status authority.

To avoid failure to register the birth of a new-born, the civil status bodies carry out, on a continuous basis, monitoring of the registration process of childbirth, against the number of childbirth data registered and proved by medical institutions. The civil status bodies notify the police and the guardianship bodies about cases of non-registration of the new-borns.

A new mechanism simplifying the registration of a new-born was introduced based on GD no.258 from 3 April 2009,²¹ which allows the possibility of registering children at the maternity unit. This possibility makes the task of parents easier and excludes the need to apply to the civil status bodies for child birth registration. The birth registration in such cases is performed within a few days period the time since the childbirth event.

In order to ensure a total exclusion of cases of non-registration by the civil status bodies of childbirth produced on the territory of the RM, the concept of reengineering the public civil status Service "Birth registration" is being developed within the implementation of the reform program of public services, approved by GD no.122 from 18 February 2014²².

In this respect, it is proposed to develop a new technical and legal procedure for the childbirth registration straight in the health facilities. This will exclude the requirement (of parents) to submit to the civil status bodies the medical certificate stating the childbirth as a condition to carry out the state registration of the childbirth. On the other hand, the interested public authorities, providing public services, shall obtain operative information about birth of a child by a concrete woman (the civil status bodies, the National Bureau of Statistics, the State Enterprise "Registry", MoH, the territorial offices of the NSIH).

²⁰ <http://lex.justice.md/index.php?action=view&view=doc&id=312727>

²¹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=331223>

²² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=351705>

b. raising awareness of THB through education;

In 2014 the institutions of primary and general secondary education in cooperation with social partners, conducted over 20,000 Civic Education and class supervision *hours* dedicated to prevention of THB topics, directly or indirectly addressed. Additionally, about 3,000 other different curricular and extra-curricular anti-trafficking events were carried out, involving approx. 80 000 students.

The parental associations have an important role in awareness raising on THB. During this year they were involved in organizing thematic meetings for parents and activities for students. A number of 41 seminars dedicated to prevention of TC via Internet and the safe use of information technologies were organized in general secondary education institutions in partnership with the IC "La Strada", which were attended by about 1,400 students. Information materials addressing these topics have been distributed to all students during these seminars (leaflets, brochures).

Additionally, on 1 June 2014 volunteers from the IC "La Strada" organized in the City Central Park a flash mob dedicated to the online safety of children. They distributed to present persons informational materials, providing, at the same time, ad hoc counseling to children and their parents. This also constituted an opportunity to promote the www.siguronline.md information portal. This portal is managed by the IC "La Strada" and is, in particular, targeted to children - the active users of the Internet, but also to parents and teachers of secondary schools. During this year, the IC "La Strada" continued its work aimed at the institutionalization of the optional subject "harmonious relations in a couple" developed at the initiative of the Organization of the high school educational institutions and oriented to prevention of violence among youth. The new educational hand-outs were developed within the Eastern and South Eastern Programme against THB, implemented in Moldova by the IC "La Strada". The Programme was funded by the Ministry of Foreign Affairs of the United Kingdom of Denmark and with the support of the OAK Foundation, in partnership with MoEd of the Republic of Moldova. In 2014 the prevention of trafficking in human beings within secondary technical vocational schools was carried out through the implementation of interactive programs. Thus, various activities were held during master classes (1 hour/week), during the compulsory Civic Education hour (1 hour/week) and during extra-curricular activities dedicated to the topic "prevention of dangers associated with THB" (courses, seminars, round tables). About 5,000 people participated to these activities, students, teachers, head teachers, parents and psychological pedagogues. Additionally, information-education-communication projects were conducted related to the dangers associated with THB and information/education materials on the prevention of THB were developed (Wall newspapers, flyers, posters and brochures).

Also, as of June 1, 2014, the Child Helpline 116111 started its operation, it being a free of charge phone service. Its aim is to increase children's access to assistance through the application of the referral mechanism and to achieve strengthening of the child protection system based on the analysis of this service operation. Child Helpline support service for children is provided by IC "La Strada" after purchase contract concluded with MLSPF Services. Currently, the service is operational on a daily basis, including weekends and holidays, starting at 8 a.m. till 21 p.m. Soon (approx. in 1 month) it is supposed to operate 24 hours. During this summer the service underwent testing and adjustment checks of technical and administrative aspects. The consultants offer advice to overcome psycho-emotional problems of children or the relationship problems between parents/child carers and children. They also assess the immediate needs of the child and the potential risk of being exposed to violence, neglect or exploitation. It should be noted that in 2014, the national campaign "Week of combating human trafficking," was held from 16 to 23 October 2014, its slogan

being "Protected by the anti-trafficking community". The aim of the Campaign was the prevention of THB by informing the population, especially the young people, about the risks connected with this phenomenon, with special attention paid to recruitment methods via online. A number of activities targeted to young people, such as art exhibitions, thematic workshops, public debates and flash mobs were organized during this week in Chisinau and in the regions of the RM. The IC "La Strada," being the basic partner of the campaign, promoted several activities, namely: 10 workshops conducted by trainers of the "Peer-to-peer" Programme in educational institutions from Chisinau, Strășeni and also in districts of the Nistru River, left bank – Holercani, Corjova, Old Dubăsarii. The attendance was of approximately 355 people.

On 18th October 2014, when was marked European Day of fighting against THB, within National History Museum was launched the Art Exhibition (photography, painting, sculpture, 3-D models) and the award ceremony for the best art work presented, based on popular vote provided by the museum. Hence, following the public vote (at least 100 visitors to the National History Museum) was selected the winners of the contest. Prizes for the winners were awarded by the Ministry of Youth and Sport (MYS). Simultaneously, according with point 2.1.9 from National Plan for preventing and combating THB for 2014-2016, on 18th December 2014, MYS in partnership with MEd and State Chancellery, supported the organization of the video and photo PLURAL+ MOLDOVA Migration and Diversity Contest for youth aged between 9 to 25 years old, who reflected topics related to migration, human rights and human dignity and social cohesion between peoples and regions.

c. training professionals working with children.

During the reporting year a number of measures have been used to reduce children's vulnerability to trafficking, including training of professionals working with children. In conformity to the Nomenclature of specialties and areas of training in higher education the training of teachers is done under the "Education Sciences" domain. In this respect modules dedicated to children's rights, prevention of violence against children, prevention of human trafficking etc. were recommended to be introduced in all curricula. Annually, about 3000 teachers for secondary education are being prepared in the country. Additionally, with the support of the CIDCR and the financial assistance of UNICEF training of specialists-coordinators was performed, the ones entitled to coordinate activities to prevent, identify, report and refer the cases of abuse, neglect, exploitation and trafficking of children in the district/municipal Education, Youth and Sports directorates. The training took place during January and May 2014 period of time and was attended by 35 experts from all districts of the country. The training lasted two days.

In February 2014, the CIDCR organized, with the financial support of UNICEF, a train the trainers seminar aimed to teach trainers to work with students' parents in issues dealing with prevention of cases of abuse, neglect, exploitation and TC. A total of 130 trainers from all districts of the country were trained at this seminar during 3 days. In March, April and May additional training seminars were held for head teachers to teach them to work with students' parents in issues dealing with prevention of cases of abuse, neglect, exploitation and TC. This activity was attended by about 2,300 head teachers from all districts of the country.

Through the joint Order no. 153/1043/1042/293 from October 8, 2014, issued by the Minister of Labor, Social Protection and Family, Minister of Education, Minister of Health and Minister of Internal Affairs, the Referral notification form of a case of violence, neglect, exploitation and TC was approved. The MLSPF launched, in partnership with the Association "Partnerships for Every Child," the project "A Strong Family for Every Child", funded by the USAID. The goal of the project is to provide assistance and capacity building to local public

administration bodies of the RM, supporting their implementation of the inter-sector cooperation mechanism. Following the same capacity building goal and in order to support the implementation of the relevant guidelines by the local, level I and level II, power administration bodies working in the social, educational, health care and law enforcement in this area, the MLSPF in partnership with the TdH organized 2 days training courses. The courses were attended by 570 specialists from 29 territorial administrative units of the country.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

A forensic examination is used when the need arises to determine the age of a person, including the age of a presumed victim of human trafficking where the age is uncertain. The forensic examination of age is done based on anthropometric and anthroposcopic data and based on other anatomic and physiologic changes in the body (skin color and turgor, wrinkles, deleted active surface of the teeth, hair grizzling, etc.) as well as through the radiological examination of the bones (investigation of the growth areas). The younger the subject of expertise is the easier and more precisely is to appreciate the age.

In accordance with art.143 of the CPC of the RM no.122-XV of 14.03.2003²³, *the expertise is ordered and carried out, in a compulsory way, to ascertain the age of the suspect, accused, defendant or the victim – whenever this fact is important for the criminal case and the documents confirming the age are missing or doubtful.*

According to art.27 of Law no.241-XVI of 20.10.2005 on prevention and combating trafficking in human beings²⁴, *when the age of the victim of human trafficking is not known, but there are reasons to believe that the victim has not reached the age of 18, the victim is presumed a child and, until accurate statement of the age is done, it will be treated as a child, being entitled to benefit of all special protection measures provided for in this Law and in other legal acts on the protection of children's rights.*

According to art. 68 of Law no.270²⁵ from 18.12.2008 on asylum in the RM, *where there exist serious doubts regarding an unaccompanied minor's age, and it cannot be established by other means, the Refugee Directorate shall order, with the previously given written consent of the minor and his/her legal representative, the forensic expertise to determine his/her age.*

The Refugee Directorate informs the legal representative and the unaccompanied minor-asylum seeker, in a language assumed to be reasonably known by the latter, about the possibility of conducting a medical examination to determine his/her age. This information should also include details about the medical examination methods, the possible consequences of this examination result and the consequences of a refusal to accept being subjected to this medical examination.

According to GD no.948 from 07.08.2008 on approval of the Regulation regarding the procedure of repatriation of children and adults - victims of human trafficking, trafficking of migrants and unaccompanied children²⁶, *if the age of the person identified abroad is not known for sure, but there is reason to believe that he/she is a child, the person shall be treated as a child, and shall be granted special protection measures stipulated in this*

²³ <http://lex.justice.md/md/326970/>

²⁴ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313051>

²⁵ <http://lex.justice.md/md/330978/>

²⁶ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=328840>

Regulation and in the regulations concerning child rights and protection until the precise age determination.

The person shall be given all relevant information pertaining to the rights, available services, ways of communication, identification of the family, identification of a protection institution and other information related to the situation in the country of origin. The materials shall be in his/her native language, or in any other language known to him/her, and shall be developed taking into consideration the level of his/her understanding.

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests² are duly taken into consideration, in particular when it comes to:

a. identification of child victims of trafficking;

Recently, the legal framework to ensure the inter-sector cooperation mechanism of identification, evaluation, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and child trafficking" has been approved by GD no. 270 of 08/04/2014. The provisions of this GD refer to employees of the CPA and LPA bodies, to structures, institutions and services under these bodies, and their subordinate units, working in the social assistance, education, health care and law enforcement areas. Under this decision the entities mentioned above are obliged to cooperate in preventing the violence, neglect, exploitation, TC and in combating these phenomena through the provision of social, education, health care and law enforcement services. These instructions contain a number of sector and inter sector procedures, including the identification procedure of suspected victims of violence, neglect, exploitation and TC.

According to **item 6, Chapter II** (*procedure of identification, registration and initial assessment of suspected cases of violence, neglect, exploitation and TC*) of GD no.270 of 08.04.2014²⁷ the representatives of educational, sanitary-medical and social assistance institutions, irrespective of their legal form of organization, as well as the cultural and law enforcement institutions, the SLI and other authorities and public institutions with responsibilities in the child protection area **shall be obliged:**

1) to register persons' notifications referring to suspected cases of violence, neglect, exploitation, TC and/or to take action and apply sector procedures in cases when they identified suspected cases of violence, neglect, exploitation and TC;

2) to immediately **inform by telephone the local guardianship authority** about the case and to send to this institution, within 24 hours, the notification form regarding the suspected case of violence, neglect, exploitation, TC (hereinafter - the notification form). The notification form shall be filled in with data held at the moment of identification of the suspect case, mainly, based on the information obtained from the source reporting the suspected case. The missing information shall be gathered by the case manager during the initial case assessment procedure.

To facilitate the implementation of the inter-sector cooperation mechanism for the identification, assessment, referral, assistance and monitoring of children victims and potential victims of violence, neglect, exploitation and trafficking the Notification Form of a suspected case of violence, neglect, exploitation and TC was approved through the inter-ministry Joint Order no. 153/1043/1042/293 of 08.10. 2014 (MLSPF, MoH, MoEd and MIA).

At the same time, the GD no.1182 of 22.12.2010 approved the Regulation on the cross-sector collaboration mechanism in the medico-social area, aimed at preventing and reducing mortality of infants and children under the age of 5 years in home conditions. Under this mechanism a number of functional competences are assigned to the health sector and the

²⁷ Government Decision no. 270 of 08.04.2014 "On Approving Instructions on inter-sector cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking

social sector with respect to the process of identification, assessment, referral, assistance and monitoring of children under the age of 5 years at risk, as well as of children victims and potential victims of violence, neglect and trafficking.

Through the Parliament Decision no.257 of 05.12.2008 the Strategy was adopted the National Referral System for the protection and assistance of victims and potential victims of human trafficking. The TMT constitutes the main link in this national referral system, it having a key role in the identification and referral of victims of trafficking, including children. In conformity to the legal framework its membership includes specialists of the agencies responsible for prevention and combating the THB. Through GD no.228 of 03.28.2014 the Regulation on the activity of TMT within the NRS was adopted during the period under consideration.

To ensure the observance of the child's rights and the fact that his/her best interests are duly taken into account, especially when it comes to identification of children victims of human trafficking, Minister of Education issued Order no. 77 of 22.02.2013 regarding the Procedure of the institutional organization and intervention of workers of educational institutions in cases of abuse, neglect, exploitation, TC. Also Order nr.858 of 08.23.2013 has been issued adopting the implementation methodology of this Procedure. MoEd submits quarterly reports to PS on the monitoring of the implementation of these orders.

Also, since June 1, 2014 Child Helpline support service for children is provided by IC "La Strada" and aims to increase the protection of children including identifying potential cases of TC. The service is funded by the state budget MLSPF.

b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;

In conformity to Law no.140 of 14.06.2013²⁸ the general framework for the operation of the guardianship authorities is established, which includes the following provisions:

(1) The guardianship authorities shall undertake all necessary measures to assist and support children and their families in view of preventing the child separation from the family or, where appropriate, in order to (re) integrate the child into the family.

(2) The guardianship authority shall order a child's placement in an institution only if the performed evaluation stated that keeping the child with his/her parents is not possible or is contrary to the best interests of the child.

(3) In cases when the child separation is decided, the territorial guardianship entity shall authorize the placement of the child in an institution. In this case placement under guardianship into the extended family shall have priority in comparison to other types of placement, and where this is not possible, placement under the family type services shall have priority over the placement under residential services.

At the same time, under art. 3 of the mentioned above Law it is defined that:

the local guardianship authority is represented by mayors of villages (communes) and towns;

the territorial guardianship authority is represented by the social assistance and family protection sections and the Chisinau MDPCR. In Balti and Chisinau municipalities the territorial guardianship authorities exercise also the duties of the local guardianship authority, with the exception of the ones located in the territorial-administrative autonomous units. In case of the latter it is the mayors of the territorial-administrative unit who exercise the local guardianship authority powers;

Article 29, para.4 of Law no.241 of 20.10.2005²⁹ states that "where the child victim of trafficking in human beings is deprived of parental care, the guardianship entities shall

²⁸ Law no. 140 of 06.14.2013 on the special protection of children at risk and children separated from their parents. General Framework of the activity of guardianship authorities

appoint a tutor under the law. The latter shall ensure that all decisions are taken in the best interest of the child, shall make statements on the child's behalf and shall participate, together with the child, to all criminal procedures and legal actions until a solution is found in the best interest of the child".

Item 14 of GD no.270 of 04.08.2014 provides that whenever the initial assessment states the existence of an imminent danger to life or health of the child, the local guardianship authority shall undertake the following urgent measures to protect the child:

1) shall request, within 24 hours at the most, an emergency medical examination or a family doctor medical consultation, who subsequently shall act according to the intervention procedure of the medical institutions workers in cases of violence, neglect, exploitation, TC;

2) shall request the territorial Police Inspectorate to send, where appropriate, a criminal prosecution operative group, or the sector policemen, to document the case and to ensure the child security. Also other involved specialists, or persons in whose care is the child, shall be called, if forced separation of the child from the parents is prescribed.

c. locating the child's family;

Article 29, para.(10), of the National Anti-Trafficking Law establishes that "In case of children-victims of human trafficking, left without parental care, or who do not know the whereabouts of their parents, an emergent search of their family shall be undertaken, or guardianship or trusteeship shall be established under the Law".

Article 9, para.8 of Law no.140 of 06.14.2013, provides that, where the child's domicile is different from the one of his/her parents, the local guardianship authority shall notify the territorial guardianship authority of the district in which the parents reside and shall request the necessary data required for the initial and complex assessment of the child's situation. Additionally, sub-item 4, item.15 of GD no.270 of 08.04.2014³⁰ provides that in cases when a child is identified in the street and the whereabouts of his/her parents/guardian/curator are not known, that local guardianship authority shall order an emergent placement of the child in an institution.

d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;

Pursuing the aim to establish the legal basis to regulate the: (i) design, transmission and/or retransmission, via TV and radio, of the programmes of broadcasters under the jurisdiction of the RM and (ii) the control of the society over the activities of the audio-visual institutions of the RM, the Audio-visual Code of the RM no.260-XVI of 27.07.2006³¹ was adopted. According to article 39 of the Audio-visual Code the Broadcasting Coordination Council (CCA) constitutes the autonomous public authority in the broadcasting area of the RM, representing and guaranteeing the public interest in the broadcasting area.

The Statute, the organizational chart and the staffing of the CCA were adopted by the Parliament Decision no.433 of 28.12.2006³². According to art.4 of this decision, the CCA members shall supervise:

²⁹ Law no 241 of 20.10.2005 on prevention and combating trafficking in human beings

³⁰ Government Decision no. 270 of 08.04.2014 "On Approving Instructions on the inter-sector cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking

³¹ http://lex.justice.md/document_rom.php?id=041D82D8:3A07C731

³² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=319943>

- a) observance by the audio-visual institutions of the legislation and of the regulatory legal norms in force;
- b) foreign relations in this area;
- c) licensing the audio-visual programmes ;
- d) operation of the territorial audio-visual institutions ;
- e) monitoring the audio-visual programmes;
- f) development perspectives of the national audio-visual company;
- g) management of internal resources, etc.

To ensure the protection of the best child interests in the field of information available to the public, the Law no.30 of 07.03.2013 on the protection of children against the negative impact of information³³ was adopted. Art.4 "Prohibition to disseminate information containing personal data that might have a negative impact on children" stipulates the following in this respect:

(1) publication in mass media of information containing personal data shall be prohibited in cases where: a) the information contains personal data of a child alleged of, accused or convicted of a crime or offense, provided that the child is not hiding from the law enforcement agencies or courts, or the information of a child who is the victim of a crime or offense, which allow his/her identification; c) the information shows pictures of children or videos about them in a negative social phenomenon context allowing identification of children;

(2) It is prohibited to broadcast on the radio and television programmes information with a negative impact on children, whenever it contains: d) any clues that might allow the identification of children involved in situations with a negative connotation (accidents, crimes, sexual abuse, physical or mental abuse, disputes in the family, suicides, drug abuse, alcohol abuse, etc.), including the information about children victims or witnesses. Exception could be cases when the journalist acts with the parents' (guardians, curators) consent to the best interests of the child;

(3) the audio-visual programs can show children aged between 16 and 18 under various forms of detention (pre-trial detention, arrest, prison detention) or who have the criminal prosecution status of accused, defendant or convicted of a crime in a criminal prosecution case of children victims or witnesses of physical, psychological or sexual abuse, provided that the following conditions are met: a) the child gave a written agreement for that; b) measures to protect the child's identity have been taken.

Exercising its obligations assigned by Law, and in line with the EU standards and practices, the BCC has developed and issued Decision no.99 of 19 July 2012 "*On the observance and protection of child's rights in the audio-visual programmes*" (published in the Official Gazette no.177-180, art. no.1081 of 24.08.2012). This decision obliges broadcasters under the jurisdiction of the RM to respect the right to protection of the child's image and his/her private and family life. It also forbids to broadcast any clues that could lead to the identification of children under the age of 16, involved in situations with negative connotation (accidents, crimes, sexual abuse, physical or mental abuse, family disputes, suicides, drug abuse, alcohol abuse, etc.), including of children victims or witnesses. Exception could be cases when the journalist acts with the parents' or legal tutor's consent to the best interests of the child.

One should note that, during the period under consideration, *no complaints were submitted to BCC* regarding cases where the identity or personal data of minors, victims of TC were revealed through the audio-visual media. Also, the performed general and thematic

³³ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=347276>

monitoring identified no situations allowing the identification of the child-victim of a TC crime.

However, during the period under consideration notifications on the child protection were submitted to BCC referring mostly to the broadcasting at improper hours of feature films with violent content, nudity, foul language, etc. Also the incorrect placement of the warning signs was notified in this connection. Only some of notifications indicated events with the participation of children in the audio-visual programs.

In this context, the BCC was notified and took action in connection with these programs' broadcasting of the information that could allow identification of the child *victim of a crime*. Subsequently, after the examination of the situation, these media institutions were penalized under the existing legal framework.³⁴

In the context of the evolution of the regulatory framework on protection of children and their rights the BCC carries out its activity to guarantee *the best interests of the child*. Thus, it issued the Decision no.74 of 12 June 2014 based on which the CCA in cooperation with the Independent Press Association and UNICEF, has launched a project aimed to assess the observance of children's rights and the enforcement of legal provisions in the audio-visual area. Within this project it was envisaged to carry out a monitoring session of the main news bulletins broadcasted by a number of television companies during a three months period of time.

Thus, according to this monitoring report, conducted within from 14 May to 30 June 2014, it turned out that the television companies confer to reportages involving children between 9% and 16% of the news bulletin time. Children's participation is included mainly in reportages with a positive message about shows and entertainment programmes, competitions and other subjects. It is usually placed on the last positions of the agenda. From the quantitative point of view all monitored TV companies gave priority to topics dedicated to education and training, this situation being also determined by the calendar agenda, such as completion of annual studies and graduation exams in secondary and high schools.

The monitoring report has also highlighted the fact that situations are common where children constitute mainly a pretext to multiply broadcasting sensational or shocking cases for the public. Most of topics dedicated to the children involvement in crimes or rapes fall into this category. Some TV companies fail to resist the temptation to focus on psycho-emotional status, to dramatize and to broadcast shows of children's personal tragedies. However, monitoring shows a noticeable improvement as far as compliance with the regulatory framework on ensuring observance and protection of children's rights in mass media is concerned. In most cases, persons responsible for newscasts make efforts to ensure protection of children in vulnerable situations. Thus, no serious violations of legal provisions on the identity protection have been found.

In addition, in view of its obligations regarding the protection of minors' rights in the audio-visual media, the BCC, in public meetings, recommended to all broadcasters under the jurisdiction of the RM to take into account the best interests of children in broadcasting reportages with their participation. Another recommendation was to not violate children's right to the protection of their image, the private and family life, and to imperatively warn the public whenever scenes of violence or with negative emotional impact are being broadcasted.

e. access to appropriate and secure accommodation, education and health care;

According to the art. 11 para. (2) of Law no.140 of 14.06.2013, provides that:

³⁴ Annex 1 "Cases of notification or the ACC self-action in connection with the programs disseminating information that would allow identification of the child victim of a crime"

Taking into account the best interest of the child, in case of emergency it can be placed:

a) in a relatives' or other family member's care, with whom he established close relationships (neighbors, family friends, etc.), wishing to receive/take the child to raise and educate him/her in their family. This can happen based on a written request of these families and bearing in mind the need to ensure stability and continuity of care, upbringing and education of the child by taking into account the ethnic identity and his/her religious, cultural and linguistic background;

b) within family type placement services;

c) within residential type placement services.

At the same time, art. 29, para.1, of Law no.241 of 20.10.2005³⁵ stipulates that:

The state shall provide protection and assistance to children victims of trafficking in human beings as of the moment where grounds appeared to believe that they are victims of trafficking up to the moment of their identification, integration and full recovery, irrespective on their cooperation with authorities. Whenever children victims of human trafficking are accommodated within sheltering centres, this shall be done separately from the adults, and they shall be entitled to accommodation in the centre for a period of up to 6 months or during the judicial process duration.

The primordial rights of the child include the right to survival, good health and access to health and sanitary services, especially to primary and preventive medicine services, education for health and rational nutrition. The state, by implementing the compulsory health insurance (2004), created the necessary conditions so that no child shall be deprived of access to services of the health system. Currently, all children (0-18 years) benefit of the state health insurance. Children from 0 to 5 years benefit of outpatient treatment with 100% compensated medicine for most common diseases.

While under treatment within the medical institutions all children (0-18 years), including children victims and potential victims of violence, neglect, exploitation and human trafficking, benefit of the following types of health care services: (i) pre-hospital emergency medical care, (ii) primary medical care, (iii) specialized outpatient medical care, (iv) medical services and high performance hospital care, and (vi) medical care at home (Law on Healthcare no.411 of 28.03.1995; Law no.1585 of 27.02.1998 on Compulsory Health Insurance; GD no.1387 of 10.12.2007 "Approval of the Single Compulsory Health Insurance Program", as amended and supplemented; the methodological rules for the application of the Single health insurance Program, approved annually by the MoH and the National Health Insurance Company).

Additionally, in view of ensuring an inclusive education of children, especially of those in difficult situations, the Republican Pedagogical Assistance Centre (RPAC) was created based on the GD no.732 from 09.16.2013 and 35 district or municipal psycho-pedagogical support Services operate in each administrative territorial unit of the country. This Centre provides assistance to the Services specialists, teachers and supporting staff, to psychologists from the preschool educational institutions, primary and general secondary institutions, to other specialists involved in the educational inclusion as well as to local public administration bodies, children and their families. The RPAC supports the dissemination of information on the dangers of human trafficking to children and teenagers, including to children from residential institutions (potential victims/ the risk group).

³⁵ Law no. 241 of 20.10.2005 on prevention and combating trafficking in human beings
<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313051>

f. issuing residence permits for child victims of trafficking;

According to art. 85 of the Law no.200 of 16.07.2010 on the Legal Status of Aliens in the Republic of Moldova³⁶, where unaccompanied foreign minors enter and remain on the territory of the RM, the competent authority for the relations with foreigners shall proceed as follows:

- a) establishes their identity and their way of entering into the country;
- b) irrespective of their way of entry into the RM, they shall be ensured representation by a competent institution under the law, entitled to provide the necessary protection and care, including accommodation in the special centres for the protection of minors, in conditions similar to the ones provided to nationals of the RM;
- c) shall undertake measures to identify their parents, irrespective on their place of residence, following the aim of reintegration of the family;
- d) shall ensure the access of the schooling age minors to the education system until identification of their parents is done;
- e) if the child's parents do not have their residence in the RM, the competent authority shall return the minor to the country of the parents' residence or to the country in which other family members were identified, with the latter's approval;
- f) if the parents or other family members have not been identified or the minor is not accepted in the country of origin, the competent authority shall grant to this child the right of temporary residence in the RM.

In order to identify the appropriate solutions the competent authority for the relations with foreigners shall cooperate with other institutions, as well as with the national and international organizations specialized in the child rights protection area.

g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;

The Centres of assistance and protection of victims of trafficking in human beings observe in their work the basic principle of acting in the best interest of the child and for the protection of its rights³⁷.

Article 24, para.(3) of Law no.241 of 20.10.2005 on prevention and combating THB³⁸ provides that aliens victims of THB shall be informed in a language they understand, about the legal and administrative procedures in force in the RM and in countries of residence.

For the purposes of the Law no.198 of 26.07.2007 on state-guaranteed legal assistance, the *qualified legal aid* denotes the provision of consulting legal services, representation and/or defense in the prosecution bodies and in courts during the proceedings of criminal, contravention, civil or administrative offenses, as well as the representation in relations with the public administration authorities. According to art.19, para.(1/1) of this Law, *children victims of crimes are entitled to qualified legal assistance*.

h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;

Article 28 of Law no.241 of 20.10. 2005 on prevention and combating trafficking in human beings, provides that, where the child's return to the country of origin or its integration in the country of destination are not possible, or where the available solutions *are not in the best interests of the child*, the authorities of the two countries, based on the relevant

³⁶ <http://lex.justice.md/md/336056/>

³⁷ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=318737>

³⁸ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313051>

international agreements, shall ensure the relocation of the child victim into a third country, with the consent of the latter. However, the child victim shall not be returned to his/her country of origin or transferred to a third country if, following the risk and safety assessment, there are reasons to believe that the safety of the child, or his family, is in danger. *Repatriation procedures of the child* are also stipulated by **Chapter IV** of GD no.948 from 07.08.2008 approving the Regulation on the repatriation procedure of children and adults - victims of human trafficking, illegal trafficking of migrants and unaccompanied children. The provisions of this decision are thoroughly respected during the children repatriation process.

i. special protection measures for children.

The following constitute special protection measures for children:

According to art.2 of the Law no.99 of 28.05.2010 on the legal status of adoption, it is considered that "Adoption is a special form of protection applied in the best interests of the child, which establishes filiation between the adopted child and the adoptive parent as well as kinship between the adopted child and the adopter's relatives." Article 5 of this Law spells out "the competent authorities in the field of adoption" as follows:

(1) The competent authorities in the field of protection of the child through adoption in the RM are:

- a) MLSPF (hereinafter called the central authority);
- b) the district sections/directorates of social assistance and family protection and the Chisinau MDPCR (hereinafter called territorial authority).

(2) In addition to the central authority also the Adoption Advisory Council displays activity in this area based on an organizational chart and regulation of operation approved by the Government. Creation and operation of the Council is regulated by the GD no.560 of 25.07.2011 regarding the creation of the Advisory Council for International Adoption and the approval of the regulation of its operation.

The provisions of art. 110¹ of the CPC on special hearing cases of child witness regulates the hearing of the minor witness in specially equipped facilities and follows the aim to avoid the re-victimization of the child. The child talks to a trained specialist (psycho-pedagogue, psychologist) within friendly and safe conditions, while the other participants to the prosecution proceeding are in a separate room equipped with audio-visual devices transmitting and recording the interview in real time. The records are subsequently used as evidence in the file. This way of hearing permits to avoid causing prejudices to the child and to obtain statements from children who have suffered psychological trauma. Additionally, their testimonies are more complete, ensuring effective investigation, substantiation of the facts and punishment of perpetrators.

Family type children's home is created based on a complete family, offering the orphan child, or the child left without parents, the family type care within the parent-educator's family³⁹.

Foster care service - a service providing a child the alternative family care (temporarily replacing the biological family) within the foster parent's family.⁴⁰

Centre for temporary placement of children is a public or private social assistance institution accepting to provide, for a fixed period of time, family type care to children in difficult situation. The Centre's mission is to provide the child a friendly environment, harmonious development conditions and to support and mediate the relations between the child and his/her family or between the child and a potential adoptive or foster family. The

³⁹ Government Decision no 937 of 12.07.2002 on the approval of the Regulation of the family child care homes

⁴⁰ Government Decision no 760 of 17.09.2006 on the approval of the framework Regulation on the creation and operation of the Foster care Services and of minimum quality standards

Centre's task is to provide to children in difficult situation the following services: accommodation, care, education and, where appropriate, psychological counseling and medical counseling in view of (re) integrating the child in a family environment. The Mission, goal and objectives of the Centre shall be developed and displayed in a visible place.⁴¹

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

In view of the implementation of provisions of Law no.270-XVI of 18.12.2008 on asylum in the Republic of Moldova⁴², decisions on minors shall be made by observance of the best interests of the child.

According to art.66, para.(2) of the mentioned Law, the competent authorities shall ensure access to rehabilitation services for minors - victims of any form of abuse, neglect, exploitation, torture, inhuman or degrading treatment, or who have suffered from armed conflicts and, if necessary, shall provide to them complex appropriate medical assistance and qualified for of counseling.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

Guardianship authorities shall undertake all necessary measures to assist and support children and their families in view of preventing the child separation from the family or, where appropriate, in view of the child (re)integration into the family. The child's placement in an institution shall be ordered by the guardianship authority only if the performed assessment indicated that keeping the child with their parents is not possible or is against the best interest of the child. If the child separation from the family was decided, the territorial guardianship authority shall order the placement of the child in an institution by keeping in mind to give priority to the guardianship placement in the extended family compared to other types of the child placement. Where this is not possible, priority shall be given to family type placement of the child compared to placement in residential houses. Thus, children can be placed: under the guardianship / trusteeship service; in family type care (family-type children's home, foster care) and into the residential placement service (community house, temporary placement centre, other type of residential institution).

C. Questions related to specific articles

Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labor or services, slavery and practices similar to slavery or servitude? If so, please provide details.

In prosecuting cases on the ground of trafficking for the purpose of forced labor most difficulties arise in connection with the quality of the investigations carried out in the country of destination. Given the delayed application of victims to the law enforcement bodies of the RM, very often it is difficult to find any traces of the crime in the country where the victim was exploited. In case of labor exploitation in construction the exploitation of victims is done by sub-contractors performing the work, which haven't got any contracts and make no

⁴¹ Government Decision no 450 of 28.04.2006 on the approval of the minimum quality standards of the care, education and socialisation of the child hosted by the temporary placement Centres

⁴² <http://lex.justice.md/md/330978/>

banking or accounting transactions with the beneficiaries of that labor. In such circumstances the labor inspection of those countries has an important role in detecting such cases.

The law enforcement practitioners very often confuse the notions of labor, labor exploitation and forced labor. This leads to an erroneous legal classification of committed actions creating, at the same time, difficulties when prosecuting the THB. To exclude this deficiency, the NIJ with the support of ROLISP USAID has organized three workshops with the topic "Human trafficking for the purpose of forced labor" (November 13th, November 20th and on November 27th, 2014) for 19 judges, 17 prosecutors and 14 criminal prosecution officers.

One should also note that in 2013, the CCTP has signed a cooperation agreement with the SLI on the prevention and early identification of THB cases for purposes of labor exploitation and forced labor. Currently, one cannot ensure the maximum efficiency of this Agreement implementation on the grounds that current legislation⁴³ sets out a number of conditions to be met by the SLI in carrying out the relevant checks.

14. How is "the abuse of a position of vulnerability" defined in the legislation of your country and what are the criteria for assessing the vulnerability of a person subject to human trafficking? Please provide relevant examples, where the means used in case of human trafficking offenses involved the abuse of a position of vulnerability.

According to art.2 para.10) of Law no.241-XVI of 20.10.2005, the "position of vulnerability" denotes a special status of a person, inclining her/him to accept being abused or exploited, especially for reasons of: a) precarious situation from the point of view of its social survival; b) situation conditioned by age, pregnancy, illness, infirmity, physical or mental disability; c) precarious situation caused by the illegal entry or stay in the country of transit or destination.

It is solely these three types of vulnerability that might constitute the subject of abuse of a victim's position of vulnerability under art. 165, para.1, letter c), of the CC.

The role of courts in combating THB is to carry out trials of criminal cases falling under this category as submitted by the criminal prosecution entities. The role of the Supreme Court of Justice includes, additionally, the duty to explain in details to courts issues referring to interpretation of trafficking, to explain the goals specified in articles 165 and 206 of the CC, to interpret the means used in trafficking and to highlight cases where criminal liability may arise when provisions of para. (1) 165 and para. (1) 206 of the CC are accompanied by the respective qualifications. All these moments were reflected in the Decision of the Supreme Court of Justice Plenum "On the application of legislation with respect to THB and TC" no.37 of November 22, 2004.

In item 5.8 of this Decision it is explained to courts how to understand the "*abuse of a position of vulnerability*" under the provisions of art.165, para. (1) letter c) of the CC:

„5.8 *Abuse of a position of vulnerability*" (art.165 para.(1) letter c) means the use by the trafficker of the special status of a person caused by:

- a) precarious situation from the point of view of its social survival;
- b) situation conditioned by age, pregnancy, illness, infirmity, physical or mental disability;
- c) precarious situation caused by the illegal entry or stay in the country of transit or destination.

⁴³ <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=344613&lang=1>

The position of vulnerability can be conditioned by different facts such as: isolation of the victim, its difficult economic situation, psychological condition, family situation or absence of special resources and other facts.

Abuse of the vulnerability of the victim constitutes an element of trafficking. By the vulnerability position of the victim one should understand any kind of vulnerability: mental, emotional, family, social or economic. It is meant here the existence of a range of desperate situations that make a person to accept his/her exploitation. Usually, the courts, in hearing cases of THB, would request sufficient proof of the vulnerability position of the victim. An equally important condition is to prove that the offender abused of this vulnerability position. This means that the perpetrator, at the time of committing the offense, should have been aware about the vulnerability of the victim. In addition, it is necessary to prove that the perpetrator took advantage of the vulnerability of the victim to ease his committing of offense. This means that art.165 of the CC cannot be applied if there exists no other action related to THB, at the moment when the recruitment, transportation, transfer of the victim, etc. In other words *there is vulnerability of the victim but the offender does not abuse of this circumstance*. This kind of situations may happen where the perpetrator did not know that the victim was vulnerable (eg., the victim was pregnant) or he was aware of this circumstance, but didn't take advantage in any way (for example, when there are no, and there could be no, causal links between the physical disability of the victim and the fact that it had agreed to be recruited, transported, transferred, etc.).

The aim of this analysis is to address certain legal aspects of the legal issues related to the situation of THB. The analysis is based on the case Law of the Supreme Court (2013-2014) in criminal cases on crimes of THB and TC during which the defendants have been incriminated the accusation "*abuse of position of vulnerability*" (art.165 para. (1) letter c) of the CC) or "*taking advantage of (...) the vulnerability position of the child*" (art. 206 para. (2), letter c) of the CC).

Thus, in 2013 the Criminal Collegium of the Supreme Court of Justice judged, in order of appeal under articles 165 and 206 of the CC, **22 cases**, involving 31 people, against the decisions of courts of appeal.

A panel of three judges of the court of appeal, having examined, in principle, the admissibility of the ordinary appeal pronounced against the judgment of the court of appeal, decided under art.432 CPC, with respect to 15 cases of 23 people on the inadmissibility of the filed appeal.

The court of appeal in a panel of five judges under art.435 of CPC decided:

1. to reject the appeal as inadmissible, maintaining the appealed judgment - 2 cases, 5 people;

2. to accept the appeal, reverse the challenged decision and to order the retrial within the appeal court - 3 files, 3 people.

Of 22 examined cases in 17 cases (77.3%) the defendants have been incriminated the aggravated accusation "*abuse of the vulnerability position*" (art.165, para.(1), letter c) of the CC) - 16 cases, or the accusation "*taking advantage of (...) the vulnerability position of the child*" (Article 206, para. (2), letter c) of the CC) - 1 case, in which traffickers have used the special position, in which a person finds itself, due to:

1) precarious situation from the point of view of social survival - in 12 cases (the difficult economic condition of the victim (case GA, RV (decision no1ra -896/13), case T.I. (decision no1ra -703/13), Case CV (decision no1ra -533/13), case CN (decision no1ra -159/13), etc.), lack of maintenance and treatment resources of the minor child (Case G.Iu. (decision no1ra -1242-1213), case R.M. (decision no1ra -1103-1113)), absence of a permanent place of residence (Case DS, S.I. (decision no1ra -681/13) and others.);

2) precarious situation caused by the illegal entry or stay in the country of transit or destination - in 1 case (being in a foreign country, not knowing the language, lack of identity documents and of financial resources (Case M. (decision no1ra -699 / 13), Case the P.O. (decision no1ra -539/13), Case J.V. (decision no1ra -420/13), etc.)

3) precarious situation from the point of view of social survival combined with the precarious situation caused by the illegal entry or stay in the country of transit or destination - in 4 cases.

In 2014 the Criminal Collegium of the Supreme Court of Justice judged, in order of appeal under Articles 165 and 206 of the CC, 30 cases, involving 37 people, against the decisions of courts of appeal.

A panel of three judges of the court of appeal, having examined, in principle, the admissibility of the ordinary appeal pronounced against the judgment of the court of appeal, decided under art.432 CPC, with respect to 20 cases of 22 people on the inadmissibility of the filed appeal.

The court of appeal in a panel of five judges under art.435 of CPC decided:

1. To reject the appeal as inadmissible, maintaining the appealed judgment - 6 cases, 10 people;

2. To accept the appeal, reverse the challenged decision and to order the retrial within the appeal court - 2 files, 3 people

3. To accept the appeal, reverse the challenged decision and to maintain the ruling 2 cases, 2 people (acquittal).

Of 30 examined cases in 23 cases (76.7%) the defendants have been incriminated the aggravated accusation "abuse of the vulnerability position" (Article 165 para. (1), item c) of the CC) - 22 cases, or the accusation "taking advantage of (...) the vulnerability position of the child" (art.206, para. (2), item c) of the CC) - 1 case, in which traffickers have used the special position, in which a person finds itself, due to:

1) precarious situation from the point of view of social survival - in 15 cases (the difficult economic condition of the victim (case R.E, (decision no1ra -624/14), case C.R.. (decision no1ra -845/14), lack of resources to support the minor child Case U.T.. (decision no1ra -1350/14), case B.O. (decision no1ra -1240/14), etc.), (Case P.A.. (decision no1ra -64/14), lack of resources for a surgical intervention - case M.T.. (decision no1ra -490/14) etc.).

2) situation conditioned by age, pregnancy, disease, disability, physical or mental handicap – in 1 case (psychic deviation – case B.A. (decision no1ra -1429/14) etc.) ;

3) precarious situation caused by the illegal entry or stay in the country of transit or destination - in 4 cases (being in a foreign country, not knowing the language, lack of identity documents and of financial resources (Case B.M. (decision no1ra -1292/14), Case C.C. (decision no1ra -985/14), Case A.M. (decision no1ra -1372/14), etc.);

4) precarious situation from the point of view of social survival combined with the precarious situation caused by the illegal entry or stay in the country of transit or destination - in 3 cases.

When assessing these statistics, we can see that the number of cases of trafficking in persons, committed with "abuse of the vulnerability position" (Article 165 para. (1), item c) of the CC) or "taking advantage of (...) the vulnerability position of the child" (Article 206, para. (2), item c) of the CC) remains constant over the last two years, making 76-77% of all cases in the analyzed category.

Analysis of the solutions adopted in judgment of cases involving human trafficking (Article 165 para. (1), item c) of the CC and 206 para. (2), item c) of the CC) against the decisions of the court of appeal allows to conclude that, in general, courts properly identify

the *vulnerability position* of the victim and the abuse of the perpetrator of that position. However, there are some exceptions.

Examples:

1. Based on the sentence of 22 March 2012, of the Chisinau Centre Court I. Gh. was acquitted of a charge filed under Art. 206 para. (2) b), c) of the CC and 206 para. (3), item a) of the CC) on the grounds that his deed does not combine the elements of the offense.

I. Gh. was accused by the prosecuting authority of the fact that on 24 November 2010, being in the Chişinău municipality, acting for the purposes of commercial sexual exploitation of minor D.V. into prostitution, abusing of the minor's age and the position of vulnerability manifested by the precarious situation in terms of social survival, being instigated by the Greek citizen N.Ge. to carry out recruitment of minor D. V. for sexual exploitation in prostitution, acting as author of the crime, recruited the minor for this purpose and then, for the achievement of the same purpose, organized the meeting between N.Ge. and D. V. During the mentioned meeting, as a result of actions undertaken by I.Gh., the Greek citizen N.Ge. selected the minor D. V. for further sexual exploitation and prostitution. As a result of the actions taken by I.Gh. on the same day, D.V. was sexually abused by the Greek citizen N.Ge. at the latter's domicile.

The same I.Gh., has been indicted for the fact that on 25 November 2010, continuing acting for the realization of his criminal intentions, together with N.Ge, knowing the latter's intention to enter into sexual relations with a child, being instigated by N.Ge, recruited minor D.V. for sexual exploitation in prostitution, acting as offender, he recruited the victim for the mentioned purpose, then on 27 November 2010, following the aim of achieving this purpose, organized a meeting between N.Ge. and D.V.

By decision of the Court of Appeal of 21 December 2012 the appeal of the prosecutor was accepted, who requested conviction of the defendant. This sentence was reversed and a new judgment was made, based on which I.Gh. was convicted under art. 206 para. (2) items b), c) of the CC, to 10 years imprisonment.

The court of appeal in its decision stated the fact and circumstances of a TC offense, namely the child recruitment and its transportation for non-commercial sexual exploitation in prostitution, *accompanied by the vulnerability position of the child* and sexual abuse. The court decided to exclude the qualifier "*for purpose of sexual exploitation in prostitution*" from the charges brought by indictment and to only maintain "*for purpose of sexual non-commercial exploitation in prostitution*" for the reason that the prosecution did not submit evidence proving that following the recruitment and transportation of the minor for sexual exploitation in prostitution, the defendant would have obtained some profit.

The prosecutor disagreed with the mentioned decision and submitted the ordinary appeal requesting that the case be resent back to the same court of appeal for retrial. Also the lawyer requested a judgment of acquittal of the accused, on the grounds that the elements of crime were not met in his actions.

By decision of the extended Criminal Collegium of the Supreme Court of 02 July 2013 the ordinary appeal filed by the prosecutor was rejected as inadmissible, the lawyer's appeal was upheld and cassation of the decision of the court of appeal was ruled, maintaining the sentence.

The Court of Appeal concluded that in qualifying the defendant's actions, the appellate court was wrong to conclude the presence of the elements of offense under art. 206 para. (2), items b) c) of the CC.

The Criminal Collegium mentioned that the sexual exploitation should denote forcing a person to engage in prostitution or other sexual actions.

Sexual abuse of a child constitutes violent actions of sexual character, constraint to sexual actions and to perverse actions. Consequently, the prosecution did not submit any evidence proving such signs of the charged offense. It was established solely that I.Gg. on 24 November 2010, used the mobile phone of N.Ge., and at the request of the latter phoned D.V. and asked him, whether he would come to visit N.Ge., fact confirmed by the statements of the victim and of the defendant. The victim and the defendant discussed nothing about the sexual relations during the mentioned call.

Moreover, the victim said that I.Gh. *did not impose* him to commit any sexual actions. He said that they have never discussed such issues and was not aware whether the defendant knew of the existence of sexual relations between him and N.Ge. because the defendant was not present during the meetings he has had with N.Ge.

The court concluded that D. V. is not a vulnerable person, as confirmed by the victim himself. At the time of the offense the victim was 17 years old. Thus, the vulnerability position of the victim, in terms of its age, cannot be accepted. The position of vulnerability of a victim presupposes any kind of vulnerability: mental, emotional, family, social or economic. One should take into consideration a range of desperate situations making a person to accept his/her exploitation.

It was also found that the victim, before making acquaintance with the defendant, was having its profile placed on the web page, where he presented himself as a person aged 18, who provides sexual services to people of the same gender, and it was via the internet that he made acquaintance with N.Ge. Before making acquaintance with the defendant, the victim has had sexual relations with other men. Thus, based on all established circumstances, the set of desperate situations as grounds determining the exploitation of DV is excluded.

The Court of Appeal stated that a person's age of 17 cannot be considered a vulnerable age, in view of the fact that according to art. 21 of the Civil Code, persons aged between 14 and 18, are considered persons with limited capability of acting, with the right to independently assume civil rights and obligations. Also, according to art. 21 para. (1) of the CC, the responsibility of the person to be prosecuted starts at the age of 16 years. The vulnerability position of a person is considered to be generated by a set of difficult situations faced by a person and in no way is the age of that person.

The prosecution challenged this decision by appeal for annulment. However, by decision of the Criminal Collegium of the Supreme Court of 12 June 2014 the claim was declared inadmissible on the grounds that it was filed out of time (*decision nr.4-Ire- 180/14*).

2. The "Botanica" municipal Court, through its sentence of 27 March 2013, under art. 165 para. (2) d) of the CC, convicted D.C. to 7 years imprisonment for trafficking in human beings, with abuse of a position of vulnerability, committed via recruitment and transportation of a person for the purpose of commercial sexual exploitation, actions committed by several persons.

The description of the case is the following: during the period of May 2012, D.C. being in the Chişinău municipality, acting, in agreement with a number of persons unidentified by the prosecution body, for the purpose of trafficking S.N. outside the RM for commercial sexual exploitation, abusing of her position of vulnerability, this person being in a precarious situation in terms of social survival, and unemployed, with no source of income. D.C. during a meeting recruited S.N. to practice prostitution in the UAE, ensuring her that she would be well paid for the prostitution services. Then D.C. transported her to the Chisinau International Airport, from where she was supposed to go to Bucharest and then to Dubai, UAE.

By decision of the Criminal Collegium of the Chisinau Court of Appeal of 18 February 2014, the request of the defense to place the deed under provisions of Article 220, para. (1) of the CC, was rejected as groundless, maintaining the sentence. The appellate court, in

combating the defense arguments, among other things, noted that S.N. was recruited and transported by D.C. to Dubai for purpose of commercial sexual exploitation, *especially by abusing her position of vulnerability, the selected person being in a precarious situation in terms of social survival, unemployed, without any social resources and originating from a family with a deplorable financial situation*, D.C. understanding that she would accept the exploitation.

The position of vulnerability of the victim, and the fact that the defendant knew about it, was proven by the statements of S. N. during the court hearing as well as by the statements of the defendant, who admitted that she told him about her lacking of any sources of income and being in search of a job. Additionally, the victim highlighted that it was D.C. who assured her that everything would be all right in the UAE and she would like it there and would have a stable income. It was also D.C. who proposed her to go to UAE and ordered his partners from Dubai to purchase the flight ticket. He gave her money to make her passport, prepared other documents necessary for her departure and saw her off to the Chisinau International Airport, requesting her not to inform the law enforcement bodies about the person who helped her to leave to the UAE.

With respect to the fact that the victim has given her consent to leave to the UAE was to practice prostitution, the court of appeal stated that such a consent does not waive the perpetrator's criminal responsibility, for the reason that it was not a freely made consent, but it was influenced by the abuse of the position of vulnerability.

The Supreme Court of Justice on July 02, 2014, maintained this solution, declaring as inadmissible the defense's appeal requesting that the offense be placed under pimping category of offenses, reiterating the conclusions of the appellate court. (*decision no. Ira-1161/2014*)

3. Based on the sentence of the Chisinau "Botanica" Court, of 10 January 2013 R. M. was acquitted of the charge of having committed the crime under art. 165 para. (2) d) of the CC, for the reasons that the offense component could not be proven.

Citizen R.M. was accused of the fact that in May 2009, being in different places in the Chişinău municipality, acting for the purpose of trafficking the citizen T. A. abroad for the purpose of commercial sexual exploitation, *with abuse of the latter's position of vulnerability who was in a precarious situation in terms of social survival, was unemployed and had a minor child in her support*, recruited T.A. by fraud, expressed in the promise of a well-paid employment in Turkey, in the town Mersin. She purchased a plane ticket for the Chisinau-Istanbul flight. On 15 May 2009, R.M. transported the victim to Istanbul and then to Mersin, Turkey, where she was met by strangers and accommodated in a hotel. There she was sexually exploited until 15 June 2009 in view of repaying the expenses incurred for her transportation to Turkey.

By decision of the Criminal Collegium of the Court of Appeal of 30 April 2013, the prosecutor was allowed the appeal, the sentence was quashed and a new judgment was pronounced, with respect to the established procedure of the first instance, by which R.M. was found guilty and sentenced under Art. 165 para. (2) d) of the CC for 7 years imprisonment, with deprivation of the right to occupy for a period of 3 years certain functions in the public service and administration.

The court of appeal concluded that the crime elements indicating to human trafficking are found in the defendant's actions given that the defendant misled the victim as far as the nature of employment in Turkey is concerned, took advantage of her position of vulnerability, transported her to Turkey, where she was accommodated, deprived of her passport and of freedom and abused by pimps to provide sexual services.

By decision of the Criminal Collegium of the Supreme Court of Justice of 27 November 2013 the ordinary appeal of the defense against the decision of the court of appeal was declared inadmissible on grounds that it was filed outside time. (*decision no. Ira-1103-1113*)

4. Through the Chisinau Centre Court decision of 15 January 2014, the defendants R.I. and R. A. were sentenced under art. 206. (2) items a) and c), 79 of the CC for 7 years imprisonment each. Citizen R.I. (junior) was sentenced under art. 206. (2) a) and c), paragraph 70. (3) 79 of the CC for 6 years and 9 months imprisonment.

In the first instance, the court stated that, in March 2011, R.I. together and by prior arrangement with his wife R.A., his son R.I. (junior) and another person, while being in town Orhei, by fraud and misleading the guardian, under the pretext of marriage between R.I. (junior) and F.V. and with the promise to provide a well-paid employment in Moscow, Russian Federation, as well as *by abuse of the position of vulnerability expressed by the precarious situation in terms of social survival and early age*, recruited minor F.V. born on 12.25.1994 for the purpose of begging on the streets of Khabarovsk, Russian Federation, with the earned money from begging being transmitted to R.I. and R. A.

Being in the Republic of Moldova, R.I. and RA would carry out management of the criminal activity via the telephone, giving advice and encouraging R.I. (junior) and the other person to constrain F.V. to practice begging.

On 18.07.2011 by R.I. (junior) and the other person released the victim, at the indication of R.I. when they learned that minor F.V. is sought by the law enforcement bodies of the RM.

By decision of the Criminal Collegium of the Court of Appeal of 13 May 2014 the appeals of the victim and of the defendants R.A. and R.I. were rejected as unfounded, and the appeals of the prosecutor and the defendant R.I. (junior) were admitted. The sentence was quashed and a new judgment was pronounced, based on which: R.I. and R. A. were sentenced under art. 206. (2) items a) and c) of the CC to 10 years imprisonment each, both deprived of the right to work in the education of children area for a period of five years. The sentence is to be served in a closed type prison since their arrest; Citizen R.I. (junior) was convicted under art. 206. (2) items a) and c), paragraph 70. (3), 79 of the CC to 6 years imprisonment, deprived of the right to work in the education of children for a period of five years. The sentence is to be served in a closed type prison. Otherwise, the sentence was maintained.

The Court of Appeal stated, inter alia, that the first instance court correctly established the existence of all conditions for criminal liability for committing TC offense in case of the three appealing defendants, given that the victim *was a minor at the time of recruitment, was not employed, lacked any income, making it easy for the defendants to place the victim in a state of dependence on them. While in the Russian Federation, in the absence of documents and without money, the victim could not but follow the instructions imposed by the traffickers.*

By decision of the extended Criminal Collegium of the Supreme Court of 18 November 2014, the ordinary appeals of defendants were rejected as inadmissible, maintaining the appealed judgment. The Criminal Collegium concluded that the first instant and the appeal courts stated and assessed the legal and factual circumstances on the legal accusation of defendants and the legal qualification of the criminal actions thereof, in strict accordance with the provisions of the criminal procedure and substantive law, based on the accumulated evidence attached to the file, each evidence being assessed in accordance with Art. 101 para. (1) CPC. The court of appeal stated in a reasoned way regarding all the arguments brought in defendants' appeals. (*decision no. Ira-1409-1414*)

15. To what extent does the Law of your country treat the forced marriage and illegal adoption as crimes falling under THB category? Please give examples of case law where forced marriage and illegal adoption have been addressed in the context of human trafficking

According to art.165 of the CC of the Republic of Moldova*⁴⁴, exploitation of the victim in slavery or slavery-like conditions constitutes one of the purposes of THB.

According to art.167 of the same Code, slavery and slavery-like conditions denote "putting or keeping a person in circumstances where another person exerts control over the first person, or its determination as a result of use of deception, coercion, violence or threat with violence, to engage or remain in *relations of cohabitation or marriage*."

Illegal adoption, as an offense falling under the THB category, is punished as a criminal offense only if it was committed for the purpose of exploitation in slavery or slavery-like conditions (art.206 para. (1) letter c) of the CC).

At the same time, it should be mentioned that no forced marriage cases, or cases of illegal adoption, were found in the case law of the Supreme Court of Justice.

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

National law qualifies the forced begging as an exploitation purpose of trafficking in human beings if the elements of the human trafficking offense are present, meaning that the person was recruited, transported, transferred, sheltered or received to be *exploited for begging purposes* (art.165 of the CC) or *for begging or other disgraceful purposes* (art. 206 of the CC).

According to item 4.2/¹ of the Decision of the Plenum of the Supreme Court of Justice of the Republic of Moldova no.37 of 22.11.2004 on the application of legislation in cases concerning THB and TC^{45,46}, *begging referred to in articles 165 and 206 of the CC is a form of exploitation via forced labor or forced services, and constitutes actions by which a humbled person, is forced to solicit from foreign persons, firms, organizations or institutions money or other goods.*

Also, according to pct.15/² of mentioned Decision, *one should bear in mind that trafficking in persons for begging or other disgraceful purposes, provided by articles 165 and 206 of the CC, essentially differs from organizing begging, stipulated under art.302 of the CC. The differentiation criterion lies with the existence or absence of the vicious element - constraint.*

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

According to the national law, the exploitation of criminal activities can be considered as a purpose of human trafficking if the elements of the THB offense are present, i.e. the person was recruited, transported, transferred, sheltered or received, for the purpose of use in criminal activities (art .165 and 206 of the CC).

Under item 4.5 of the Decision of the Plenum of the Supreme Court of Justice of the Republic of Moldova no.37 of 22.11.2004 on the practical application of legislation in cases of THB and TC⁴⁷, *the use in criminal activity denotes forced involvement into committing deeds constituting crimes.*

⁴⁴ <http://lex.justice.md/index.php?action=view&view=doc&id=331268>

⁴⁵ http://jurisprudenta.csj.md/search_hot_expl.php?id=142

⁴⁶ http://jurisprudenta.csj.md/search_hot_expl.php?id=142

⁴⁷ http://jurisprudenta.csj.md/search_hot_expl.php?id=142

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

The PS in partnership with the UNODC, MoEd, CCCC and the IC "La Strada", carried out from June to December 2013, the national informational campaign "*Promoting a safer Internet for children of the Republic of Moldova*" within the project "*Strengthening the criminal justice response to trafficking in human beings in Southeast Europe, in particular in the Republic Moldova*". The campaign aimed at informing the target group (children and teenagers aged 14-18 years) about the recruitment methods used by traffickers on the Internet and about the manipulation methods used by perpetrators on the online networks. It also pursued the goal to provide counseling to the target group and to encourage adults to report the child sexual exploitation cases and the online abuse and to refer these cases to specialized agencies (law enforcement bodies and specialized service providers).

The IC "La Strada" in partnership with the MITC and the state enterprise MoldData initiated, within the above mentioned project, an interactive portal www.siguronline.md, the purpose of which is to inform children about the advantages of the Internet, the safe use of the virtual environment, but also about the dangers they may encounter. The portal offers practical advice to children, parents and teachers about the safe use of the Internet, hosts a Forum where the children and also the parents and teachers are encouraged to contact the experts in the event of danger or necessity. Among the main activities of the campaign one can see the social advertising spot "*Are you aware with whom does your child communicate online?*". Targeted for parents, teachers (and others), the spot (50 seconds) warns about the potential dangers of sexual abuse and of child pornography in cyberspace and encourages the Internet users to report any abuse, illegal content or content harmful to children. The draft of the Report can be found in Annex 1.

During 16-23 October 2014, for the 3rd consecutive year, the "*Week for Combating Trafficking in Human Beings*" was conducted. The activities were carried out in the context of the "European Day for Combating Human Trafficking" marked on 18th of October. The campaign aimed at the prevention of THB by informing the public, especially young people, about the risks connected with this phenomenon, with a focus on the recruitment methods in the online environment. At the same time, the anti-trafficking community highlighted the available services and assistance and protection programs developed in the RM for the rehabilitation and social reintegration of young people. The theme of the campaign was "*Protected by the anti-trafficking community*". One can access information about this event⁴⁸ on the website [www .antitrafic.gov.md](http://www.antitrafic.gov.md). As a result of the campaign the number of visits to the website www .antitrafic.gov.md increased 3 times.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

(Ref. to pages 19-20)

With respect to the research and evaluation of the human trafficking in the country, one can see the following Reports of analysis and research carried out during 2014:

1. Ex-post independent evaluation of the implementation degree of the National Plan to prevent and combat trafficking in human beings (periods 2010-2011 and 2012-2013), carried out at the initiative of the PS with the support of the OSCE Mission to Moldova.

⁴⁸ <http://antitrafic.gov.md/libview.php?l=ro&idc=30&id=483&t=/Rapoarte/Nationale/Nota-informativa-cu-privire-la-Campania-nationala-Saptamina-de-lupta-impotriva-traficului-de-fiinte-umane-desfasurata-in-perioada-16-23-octombrie-2014>

The main purpose of this Report is to assess the degree of implementation and to develop recommendations for the improvement, in the nearest future, of the policy in the area. Another objective is to provide adequate information regarding the achievements, lessons learned, but also weaknesses, to be dealt with, to the decision makers and experts, partners and donors and to the general public.

Report pursued the following main tasks: to study the established qualitative and quantitative indicators and the degree of their accomplishment by each NAP; to assess the relevance of the state policy on prevention and combating trafficking in human beings; to assess the compliance of the NAP with the status and changes of the THB phenomenon and also with the recommendations of the external monitoring mechanisms; to assess the effectiveness of this state policy document (degree of accomplishment of objectives and realization of the set goals, the policy impact) and its effectiveness (rational use of available resources for the achievement of set objectives and ensuring the policy sustainability); and, finally, to make recommendations on the improvement of the state policy in the prevention and combating THB area.

A Report regarding the evaluation referred to above was presented at the OSCE Technical Coordination Meeting on 11 June 2014 and later placed on the website www.antitrafic.gov.md⁴⁹. Also a number of 300 copies were printed. It is envisaged to distribute them as the need may be. The report will be translated into English and hard copies will be made available.

2. The Study regarding the children online safety in the RM, II edition, conducted by the IC "La Strada" in 2013.

The goal of the study was to inform teachers, parents, people involved in the children education process, including representatives of the civil society, about the behavior in the RM of children online. The information presented in this Report can serve as an impetus for unification and consolidation of efforts of all actors bearing direct responsibility for children, the active users of new information technologies. The content of the Study is divided into four chapters. Chapter I – the Child online safety - contains conceptual clarifications and current approaches and aims to familiarize the readers with the theoretical aspects of addressing the child online safety. Chapter II - the Study objectives and methodology – describes the research objectives and methodology. Chapter III - the Study results – includes a presentation of results of the Study, and the last Chapter IV includes a number of recommendations for different actors in the area.⁵⁰

3. The report "Monitoring the situation in the human trafficking - the analysis of the criminal status and dynamics of year 2013" was developed by the CCTP.

The report summarizes the information about the profile of the trafficking victims and of the traffickers, based on the statistical average, the main signs and elements of THB, the peculiarities of recruitment and transportation, forms of exploitation and modus operandi of traffickers, the illegal methods of influence and control over victims, etc. Although this constitutes one of the first analytical exercises of its kind conducted by the Police, the Report also makes references to a number of new trends/changes in the phenomenon manifestation.⁵¹

4. TdH developed the study "*The needs of children in contact with the justice system in the Republic of Moldova*". The Study informs about the content of a set of materials for children and parents. It is meant to be used as basis for the awareness campaigns targeted to the wide public, dedicated to the rights of children in contact with the justice system (witnesses, victims and children in conflict with the law), to be implemented next year

⁴⁹ http://antitrafic.gov.md/public/files/Final_Report_CLEAN.pdf

⁵⁰ http://lastrada.md/publicatii/ebook/Studiu_siguranta_online_pdf

⁵¹ http://antitrafic.gov.md/public/files/Analiza_strategica_TFU-2013-final-RO.pdf

(2015). Additionally, the study results, together with other exercises of assessment of professionals and of other different authorities, lead TdH to begin developing a set of practical tools for the police employees, aimed to enhance the latter's skills to communicate and work with children. This set of instruments is under development and will be completed next year.

5. TdH also developed the Study "Assessment of observance of gender issues in assisting repatriated children". It is envisaged to develop a summary of this Study for dissemination to stakeholders. One should note that these studies were conducted in partnership and with the financial support of donors. The results, and recommendations made by authors, are taken into account and serve as grounds by public authorities with responsibilities in prevention and combating THB when setting the activity objectives and policy development.

In conformity with the Code no.259 of 15.07.2004 on Science and Innovation of the Republic of Moldova⁵², financing or co-financing of research projects is done on a competition basis organized by the Academy of Sciences of Moldova.

A recent example of research on prevention and combating THB, constitutes the fact that the Academy of Economic Studies of Moldova (Department "Private Law") included the topic "Human trafficking - issues and problems" into the list of License Themes. The author of this work is G.S., cycle I student at the specialization "Law"- 381.1.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

Regulation of the labor force migration in the RM is carried out under provisions of the **Law no.180 of 10.07.2008**⁵³ on labor force migration. The following is regulated by this law: temporary employment activities of the migrant workers, conditions of granting, renewal and revocation of the right to work, the right of temporary residence for employment purpose and the temporary employment conditions of citizens of the RM in foreign countries.

Chapter III of the above mentioned Law spells out the temporary employment of citizens of the RM in foreign countries, which is performed:

- 1) individually, based on an individual employment contract signed with the employer before leaving the country;
- 2) through private employment agencies, who possess a relevant license;
- 3) based on provisions of bilateral agreements:
 - *individually, based on an individual employment contract*

When a citizen of the RM individually accepts a temporary employment abroad, he is entitled, in view of his/her protection, to register his individual employment contract in the NEA and the NSIH and to pay the social security contributions;

- *through private employment agencies.*

The private agency shall provide labor mediation services under its license for the provision to citizens of the RM services, facilitating an employment abroad. The license for this kind of activities is issued by the Licensing Chamber, provided that the economic entity meets the following criteria:

- concluded collaboration agreements stipulating credible employment offers with intermediaries/employers, legal or natural persons, authorized by the foreign competent authority, and coordinated with these employers the draft version of the individual employment contract drawn up in accordance with the legislation of the country of destination and the legislation of the RM;

⁵² <http://lex.justice.md/md/286236/>

⁵³ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=328963>

- coordinated with the NEA the collaboration agreement with the intermediary/foreign employer and the draft individual employment contract;
- has got qualified personnel, permanently residing in the RM, possessing the necessary professional skills to carry out the activity under this Law.
- has got a valid database on the offer and demand of jobs abroad, the conditions for employment in these places and the qualification of candidates to be selected for the listed employments.

The economic entities carrying out placement of citizens of the RM in employment in foreign countries are obliged:

1. to obtain a license for placement of citizens of the RM in employment in foreign countries, to observe the licensing conditions and the Law in force;
2. to conclude a cooperation agreement with the intermediary/foreign employer based on the latter's license or other document confirming the right to mediation or employment, issued to that partner by the competent authorities of the country of destination;
3. to keep control on the fulfillment of the individual employment contract clauses, signed by the citizen of the RM and the employer from the country of destination, and to intervene to settle the disputes, if any;
4. to offer to applicants for employment abroad, free of charge, full and truthful information about the employment opportunities abroad, the conditions put forward for an individual employment contract, the climatic and living conditions, the culture of the country of destination;
5. to submit to the NIA quarterly reports regarding the persons mediated and employed abroad and to register the individual employment contracts of employed persons;
6. to submit to the Licensing Chamber the new collaboration agreements with foreign partners, along with copies of licenses or other documents confirming the right of the partner from the country of destination to carry out mediation activity or employment of foreigners. The documents would be certified in accordance with the legislation of the RM and of the country of destination. Additionally the drafts of individual contracts of employment shall be submitted.

The physical and legal persons engaged, in the absence of a license when placing citizens of the RM in employment in foreign countries, creating database, publication of announcements, dissemination of information on employers and foreign intermediaries are liable under the law in force.

Article 362¹ of the CC stipulates that the punishment for the organization of illegal migration constitutes a fine of 300 to 500 conventional units or imprisonment from 1 to 3 years.

3) According to bilateral agreements

Pursuing the purpose to promote legal migration (circular) via the development and strengthening the bilateral and multilateral cooperation with countries of destination of migrant workers and to improve protection of persons working abroad, measures continued to be undertaken to extend the legal opportunities of employment of citizens of the RM abroad by signing bilateral agreements on labor migration with countries of destination.

In terms of *protecting migrants and preventing trafficking in human beings* then NEA register the contracts of citizens of the RM who emigrate in conformity with Law no.180-XV of 10.07.2008 on labor migration.

The data entered in the individual registered employment contracts reflect the situation on emigration to another country, they indicating the destination, the period and the employer/intermediary, thus ensuring that the contracts comply with the requirements of the

Law in force (Law no.180 of 10.07.2008). Once recorded, the contract data are entered into an automated information system, which reflects a citizen's emigration status.

Additionally, the law establishes the obligation to register the individual employment contracts before the persons' leaving abroad. Thus, each person is informed of the possibility to call the law enforcement bodies or the hotline. It is also ensured that the person is familiar with the terms and effects of the individual employment contract.

Under current legislation, the NEA monitors the operation of the private employment agencies (private agencies) based on their statistical reports and based on records of individual employment contracts of the citizens who choose the option of accepting employment abroad through mediation of private agencies. In cases of identified violations, the NEA notifies the Licensing Chamber - institution empowered to issue prescriptions, to suspend or revoke the operation license, based on violations of the law committed by a private agency.

Pursuant to art. 101, para.(6) of Law no. 102 of 13.03.2003, the operation license of a private agency shall be withdrawn where a notification is received from the law enforcement bodies stating the agency's involvement in THB and/or in other illegal activities.

MLSPF developed an action plan for 2014-2016 on supporting reintegration of citizens returned from abroad, which was approved by GD no.339 of 20 May 2014. The actions included in this Plan provide for the dissemination of information on legal employment opportunities and risks of irregular migration. The Plan also envisages implementation of actions aimed to strengthen ties with Moldovan citizens living abroad, to provide accurate and permanent information to citizens about the labor market situation, as well as on going media coverage of opportunities of returning and working in the country.

Other actions in this context include the development of a sensitive and open policy to meet the needs of beneficiaries and the improvement of social, health and education services. Additional actions are envisaged meant to contribute to the development of a favorable business environment and to initiate the process of recognition of qualifications and professional skills.

In order to promote legal and temporary mobility, to ensure observance of rights of the Moldovan migrant workers and to combat irregular migration and reduce the trafficking risk the RM maintains and initiates dialogue with countries of destination of migrants in the labor migration area:

On 5 May 2011 the Agreement on labor migration between the Republic of Moldova and the *Government of the Italian Republic* was signed. This agreement aims at promoting the links between the training and employment institutions and agencies of the Italian republic and the ones of the RM by strengthening the management of migration flows of skilled labor between these countries.

On 16 October 2012 the Agreement on temporary employment of workers from the RM was signed between the Republic of Moldova and the *Government of Israel* envisaging the work in certain sectors of the State of Israel (construction sector). The Agreement entered into force on January 6, 2013.

In accordance with this Agreement and the Protocol implementation, the Government of Israel requested cooperation/assistance in recruiting 1000 qualified temporary workers for construction works in Israel. Recruitment and hiring of temporary foreign workers in Israel is carried out under the current Law in force in Israel, the national labor market, the policy of the Government of Israel regarding sectors where jobs are available for employment of foreign workers, as well as in line with annual quotas for temporary foreign workers and prerequisites for issuing work permits for each sector.

The content of these agreements contains clause stipulating that citizens of the RM working in other states shall enjoy the rights and protection similar to the ones of the national workers of the employing country, including the terms of working conditions and the workers' fundamental rights, under the legislation of the employing country, throughout the process of recruitment, selection, placement, arrival, employment and return.

With respect to the negotiations initiated in 2014 by the MLSPF we state the following:

- Based on GD no. 561 of 16 July 2014 negotiations were initiated between the Government of the Republic of Moldova and the *Government of Qatar* regarding the draft Agreement on temporary employment of citizens of the Republic of Moldova in the State of Qatar;

- negotiations were initiated between the Government of RM and the *Government of the Russian Federation* regarding the draft Agreement on cooperation in labor migration area and with respect to temporary labor activity of migrant workers on the territory of the Republic of Moldova and the Russian Federation (at present, all internal procedures are completed both in the Republic of Moldova and in the Russian Federation);

- a draft cooperation Agreement between the Republic of Turkey and the Republic of Moldova is being considered with respect to cooperation in the labor area, employment in the labor area and the social security (the initiative of the Republic of Turkey has been examined and amended in accordance with the legislation of the Republic of Moldova and, subsequently, sent to Turkey for examination).

These agreements pursue the goal to promote protection of labor rights and social protection of Moldovan workers performing temporary work within the territory of these countries, throughout the entire process of recruitment, selection, placement, arrival, employment and return. In view of ensuring a legal, fair and well-informed process of employment for Moldovan citizens and of preventing the collection of illegal taxes, a new structure was created within the NAI, authorized to facilitate placement of Moldovan citizens in employment abroad.

It should also be mentioned that during the dialogue with the EU on visa liberalization and the corresponding action plan (VLAP) actions have been undertaken to prevent and combat the phenomenon of human trafficking. The trafficking component was included into a separate chapter under section III "Security and Public Order" of VLAP. Following the successful completion of all conditions included in the Action Plan, as of April 28, 2014, the citizens of the RM can travel without visas to the Schengen area. The decision to liberalize the visa regime for citizens of the RM is covered by the EU Regulation no.259/2014 of the European Parliament and by the Council decision of 3 April 2014 on amending the Regulation (EC) no.539/2001, laying down the list of third countries whose nationals must be in possession of visas when crossing the external borders and the list of third countries whose nationals are exempt from that requirement, published in the Official Journal of the EU, L 105, p 9-11.

According to art.16 of the Association Agreement between the Republic of Moldova, and the European Union and the European Atomic Energy Community and its member states, of 06.27.2014, "(1) The parties shall cooperate in the prevention and combating all forms of criminal and illegal activities, organized or otherwise, including the ones of transnational nature, such as: (a) smuggling of migrants and human trafficking;". The commitment to implement this Agreement is reflected in the National Action Plan on implementation of the Association Agreement, which as of 1 September 2014 is under temporary implementation, being approved by GD no.808 of 01.10.2014.

Additionally, one should note that the cooperation agreements between the Republic of Moldova and EU Member States on the European integration, cooperation and experience

exchange is envisaged, including in the prevention and combating THB. Thus, in February 2012 - October 2014 period of time, the RM signed partnership cooperation agreements on European integration with the Republic of Croatia (6 November 2012), Republic of Slovenia (22 July 2013) and Republic of Greece (8 April 2014).

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

a) the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorizing centres for living donation;

In the Republic of Moldova a number of actions were taken pursuing the goal to establish a legal framework consistent with the international legal norms and in line with the EU requirements on the facilitation of transplantation of human organs, tissues and cells and on prevention of marketing of human body parts.

At present, there is a regulatory framework regarding the transplantation of organs, tissues and cell, as follows:

1. Law on transplantation of human organs, tissues and cells no.42-XVI of 06.03.2008 (Official Gazette no.81 / 273 of 25.04.2008).

2. GD no.386 of 14.05.2010 "On the establishment of the Transplant Agency".

3. GD no.1207 of 27.12.2010 "On approval of the Regulation for the organization and functioning of the Independent Authorizing Committee under the MoH and for establishment of criteria for authorizing removal of organs and transplantation activities."

4. GD no.756 of 09.10.2012 "On approval of the National transplantation Programme for 2012-2016 ".

For the implementation of the mentioned above regulatory legal acts, the MoH has developed and approved a number of instruments, such as: procedures, requirements, techniques authorizing the medical institutions' activities of removal and transplantation, authorization of medical staff for this purpose, the quality of organs, tissues and cells for transplantation, as follows:

1) Order no.725 of 01.11.10 "On approval of the Regulation of Advisory Council under the Transplant Agency";

2) Order no.234 of 03.24.11 "On the organization and performance of removal and transplantation of human tissues, organs and cells";

3) Order no.885 of 18.11.2011 "On approval of the independent Authorizing Committee's documents regarding the acceptance or refusal of the removal of organs, tissues or cells from a living donor".

Article 15 of the Law no.42-XVI of 06.03.2008 on the transplant of human organs, tissues and cells describes in a clear way the conditions of removal of organs from a living donor. Additionally, other articles of this Law, such as art. 9, 19 and 20, spell out a number of other conditions hereby. One should notice the fact that the Law contains a number of additional conditions for the removal of organs with respect to the removal of tissues and cells from living donors and also with respect to the removal of tissues and cells from persons who are unable to express their consent.

We highlight two provisions of this Law:

1) removal of organs, tissues and cells from a living donor shall be allowed only if the respective compatible organs, tissues or cells from a cadaver are missing and strictly for the therapeutic benefit of the recipient;

2) the removal of human organs, tissues and cells for therapeutic purposes can be made from alive adult persons, provided that full legal capacity is ensured, and the consent of those persons is given. The donor may revisit the given consent before the time set for removal;

Removal of human organs, tissues and cells shall not be performed on people who are unable to express their consent. The law, however, stipulates an exception: removal of tissue or cells shall be permitted if the regenerative tissues or cells are to be removed, but in such a case it is compulsory that the following conditions are met:

- the consent of the legal representatives of the donor or of the guardianship authority is given. This is a requirement also valid in case of minors;

- the removal of organs needs to be authorized by the Independent Authorizing Commission;

- the donor shall be a first degree relative of the recipient (in case of the minor donor these might be his/her siblings);

- the procedure shall pose a minimum risk for the donor.

- the removal of organs from a minor donor shall not be performed if the latter expressed his/her refusal in writing, verbally or otherwise.

3) the consent for donation shall be expressed under the law on patient's rights and responsibilities and be developed as an informed consent document. The model of an informed consent on donation of organs from a living donor is approved by the GD no.1207 of 27.12.2010, Annex no. 3.

By Order of the Minister of Health nr.885 of 18.11.2011 "On the approval of the Independent Authorizing Commission documents for acceptance or refusal of removal of organs, tissues or cells from a living donor", Annex no. 3, the model of an informed consent on donation of organs or regenerative tissues or cells by minors or persons lacking the legal capacity was approved.

4) the consent for donation shall be signed only after the donor has been informed by the doctor about the possible physical, mental, family and professional risks and consequences resulting from the act of removal;

5) in case of removal of organs from a living donor it is mandatory required to also have the approval of the Independent Authorizing Commission. The Independent Authorizing Commission's opinion on the donations from a living donor is not required in case of removal, for therapeutic purposes, of stem cells, semen, femoral head (after endo-prosthesis), placenta, the umbilical cord blood or amniotic membrane. In this case the removal should, however, observe the bioethics rules and the patient's rights.

Art. 27, para. (1) and (3) of the Law establishes the prohibition of making financial profits as a result of donation of human organs, tissues and cells. It also establishes the prohibition of making the donation and transplant of human organs, tissues and cells a subject of a material transaction.

To this end, the Independent Authorizing Commission shall verify whether the donation is done for humanitarian, altruistic purpose and is not subject to material transactions. By assessing the legality of motivation and of the removal procedure, the Commission checks whether the donor is informed of the illegality of accepting financial benefit for donation.

According to Article 27 para. (2) of Law no. 42 of 06.03.2008 donors may receive a compensation to cover the supported expenses and inconveniences hereby, namely:

- the recovering living donors' losses of income and remuneration of other justified expenses caused by donation or the related medical examinations;

- payment of justified costs for legal medical services or technical services related to donation. Living donors of organs are entitled to a mandatory health insurance document for life duration, financed from the state budget.

Art. 9 of the Law no.42 of 06.03.2008 stipulates that the removal and transplantation of organs, tissues and cells shall be done exclusively within authorized healthcare institutions and shall be performed exclusively by doctors authorized by the MoH.

Thus, exclusively the public healthcare institutions may be authorized to carry out removal and transplantation of organs.

Removal, preservation and transplantation of tissues and cells can be performed within healthcare institutions (including the private ones) which shall be obligatorily authorized.

In order for an institution to obtain an authorization, it is necessary that it meets the criteria for authorization, as provided for in Annex 4 of GD no.1207 of 27 December 2010.

Thus, in order to obtain the authorization to carry out activity of removal, storage, preservation, processing, distribution and/or transplantation of human organs, tissues and/or cells the healthcare facilities must have:

1) competent human resources in the area of removal and transplantation of human organs, tissues and cells;

2) facilities, equipment and appropriate materials for activities in the field of removal and transplantation of human organs, tissues and cells of human origin;

3) an information system able to record, report and store data on the removal and transplantation of human organs, tissues or cells, which is supposed to meet the personal data security requirements during data processing within the personal data information systems, as established by the Government;

4) a vigilance system is in place carrying out reporting, investigation, recording and transmission of the information regarding the serious incidents and severe adverse reactions that may influence the quality and safety of the human organs, tissues and cells, which might be due to removal, procurement, testing, processing, storage, their distribution and transplantation.

Authorization is done by the MoH, at the proposal of the TA, empowered to assess the compliance with the criteria mentioned above, depending on the activity subject to the licensing process (removal and/or transplant). The authorization procedure is regulated under Annex. 3 of Order of the Minister of the Health no. 234 of 24.03.2011.

b) the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations.

The role of organizing, monitoring and supervising the transplant of human organs, tissues and cells lies with the TA. The Transplant Agency was created under the MoH as a public institution, with the responsibility to implement the national policies and programs in the area of transplantation of human organs, tissues and cells and to provide equal access to transplantation for patients.

The basic tasks of the Agency are stipulated in art.4 of Law no.42 of 06.03.2008. The mission, core functions and powers of the Agency are set out in the Regulation on the organization and operation of the TA, approved by GD no.386 of 14.05.2010 "On the establishment of the Transplant Agency".

Organs, tissues and cells are distributed to patients based on waiting lists, in line with the distribution rules approved by an Order of the Minister of Health. In Annex 4 of Order of the Minister of Health no.234 of 24.03.2011 based on which the rules for drawing up the waiting List are approved and in annex 5 the common rules for the distribution of organs are described.

The rules for compiling the drawing lists are developed based on a set of criteria for compiling and distribution of organs. The rules are being observed in cases of transplantation

of organs to patients enrolled in this list. The patient enrolment into a waiting list for transplantation is a necessary condition for the award of an organ.

Patients shall be enrolled into one waiting list only, whether national or international. Inclusion into the waiting list of a potential recipient is made by the TA at the proposal of the transplantation medico-surgical team, authorized under the approved enrolment rules. The TA is responsible for managing the waiting list and for allocation of organs. Only medico-sanitary institutions and the authorized medico-surgical transplantation teams have the right to enter the patients into the waiting list. The patients are informed about their enrolment into the waiting list as well as about their suspension or elimination from this list.

The medico-sanitary institutions and the authorized medico-surgical transplantation teams update the waiting list whenever necessary but not less frequently than every 6 months. The suspended patients' files or the files of the ones who are on the waiting list for a long period of time are reviewed to ensure the compliance with the enrolment criteria.

Following the reorganization of *the CCTP* in August 2014, *the investigation Section no. 3* was created *within this Centre*, its tasks being the investigation of human trafficking crimes for the purpose of removal of organs, trafficking in human organs and TC, including the following basic actions:

- identification, combating and preventing offenses committed in child trafficking, trafficking in human organs and crimes related to them;
- proactive identification of victims of THB;
- providing support for the repatriation of victims and facilitating their access to such support;
- monitoring the activities carried out by the GPI for identification and investigation of cases of TC, trafficking in human organs and crimes related to them;
- development of methodological recommendations and provision of methodological support to the territorial subdivisions of GPI in identification and investigation of cases of TC, trafficking in human organs and crimes related to them.

c) the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

Under the Twinning project "Strengthening the Transplant Agency of the Republic of Moldova and Harmonization of legislation referring to the quality and safety of substances of human origin" training courses for coordinators of transplantation activities and leaders of authorized medico-sanitary institutions were organised with the participation of specialists from France, Spain and Romania. Issues concerning the ethical aspects of donation and transplantation, and measures to be undertaken in this area were discussed as well as the procedures to be observed for prevention of trafficking in human organs, tissues and cells. The most recent training in this area took place in September 2014 based on the Order of the Minister of Health no.846 of 08.26.2014 " training course in the area of transplantation of human organs within the Twinning project".

Measures to discourage the demand (Article 6)

22 What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

a. Educational programs; (*Reference to pages 21-24*)

To dissuade THB phenomenon via educational programs, we note that in line with the national Anti-trafficking plan, the MoEd coordinates the implementation of educational programs in preventing THB and DV, child abuse and neglect, etc. in mainstream schools, secondary schools and universities. The curriculum for subjects "Civic education" and

“Headmaster’s classes” that are mandatory for all pupils from the grades I-XII includes topics that refer to THB prevention.

At the same time, in many schools pupils demand optional subjects such as:

- “Education for family life”

- “Education for human rights” that directly contribute to preventing THB. In the curricular and extra-curricular activities on threats associated to the THB, all pupils and students enrolled into the educational system were included.

In pre-university educational institutions, in secondary technical vocational education institutions and post-secondary technical vocational education institutions, plans of educative activities are implemented, which include, mandatorily, legal education issues to know and respect one’s rights, eradicate violence, exploitation of child labor, eradicate the THB phenomenon and other social disruptive phenomena. These issues are addressed during the meetings with parents.

The THB phenomenon is looked at from the perspective of fundamental human rights and freedoms, taking into account such concepts as “one’s dignity”, “social equity”, “harmonization of the society’s and individual’s interests”, etc. 100% of pupils of gymnasiums and lyceums, as well as students of secondary technical vocational education and post-secondary technical vocational education were included among those who study the course on Civic education and Headmaster’s classes. Therefore, we should note that during 2014 the implementation of interactive programs for preventing THB in secondary vocational education institutions and secondary specialized education institutions was realized via a diversity of activities at the headmaster’s classes (1 hour/week), within the framework of a mandatory subject. Civic education (1hour /week) and via extra-curricular activities on the issue of preventing threats associated with the THB (training courses, seminars, round tables) with the engagement of teachers, head teachers, parents, psychologists-teachers. At the same time, information – education – communication projects on risks associated to the THB were conducted, information/education materials on THB prevention were developed (wallpapers, leaflets, posters and brochures).

At the same time, in the light of the *National plan for preventing and combating trafficking in human beings for 2014-2016*, the MoEd recommends including in the plans of university studies modules on preventing THB. The above mentioned modules are compulsory, being part of the social sciences component of the education framework plan, or optional if they are organized within the framework of various extracurricular activities. The impact of trainings on fighting against THB is assessed at each level of any university course by means of exams and grades.

- On 20 October 2014, the PS, in partnership with the MoH, TA, GPO and the State Medical and Pharmacy University “Nicolae Testemițanu” (SMPU) organized a public lecture entitled “Legal framework on preventing trafficking in human organs, tissues and/or cells and trafficking in human beings for the removal of organs, tissues and/or cells. Ethical issues in medical practice for preventing trafficking in human beings”, which was attended by students of year 4 of the SMPU, future surgeons (approximately 50 persons).

- **During 6-7 November 2014**, with the presence of the media and the CIDCR of the RM, a long-term training internship on preventing violence among adolescents was organized with teachers and masters of 9 secondary technical vocational education institutions.

- In the process of amending and improving the Law no.241 of 20.10.2005 on preventing and combating THB, representatives of the specialized academia participated: State University of Moldova – Law Faculty, State Teacher Training University “Ion Creangă”: Chair of Social Welfare, Academy of Sciences.

b. Information campaigns and involvement of the media

In the NAP for 2014 -2016 there is a chapter on “Sensitization and education of the wider public”. Therefore, the institutions which are mandated to implement THB prevention actions are the MoEd, MoC, MYS, the PS (coordinating role), MIA, the BDR, which, with the partners’ support, managed to implement comprehensive actions of sensitizing and informing the wider public. At the same time, we should note that TC CTHB in charge of combating THB were also responsible for conducting sensitization and information actions at local level.

Thus, on **11 February 2014**, on the occasion of the Safer Internet Day, the national information campaign was organized in the RM with the engagement of a number of actors. Safer Internet Day became a reference event in the on-line safety calendar and is supported by the European Commission at the European level, aiming at promoting safe and accountable use of on-line technologies and mobile telephones, especially among adolescents and children. Thanks to the efforts undertaken jointly by the MoEd, the media and internet providers: Moldtelecom, Unite, Moldcell, Arax (Zebra TV), Starnet, Sun Communications and Patria cinema network, preventive information was broadcast in 1350 institutions throughout the country, about 10 thousand viewers at Patria cinemas watched video pieces, about 587,130 individuals received text messages, 1280 visualizations were recorded on domestic web-sites of the posted news. Within this comprehensive campaign, a press conference by the representatives of the CCCC together with the IC “La Strada”, took place (www.siguronline.md).

As a result of the actions aimed at informing and sensitizing the wider public on risks in cases of unsupervised children using internet, the number of calls received at the Hot line and the number of reports via Internet went up by 40%. At the same time, in 99 cases prosecutors gave interviews to TV and radio stations and the written media on investigating cases of THB. The web-site of the GPO regularly posts information on the biggest THB cases identified and the results of their examination by the courts.

In the light of celebrating the World day against trafficking in persons – the PS posted a Press release on the web-site www.antitrafic.gov.md, by means of which it encouraged *the anti-trafficking community of the RM* – CPA and LPA, NGOs and IOs, individuals – to consider the 30th of July a symbol date for the protection, assistance and integration of THB victims and show ZERO tolerance towards THB. Representatives of the PS participated at the radio Programme <http://trm.md/ro/loc-de-dialog/loc-de-dialog-din-30-iulie-2014-partea-a-2-a/> - where they’ve provided the public with statistic data of the first quarter of the year 2014, as well as with information on actions undertaken to prevent and combat THB, assistance and protection provided to the victims of THB. The PS also coordinated the process of dissemination of posters “Keep my world!” distributed within the framework of the **Campaign “Keep my world!”**, which encourages parents to be aware of their children’s needs and get informed of how to assure their children’s protection, even when they leave abroad. LPA too – each mayor’s office in the district – received a set of posters. Some general information can be accessed on www.tdh-moldova.md ([In Romanian](#), [in Russian](#)). The campaign “Keep my world!” is part of the “FACT – Transnational Action – Protection of Moldovan children at risk or victims or exploitation and/or trafficking in human beings in the Russian Federation and Ukraine” project, implemented throughout 2008-2014 by *TdH*, with the financial assistance of the Swiss Development and Cooperation Agency (SDC).

Three years in a row **during 16-23 October 2014** the national campaign “The week of fighting against trafficking in human beings” was conducted under the motto “**Protected by the anti-trafficking community**”. The campaign aimed at preventing THB by informing the public, especially young people, of risks related to this phenomenon, with focus on the on-line recruitment methods. Also, the anti-trafficking community emphasized the accessibility

of assistance and protection services and programs developed in the RM, of which THB victims and potential victims can benefit for their rehabilitation and social reintegration. In the course of the week, a number of activities were organized in Chisinau and in the regions of the RM, such as arts exhibitions, thematic workshops, public debates with the young people and flash mobs. These activities were carried out in the light of celebrating the “European day of fight against THB” on 18 October.

The web-site www.antitrafic.gov.md recorded an increase in the number of accesses by about 3 times (from 140 to 390 visualizations a day), while the posted news had about 436 accesses, twice as much as in the regular period of the year. The anti-trafficking web-site www.antitrafic.gov.md and the Facebook page of the PS assured a continuous information of the public, which increased the number of daily visualizations. Moreover, TC CTHB in their turn, placed on the official web-sites of the District councils information on actions organized throughout the entire week, assuring transparency in the organization of activities. It is noteworthy that during the Anti-trafficking week, the IC “La Strada” conducted a number of activities, among which 10 workshops delivered by the trainers within “Peer to peer” programme in schools from the municipality of Chişinău, in Străşeni, including in districts located on the left bank of Nistru River – Holercani, Corjovo, Dubăsarii Vechi, at which about 355 persons participated.

Therefore, it is noteworthy that:

On 16 October, the date of official launch of the national campaign “Week against trafficking in human beings”, a press conference was organized, which was attended by at least 14 media outlets⁵⁴ which reported on the event in the national press.

On 21 October, at the meeting of the Journalistic Investigations Club, the CCTP presented its Strategic analysis report “Monitoring the situation of trafficking in human beings – an analysis of the state of things and criminal dynamic for 2013”. The purpose of this event was to inform the wider public, via journalists, of the trends and scale of the THB phenomenon, forms and types of exploitation, profile of THB victims, women and men, as well as traffickers’ profile. The event was attended by about 10 media outlets, reporting thus on the findings of the Report in the news blocks. One of them, was the TV7 television

⁵⁴ Launch of the National Campaign "Week against trafficking in human beings"- <http://www.stiripozitive.eu/libview.php?l=ro&idc=77&id=1436&t=/Stiri-Pozitive/Comunicate-de-presa/Lansarea-Campaniei-Nationale-Saptamana-de-lupta-impotriva-traficului-de-fiinte-umane/>
Launch of the National Campaign "Week against trafficking in human beings"- <http://migratiesigura.lastrada.md/blog/2014/10/16/lansarea-campaniei-nationale-saptamana-de-lupta-impotriva-traficului-de-fiinte-umane-cu-sloganul-protejat-de-comunitatea-antitrafic/>
European Day against Human Trafficking – 2014 - <http://infoeuropa.md/campanii-europene/ziua-europeana-impotriva-traficului-de-fiinte-umane-2014/>
Anti-Trafficking Community launched national campaign "Week against trafficking in human beings"- <http://muncitorimigranti.md/2014/10/20/comunitatea-antitrafic-a-lansat-campania-nationala-saptamana-de-lupta-impotriva-traficului-de-fiinte-umane/>
"Week against trafficking in human beings" started - <http://www.tv7.md/ro/social/incepe-saptamana-de-lupta-impotriva-traficului-de-fiinte-umane/>
Human trafficking remains a problem in Moldova - <http://trm.md/ro/social/traficul-de-fiinte-umane-ramane-a-fi-un-flagel-in-moldova/>
"Week against trafficking in human beings" started - <http://www.ipn.md/ro/societate/65149>
"Week against trafficking in human beings"
http://www.dubasari.md/news/siptimana_de_lupta_impotriva_traficului_de-fiinte_umane/2014-10-17-3584
Launch of the national campaign "Week against trafficking in human beings"- <https://www.privesc.eu/Arhiva/52835/Lansarea-campaniei-nationale--Saptamana-de-lupta-impotriva-traficului-de-fiinte-umane->
Information activity on prevention of organ trafficking - <http://usmf.md/en/news/actiune-de-informare-privind-prevenirea-traficului-de-organe/>
Moldova marks Week "to combat human trafficking"- <http://www.politik.md/articles/social/r-moldova-marcheaza-saptamana-de-lupta-impotriva-traficului-de-fiinte-umane/13676/>
Stop Human Trafficking - <http://www.eurotv.md/stire-stop-traficului-de-fiinte-umane>
Flashmob in the city center. How do students promote the fight against human trafficking - <http://protv.md/stiri/social/flashmob-in-centrul-capitaliei-cum-promoveaza-zeci-de-studenti---748811.html>
In Chisinau, the "Week against trafficking in human beings" came to the end- <http://www.tv7.md/ro/social/la-chisinau-s-a-incheiat-saptamana-de-lupta-impotriva-traficului-de-fiinte-umane/>
In Chisinau, the "Week against trafficking in human beings" came to the end - <http://www.ipn.md/ro/societate/65305> ,
<http://www.ziare.md/news/la-chisinau-sa-incheiat-saptamana-de-lupta-impotriva-traficului-de-fiinte-umane>

station⁵⁵. Professionals for public institutions, as well as the partners of the anti-trafficking community were among active participants to the meeting.

On 23 October 2014 the national campaign closure event the “*Week of fight against trafficking in human beings*” took place by means of a flash mob entitled “Protected by the anti-trafficking community”. The flash mob participants, about 70 persons, set balloons afloat, uttering altogether the message “Protected”. Part of the anti-trafficking community, the present partners and the organizers of these events emphasized the capacity and accessibility of in-land assistance and protection services and programs from which THB victims can benefit. The events were organized by the PS in partnership with the IOM, IC “La Strada”, and Media Youth Centre.

The flash mob was followed by a public debate dedicated to students in the 1st year of studies at the faculties of social welfare, psychology and educational sciences, as well as students from the National College of Medicine and Pharmacy on the topic “THB prevention from the perspective of recruiting by means of information technologies”, which took place in the library “B.P. Haşdeu”. Addressed issues focused on informing the young people of the efforts undertaken by the anti-trafficking community in preventing and finding solutions for combating this phenomenon, including TC. Media outlets also participated in the events⁵⁶.

At the same time, we should note that in the course of October 2013 on the national TV station Moldova 1 and the radio station Radio Moldova, four (4) social spots were broadcast, which were developed by the IC “La Strada” and the IOM, as follows:

- **the 1st spot** based on real testimonies of THB victims who suffered as a result of their unlucky experience.

- **the 2nd spot** promoted safer internet for children and prevention of sexual commercial exploitation of children in the virtual space.

- **the 3rd and the 4th spots** encourage THB victims to call the National Hotline 0 800 77777.

The report on the implementation of the national campaign a “Week of fight against trafficking in human beings”⁵⁷ is publicly accessible.

In order to achieve this objective the MoEc, promotes through all mass-media sources the main idea “And home we can work and have a decent life”. All programs implemented by OSME aims the stimulation of initiating and development of small enterprises in the RM, both by the young people, women and vulnerable people.

For example: The slogan for PARE 1+1 which influences the migrants to return is “Together we create the future home”. The main sources of mass-media information that we use are: the site of OSME, business portal, Small and Medium Enterprises (SME) magazine, talk shows at TV and radio, articles in newspaper with economic profile conferences and thematic round tables, regular publication of the booklet “Success Stories” within various support programs for SME. OSME also actively participates in events organized by other organizations, including LPA, NGOs, donors, academic sector, universities, the NEA, Ministries etc.

c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);

⁵⁵ <http://tv7.md/ro/social/centrul-pentru-combaterea-traficului-de-persoane-femeile-devin-victime-ale-traficului-de-fiinte-umane/>

⁵⁶ <http://protv.md/stiri/social/flashmob-in-centrul-capitalei-cum-promoveaza-zeci-de-studenti---748811.html>

⁵⁷ <http://antitrafic.gov.md/libview.php?l=ro&idc=30&id=483&t=Rapoarte/Nationale/Nota-informativa-cu-privire-la-Campania-nationala-Saptamina-de-lupta-impotriva-traficului-de-fiinte-umane-desfasurata-in-perioada-16-23-octombrie-2014>

By Law no.270 of 07.11.2013 on amendment and complement of some legislative acts, in the CC were introduced two new articles, art. 165¹ and art. 213¹ with the following content:

1. Article 165¹ Using the results of the work or services of a person who is the victim of THB:

(1) Use of the products and/or services, which constitute the result of the exploitation in THB or TC, provided by a person about whom the beneficiary knows that is a victim of these offences, if this action does not include the elements of THB or TC, shall be punished with imprisonment from 2 to 5 years, whilst a legal person shall be punished with a fine of 1000 to 3000 conventional units, with the deprivation of the right to exercise a certain activity;

(2) The person who committed the action mentioned in paragraph (1) is exempted from criminal liability if declared voluntarily about the offences of THB or TC committed by other persons, helped to discover these crimes or actively contributed to research these cases.”

2. Article 213¹ “Advertising for the purpose of illegally obtaining human organs and/or tissues and/or cells or for soliciting illicit donation of such”.

The act of advertising to the benefit of a person for the purpose of illegally obtaining human organs and/or tissues and/or cells, as well as the act of publishing or spreading announcements soliciting illicit donation of human organs and/or tissues and/or cells shall be punishable with a fine of 100 to 300 conventional units or 180 to 240 hours of community service, or with 300 to 600 conventional units in the case of a legal entity.”

d. Involvement of the private sector. (Ref to pages 25-28)

All financed programs for Small and Medium Enterprises provided by MoEc represent the direct involvement of OSME in development of private sector in RM. Moreover, in order to prevent THB and especially for young people and women, OSME tends to disseminate success stories from first sources through groups of risk in order to motivate for themselves affirmations in side of country. Thus, through at events OSME invites entrepreneurs to discuss directly with young people and encourage them to follow their examples of success. Such events are organized by the Academy of Economic Studies of Moldova, Junior Chamber Moldova (JCI Moldova), National Association of Young Managers of Moldova (ANTiM), NEA etc.

In the light of the European day of fight against THB, the IC “La Strada” established a partnership with the network of coffee shops TUCANO COFFEE, which is a privately owned entity for organizing public debates on children’s safety online. TUCANO COFFEE accepted to host such an activity and contributed to printing and distributing information materials among their clients. On 18 and 25 October, a number of coffee lovers of various ages, interested in the virtual space participated in the public debate, making it possible to exchange opinions with the professionals in this area. Organized for the first time, the discussions on the topic “Your child and online safety” brought together parents, grandparents and young people who came to ***talk about children’s and adolescents’ safety on social networks.***

The purpose of the training was to answer the question “Who are our online friends and are children safe accessing the Internet?”, but also to identify solutions for fighting against threats and harmful messages, to build security in the digital society, an objective addressed at a larger scale in the country within the framework of the “Month of Cyber Security”.

23. Please describe the measures taken in your country to prevent trafficking for forced labor or services, inter alia, by means of labor inspection and labor administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

To assure more effective regulation of the activities of the privately owned entities which employ Moldovan nationals abroad, Annex no.2 to the Law no.180 of 10.07.2008⁵⁸, included minimal clauses of the cooperation agreement between the intermediary/foreign employer and the private employment agency on employing Moldovan nationals abroad.

At the same time, in order to protect migrants and prevent THB, the NEA registers contracts of Moldovan nationals who migrate. Registered individual employment contracts do meet the legal requirements in force, so that the data reflect the situation on migration to another country: destination, period, employer/intermediary. Once registered, the contract data is entered into an automated informational system.

Also, the legal provisions establish the mandatory registration of individual employment contracts prior to having these persons abroad. Thus, each individual is informed of the possibility to call law enforcement bodies or the hotline and it is assured that the individual is aware of the provisions and effects of the individual employment contract.

At the same time, to enhance the accountability of the agencies providing employment abroad and to respect the rights of the migrant workers in the countries of destination, a norm was included which provides for monitoring the activities of the migrant workers abroad and implement provisional assurance in settling conflicts and difficulties with employees.

Thus, according to letter g¹ para.(1) art.19 of the above mentioned Law, activity license is withdrawn when the license holder did not intervene to settle the litigations between the employer in the country of destination and the national of the RM.

Also, to assure transparent employment of Moldovan nationals abroad, a Unit for foreign employment was established within the framework of the NEA, which:

- takes part in developing mechanisms of employment of Moldovan nationals abroad
- concludes bilateral contracts on the employment of Moldovan nationals abroad and on mediating their employment
- registers, as appropriate, individual employment contracts of Moldovan nationals employed abroad
- realizes and implements legal instruments of bilateral and multilateral cooperation in the area of labor migration with international institutions
- implements, in cooperation with other domestic institutions, international and non-governmental organizations, projects to facilitate voluntary repatriation of Moldovan nationals from abroad and their reintegration on the labor market
- coordinates the activities of private agencies that offer foreign employment to individuals.

In this connection, it is noteworthy that for legal violations which facilitate THB, the Licensing Chamber issued the following Decisions to withdraw licenses for the following types of activity ***(i) employment of citizens domestically and/or abroad, (ii) enrolment/inscription of students in educational-cultural exchange programs which envisages a component of remunerated employment for a definite period of time, during the summer vacation:***

1. on the legal basis: art.art. 7 para.(2) letter a) and 21 para.(2) letter e) and para.(6) of the Law no.451/2001 - 8

2. on the legal basis: art.art. 7 para.(2) letter a) and 21 para.(2) letter f) and para.(6) of the Law no. 451/2001 - 6

3. on the legal basis: art.art.7 para.(2) letter a) and 21 para.(3) and para.(6) of the Law no.451/2001 – 6.

⁵⁸ <http://lex.justice.md/md/328963/>

Also, during 2014, the staff of the CCTP started 3 criminal cases against the management of 3 agencies that provide employment services, on the basis of the component parts of a crime provided for by art.362¹ CC (organization of illegal migration).

Border measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

a. identification of possible victims of THB in the context of border control

Within the framework of the BPD a Directorate for risk assessment is established, whose task is to develop periodic and ad-hoc analytical products: risk alerts, risk notes and risk profiles. Therefore, information from various sources is collected and stored: mass-media, NGOs, public associations, then this information is studied, reviewed in cooperation with the CCTP. Relevant information is used for developing risk analytical products. Subsequently they are placed on the electronic platform “Doc Border” of the BPD for access to the staff that is in charge with assuring state border security.

The risk profile of the THB is in fact a guidebook with the following contents: purpose, scale, rationale, mode of operation, risk indicators, recommendations, the portrait of the potential trafficker or the victim, key-questions posed to the victims and traffickers to expose them, as well as other methods that are aimed at providing informational support to border police officers in identifying potential victims of THB at the moment of crossing the state border.

Also, the staff of the Directorate for criminal prosecution and special investigations of the BPD, within the framework of investigations conducted on criminal cases started on THB are in charge of undertaking measures and actions to identify victims of THB, to inform them of their right to ask for social support provided for by the Convention and the national legal framework.

b. identification of possible perpetrators of THB offences

According to art.6, para.(6) of the Law no.283 of 28.12.2011 on Border Police, for assuring the realization of tasks of preventing and combating cross-border criminality, including THB, organization of illegal migration, illegal crossing of the state border, smuggling (except of the territory of the state border crossing points), forging and fraudulent use of documents, the BPD, within the limits set out by the legislation, identifies and reviews offences, undertakes the judiciary expert review of documents, undertakes special investigative measures.

At the same time, it is noteworthy that during 2014, the CCTP together with the BPD and the BMA organized an operation called “HOBBIT”. The purpose of the operation was to undertake measures to combat the organization of illegal migration and THB. The CCTP staff was engaged in inspection and control measures undertaken at the Border crossing points (especially at the Airport BCP) on the basis of risk profiles. Within the framework of this operation several objectives were set forth, including the documentation of cases of THB and TC that are being reviewed.

In this respect, it was proposed to monitor and intercept at the border individuals that are mentioned in the materials and cases that are reviewed by the CCTP (both as suspects, as well as alleged victims) and/or who are of operational interest in the investigations conducted by the CCTP. Thus, out of 144 persons inspected by the CCTP, 15 individuals were intercepted and subject to special control. The CCTP officers, who went on-site immediately, gathered operational information. One individual was retained as suspect in a case of THB, while another suspect was officially handed in a subpoena to the police station.

In general, this method proved to be productive, and continues to be implemented after the established operation plan.

We can also note the support provided by the BPD following the registration of the persons involved in criminal cases and REI-1 materials within the framework of special control conducted by this sub-unit at the border crossing.

During 2014, 5 persons were stopped and handed over to the CCTP, 4 of which were suspects and 1 THB victim, whose exploitation was prevented.

c. gathering of first-line information from victims and perpetrators

First-line information is gathered from victims and perpetrators during the first contacts with them and usually this is the task of the BPD identification body, which is located at the border crossing points and which assures the integrity and security of the borderline. In many cases victims and perpetrators are exposed and identified as a result of border inspection upon entering or exiting the country. Subsequently, based on first-line information, urgent operational measures, as well as criminal prosecution actions, which cannot be delayed, are undertaken and which serve for establishing all circumstances of the deed and for identifying potential suspects.

d. identification of vulnerable persons in need of international protection among possible victims of trafficking

Provided that during investigations within criminal cases or undertaken by the identification body upon crossing the state border a potential victim of THB is identified, who needs international protection, one will get into contact with organizations empowered to provide such protection.

At the same time, we note that in lien with art.9 of the Law no.283 of 28.12.2011 on Border Police⁵⁹, the Border Police cooperates, within its competences, with the diplomatic missions and consular offices, with the respective authorities of other countries, delegates official representatives or border police officers as provided for by the law.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

Within the S.E. “Railways of Moldova” there is an on-going exchange of information with law enforcement bodies and information is posted on a visible place – in railway stations and in passenger train coaches, indicating contact data and hotlines of NGOs and state entities that specialize in preventing and combatting THB and illegal migration.

At the same time we note that during the meeting of the NC CTHB of 18.04.2014, the Ministry of Transport and Road Infrastructure presented a comprehensive report on identifying opportunities to realize actions to prevent THB by engaging professionals working in the area of international transportation by air and by land. In this respect, one put forward the proposal to identify possibilities, including financial, to organize specialized workshops and training courses of the personnel of the Chisinau International Airport, Railway Station Chişinău, Bus terminals from Chisinau that operate international routes, with the engagement of professionals from the CCTP, GPO and BPD, partners as trainers.

These courses shall provide the international transportation personnel specific knowledge that would contribute to detecting THB victims, as well as some practical and

⁵⁹ <http://lex.justice.md/md/342897/>

useful hints for detecting trafficked persons (signs of mental condition, nervousness, signs of physical abuse, etc.).

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

Border control entities are the BPD and the Customs Service. As regards the Customs Service, its main task is to enforce the customs policy, assure the respect of the customs regulations for clearing goods, transportation means and persons through the customs border of the RM, charge import and export duties, conduct the customs clearance, customs control and customs supervision. Thus, its main task is not to fight against the phenomenon of THB. This is the reason for the reduced intensity of cooperation of the BPD with the Customs Service in this regard.

Nevertheless, the BPD and the Customs Service signed an Information Exchange Agreement on 01.09.2014, which sets out the following as the objective of this cooperation: “fight against cross-border criminality, smuggling, illegal migration, including for conducting operational investigative measures”.

Identification of the victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

Starting with the year 2006 and understating that the consequences on those exploited in trafficking are often irreversible, while their re/integration into the society is extremely difficult, the Government of the RM, in a strategic partnership with the IOM, with the involvement of other organizations active in this area, started the realization of activities oriented at establishing a national system of assistance and protection of victims and potential victims of trafficking in human beings. Thus, by the Decision of the Parliament no.257 of 05.12.2008, the Strategy of the national referral system for protecting and assisting victims and potential victims of trafficking in human beings was approved.

According to point 5 of the above Parliament Decision, the NRS is a special cooperation framework, by which governmental entities fulfill their obligations of protecting and promoting the rights of the human being – the victim of THB and coordinate their efforts in a strategic partnership with the civil society, as well as other actors active in this area.

The main link in this system is the TMT which is composed of professionals from entities responsible for preventing and combating THB. The regulation of operation of the territorial multidisciplinary teams within the National referral system was approved during the reporting period by the GD no.228 of 28.03.2014.

According to the provisions of the said Regulation, the NRS consists of (i) TMTs, established under the first level local public administration – in villages and communes, and the second level public authorities – in districts and municipalities and of (ii) NCU within the MLSPF.

(i) The TMTs:

- The community TMT under the first level LPA authorities, established in the village or commune, consists of:

- 1) mayor or deputy mayor
- 2) social assistant
- 3) police officer
- 4) family doctor
- 5) other representatives of public authorities or civil society.

The coordinator of the community TMT is the community social assistant.

- The district TMT subordinated to the second level LPA authorities, established in the district or municipality, consists of the representatives of the following:

- 1) Unit/Division of social assistance and family protection
- 2) Division for education
- 3) District level healthcare providers
- 4) District unit of the CCTP
- 5) Civil status office
- 6) Territorial employment agency
- 7) territorial sub-units of the Public Undertaking CRIS “Registru” of the MITC, responsible for keeping record of the population and issuing identification papers
- 8) public associations.

The coordinator of the district TMT is a representative of the Division/Unit of social assistance and family protection.

(ii) NRS national coordination unit

Today, the NCU has one employee, temporarily contracted by the IOM, provided with a workstation (assured with furniture, printer/xerox/scanner, computer, telephone/fax) by the MLSPF within the framework of the Division of policy on gender equality and prevention of violence. Estimated cost for institutionalizing the NCU is of about 39.3 thousand MDL per year. The NCU has the task of coordinating the referral procedure, including with tasks in coordinating repatriation procedures, victims or potential victims of THB for protection and assistance within the NRS.

28. Are there any formalized indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

In relation to the activity of the MIA, recently one developed and approved the *Guidelines on the specifics of investigating offences of trafficking in human beings* (approved by the Order of the Minister of internal affairs no.225 of 01.08.2014), which also encompasses rules of identifying THB victims. At the same time, it includes risk profiles for the most frequently identified categories of victims – sexual exploitation, exploitation through labor, exploitation for begging purposes. The personnel of the law enforcement bodies are guided in their activities by the *Methodology for preventing and revealing offenses by the specialized police sub-units*.

At the same time, a *Risk assessment division* was established within the framework of the BDP, whose obligation is to develop ad-hoc and periodic analytical products: risk alerts, risk notes and risk profiles. Thus, information from various sources is gathered and stored: media, NGOs, public associations and in cooperation with the CCTP this information is reviewed and examined. The information that is relevant is used for developing analytical risk products. Subsequently, these are placed on the electronic platform “Doc Border” of the BPD to be accessible to the sub-units doing risk assessments. Later, this information is used as informational back-up for the personnel that are immediately dealing with assuring state border security.

Such a risk profile is in fact a guidebook with the content as follows: goal, scale, reason, mode of operation, risk indicators, recommendations, the portrait of the potential trafficker or

victim, key-questions asked to victims and traffickers to expose them, as well as other means which provide informational support to the border police officers in identifying potential victims of THB at the moment of crossing the state border.

The personnel of the Division for criminal prosecution and special investigations of the BPD too have tasks, within the framework of investigations conducted on criminal cases started on the fact of THB, to undertake measures and actions to identify victims of THB, who, upon request, are entitled to benefit from social assistance provided for by the Convention.

With reference to pro-active identification of THB victims by professionals in the social area, the formal procedure is described in the Guidelines on identifying victims and potential victims of THB, approved by the Order of the Minister of LSPF no.33 of 20.02.2012.

It is also noteworthy that the annexes to the above mentioned Guidelines, in particular Questionnaire A of identifying victims of THB and Questionnaire B of identifying potential victims of THB were improved and subsequently incorporated as annexes to the Regulation of operation of territorial multidisciplinary teams within the framework of the National referral system, approved by GD no.228 of 28.03.2014. Thus, a normative act approved practical instruments and indicators that guide the relevant professionals (doctors, social assistants, teachers, NGO representatives) in pro-active identification of THB victims at community level.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice. (Reference to point 11, 31-32 pages)

According to the Law no.241 of 20.10.20015, art.2, para. 11) *a victim of trafficking in human beings* – an individual presumed or ascertained as subject to trafficking actions provided for in items 1) and 2) of the same law. The legal ground in the law enforcement practice are the provisions of art.165 and art.206 of the CC.

As concerns the activity of the CCTP, GPI, MIA, recently one developed and approved the Instructions on the specifics of investigating trafficking in human beings offenses (approved by the Order of the Minister of internal affairs no.225 of 01.08.2014), which also includes rules of identifying THB victims. At the same time, it includes risk profiles for categories of most frequently identified victims – sexual exploitation, exploitation through labor, exploitation with begging purposes. Also, the personnel of the law enforcement entities guides itself by the Methodology on preventing and revealing offences by the specialized police sub-units.

Therefore, a Risk assessment division was established within the framework of the BPD, whose obligation is to develop ad-hoc and periodic analytical products: risk alerts, risk notes and risk profiles. Thus, information from various sources is gathered and stored: media, NGOs, public associations and in cooperation with the CCTP this information is reviewed and examined. The information that is relevant is used for developing analytical risk products. Subsequently, these are placed on the electronic platform "Doc Border" of the BPD to be accessible to the sub-units doing risk assessments. Later, this information is used as informational back-up for the personnel that are immediately dealing with assuring state border security. Such a risk profile is in fact a guidebook with the content as follows: goal, scale, reason, mode of operation, risk indicators, recommendations, the portrait of the potential trafficker or victim, key-questions asked to victims and traffickers to expose them, as well as other means which provide informational support to the border police officers in identifying potential victims of THB at the moment of crossing the state border. An eloquent example is the HOBBIT operation. In the 1st quarter of 2014, the CCTP together with the

BPD and the BMA organized an operation called “HOBBIT” (this operation is described in detail in **question 24, point b**, see above). The goal of the operation was to conduct measures to combat the organization of illegal migration and THB, especially for sexual exploitation and begging. During the operation, the CCTP officers made 42 notifications in relation to 42 individuals (females) stopped and questioned on the grounds of indexes for monitoring presumed cases of trafficking and foreign pimping. Out of these individuals, 33 (or about 79%) perfectly matched the risk profile developed for potential THB victims of sexual exploitation or foreign pimping.

The personnel of the Division for criminal prosecution and special investigations of the BPD also have tasks within the framework of investigations conducted on criminal cases started on the fact of THB, to undertake measures and actions to identify victims of THB, who, upon request, are entitled to benefit from social assistance provided for by the Convention. In the same light, we can note the support provided by the BPD as a result of registering parties involved in criminal cases and REI-1 materials during special control performed by this sub-unit upon crossing the state border. During the 1st quarter 2014, out of 75 individuals under special control, 5 individuals were stopped and handed over to the CCTP, of which 4 suspects and one THB victim, whose exploitation was prevented.

With reference to pro-active identification of THB victims by professionals in the social area, the formal procedure is described in the Guidelines on identifying victims and potential victims of trafficking in human beings, approved by the Order of the Minister of LSPF no.33 of 20.02.2012 and is about the following:

Identification of THB victims according to:

- Direct signs of THB victims’ identification (hereinafter direct signs) from Annex 1 to the Guidelines, signs which reflect the elements of the notion of “trafficking in human beings”, provided for by the legislation, and

- Indirect signs of THB victims’ identification (hereinafter indirect signs) from Annex 2 to the Guidelines. Indirect signs are empiric data on circumstances that relate to the personality of the THB victims and their lives, acquired as a result of the review of the practice of combating THB, as well as data acquired as a result of sociological survey and real THB cases. It is also noteworthy that the annexes to the above mentioned Guidelines, in particular Questionnaire A of identifying victims of THB and Questionnaire B of identifying potential victims of THB were improved and subsequently incorporated as annexes to the Regulation of operation of territorial multidisciplinary teams within the framework of the National referral system, approved by GD no.228 of 28.03.2014. Thus, a normative act approved practical instruments and indicators that guide the relevant professionals (doctors, social assistants, teachers, NGO representatives) in pro-active identification of THB victims from among persons at risk with whom they are in contact at local level.

Looking at the experience of the Centre for assistance and protection to victims and potential victims of the THB (CAP) in order to analyse the solid grounds for someone to be considered a THB victim, indicators which may lead to this conclusion were identified. Thus, it is presumed that a THB victim:

- Does not have identification papers upon its return into the country
- Returns without money, cannot repay debts
- Poor health condition: may have physical traumas (fractures, knife cuts, strangulation marks, burns, somatic problems) and mental health issues (depressions, neuroses, SPT elements, high level of aggressiveness, self-isolation, dependence).

- A solid ground is also the worsening of relations with the family members, in particular an increased level of DV whether in the biologic or extended family, that blames the victim for indecent behavior, prostitution, begging, etc.

- Strange persons or friends, close persons come to the THB victim's home and threaten her, warn her not to speak or the victim is threatened that if she'd speak about her THB experience, she/he and her/his family's lives shall be in danger.

- The persons returned from trafficking frequently seek friends, possibilities to get easy money to leave for another country or region (this is an indicator that the victim has many debts, is not accepted by the family, is stigmatized and by leaving believes that the problems would be solved).

30. What measures are taken in your country to encourage self-identification of victims of THB?

Self-identification of THB victims is the THB victims' capacity to analyze and be aware of the fact that they've become victims of an offence and to call on NRS participating organizations from its own initiative to ask assistance and qualified help.

The methods to develop and realize THB victims' personal *self-identification* capacities are the specific measures undertaken by the specialists from the NRS participating organizations, including through establishing and managing hotlines, organizing and delivering public lectures, social campaigns, large-scale informative materials, in order to:

1) familiarize the public with the THB phenomenon, signs, specifics and component parts of offences in this area;

2) inform THB victims of their rights;

3) inform THB victims of how they can benefit from assistance and protection from law enforcement bodies, social protection bodies, NGOs and other specialized entities.

The hotline, as a free telephone service, assures access to information, consultation and referral to services that victims require. Six phone numbers of hotlines that are managed both by state institutions, as well as by NGOs, can be accessed at <http://antitrafic.gov.md/index.php?l=ro>.

Another self-identification form is the *Passive method*, specified in the Guidelines on identifying victims and potential victims of THB, which is about creating favorable pre-conditions, enhanced trustworthiness so that trafficked persons, their relatives and close persons, ask for help from the police, community social assistant, non-governmental organizations specialized in preventing and combating THB or other contact persons within the NRS. To make the passive method of identifying THB victims more efficient, further is the hotline of the national coordination unit (NCU) of the NRS + 373 22 72 72 74, where THB victims or other persons who know of a case can call to ask for assistance and help. The operator of the line has special knowledge for identifying THB victims, rules of communicating with them, as well as how to act if the trafficked person requires urgent help.

As regards the editing and dissemination of information within partnerships, additionally to the above information, the following is highlighted:

- IC "La Strada" – information materials with messages as follows: "Click pentru siguranța ta" ("Click for your safety"), "Util pentru călătorie" ("Useful for travel"), "Călătorește cu grijă" ("Travel with care") -1000 copies;

- IC "La Strada" in cooperation with "The Smile of the Child" (Greece), VICTOR Project – "Definitions, prevention, hotline, what actions we undertake" - 3000 copies;

- TdH – 42 CDs "Keep my world"

- IOM – Posters "Plural + Moldova" – 200 units

- CDs "PLURAL + Moldova" – 42 units and

- Flyers on CAP – 300 units

(Information's about of details on the impact of informational campaigns can be found in **question 18** above).

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

The procedure to establish the legal status of foreign citizens and stateless persons who benefit from a form of protection in the RM, as well as the procedure for granting, ceasing and annulling protection is regulated by the Law no.270-XVI of 18.12.2008 on asylum in the Republic of Moldova⁶⁰.

As to the provisions of the above mentioned Law, the Division for refugees of the BMA is in charge of administering and settling issues faced by asylum seekers, refugees and beneficiaries of humanitarian or temporary protection.

Eligibility officer is employed at the Division for refugees of the BMA, in charge of reviewing asylum applications.

Before issuing a decision on any asylum application, the asylum seeker is given the possibility to have an interview related to his/her application. The interview is held confidentially. During the interview, the applicant must personally answer the questions that are asked. If necessary, an additional research of information from the country of origin, as well as other relevant circumstances that refer to the asylum application, is conducted.

The interview is noted down in an interview note and then one will clarify issues required to look into the asylum application. The interview note must have: identification data of the asylum seeker, name of the eligibility officer that holds the interview, name of the interpreter, data of other interview participants, language of the interview, applicant's declarations regarding the reasons for asylum, as well as any other information that would lead to solving the asylum application.

We should note that the Division for refugees of the BMA may ask any central or local public authority any document necessary to review the condition of the application and look into his/her asylum application. When there are sufficient grounds to presume that the applicant is a victim of THB, the BMA shall inform the CCTP – a primary unit for combating trafficking in human beings within the Police, that has the mission of investigating and criminally prosecuting offences such as THB and related.

Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

To create the legal framework that is necessary for the enforcement of the Directive 95/46/CE of the European Parliament and Council of 24 October 1995, the Law no.133 of 08.07.2011 on personal data protection, whose purpose was to assure the protection of one's rights and fundamental freedoms as regards the processing of personal data, especially the right to the inviolability of intimacy, family life and private life, was passed.

According to art.5 of the above Law, personal data is processed with the consent of the personal data subject, except of cases when data processing is necessary for: "...honoring an

⁶⁰ <http://lex.justice.md/md/330978/>

obligation the operator has according to the law; protecting the life, physical integrity or the health of the personal data subject;...”.

According to point 37 of the Regulation of operation of the TMT within the MRS, approved by a GD no.228 of 28.03.2014, each member of the TMT shall assure the confidentiality of the information he/she acquired on the private life and identity of the beneficiaries of the NRS. Personal data will be processed, stored and used in conformity with the Law no.133 of 08.07.2011 on personal data protection. We highlight the fact that TMTs are operational structures within the institutional mechanism for the protection and assistance of victims and potential victims of THB, established under the LPA of the first and second levels, according to the provisions of the above mentioned Government Decree.

Also, the law enforcement personnel who have direct access to personal data as a result from investigations they realize, are informed of the provisions of Law no.133 of 08.07.2011, as well as the accountability which may be incurred provided that the provisions of this law are violated.

As regards the healthcare professionals, it is noteworthy that ground for informing the law enforcement bodies of a victim of an offense without his/her consent is regulated by the following legal and normative acts:

1. Law no.264 of 27.10.2005 on exercising the profession of a doctor (art. 13, para.4, letter e)):

(4) Disclosure of information that is professional secret to a third party without the patient's or his/her legal representative's consent is admitted in the following cases:

e) in case of circumstances based on which one can assume that the damage caused to one's health is the consequence of an illegal action.

2. Law no.263 of 27.10.2005 on patient's rights and responsibilities (art. 12, para.4, letter e)):

(4) Disclosure of confidential information without the patient's or his/her legal representative's (close relative) consent is admitted:

e) upon existence of grounds to believe that the damage caused to one's health is a result of illegal or criminal actions, the information, in this case, needs to be submitted to the competent law enforcement bodies.

3. Joint order of the Minister of Health and the Minister of Internal affairs no.372/388 of 03.11.2009 on Measures to improve cooperation between healthcare providers and internal affairs bodies, by which the staff of the healthcare providers are obliged to “immediately inform territorial police bodies of providing medical care to persons with bodily damages, acquired as a result of an offense being committed against them, as a result of traffic accidents or sudden death”.

4. At the same time, the internal order of the Minister of Health no.962 of 26.09.2014 on enforcing the GD no.484 of 26 June 2014 “on the approval of the National plan for preventing and combating THB for 2014-2016 and amending the GD no.472 of 26.03.2008” indicated to the managers of the country level, municipal level and district level healthcare providers to enhance the vigilance among medical staff with a view to identifying potential victims/victims of THB and taking the necessary multidisciplinary measures within the NRS, preserving the confidentiality of information and the provisions of the effective normative acts on personal data protection.

Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

a. funding;

Planning and provision of assistance services is made via the NRS both by state providers as well NGOs. At country level, there are 7 CAPs. The CAP from Chisinau is funded from the state budget, the remaining 6 Centres of assistance and protection of victims and potential victims of THB and of victims of DV are financed through the administrative-territorial entities with special targeted funding from the state budget. Financial resources allocated for the operation of these Centres (7) for 2014 (see Table 3).

Table 3

Locality	Number of places	Allocated financial resources (thousand MDL)	
		State budget executed	Budget administrative-territorial units (completed)
Year 2014			
Chişinău	24	2827,8	
Cahul	20		647,0
Căuşeni	14		475,1
Bălţi	19		844,1
Căuşeni (CM –Pro Familia)	19		631,8
Drochia(Ariadna)	32		811,0
Hînceşti	18		590,3
Total	146	2827,8	3999,3
			6827,1

b) victim's safety and protection;

Point 4 of the GD no.1362 of 29.11.2006⁶¹ sets out that the MIA will assure the security of the centres for the assistance and protection of victims of trafficking in human beings, while point 3 of the Framework-Regulation approved by the same Decree specifies as the main objective that THB victims will be assured with temporary living conditions that would be *appropriate and safe*; Moreover, according to point 12: "Pregnant victims of the trafficking in human beings are entitled to accommodation in the Centre for up to 12 months".

c. standards of assistance and their implementation in practice;

The Framework-Regulation is the basis for the organization and operation of the Centres for the assistance and protection of victims of THB, approved by the GD no.1362 of 29.11.2006⁶². Point 11 of the Framework-Regulation reads that: "The Centre provides accommodation to victims of trafficking in human beings for up to 30 days. For the **victim's protection**, if appropriate, **the duration of accommodation can be extended up to 6 months. When victim's life and health are in real jeopardy, the duration of accommodation is extended for as long as it is considered necessary for victim's protection.**"

d. access to medical treatment, psychological assistance, counseling and information;

⁶¹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=318737>

⁶² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=318737>

Articles 15-20 of the Law no.241 of 20.10.2005, point 15, provide for developing and assuring access to THB victim's identification, assistance, repatriation and reintegration. The GD no.1362 of 29.11.2006⁶³, sets out the services that can be provided in the CAP:

- temporary secure accommodation;
- catering;
- emergency healthcare;
- psycho-social and legal counseling;
- assuring basic material needs (personal hygiene, clothes, shoes);
- (re)integration assistance.

e) translation and interpretation, where appropriate?

As to art.24, para. (3) "Foreigners victims of THB shall be informed, in a language they understand, of the judicial and administrative procedures that apply in the Republic of Moldova and the countries of residence".

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

No residence permit has been issued so far for victims of THB with a view to facilitating their cooperation within the investigation or for applying the criminal proceeding.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

The answer to this question is also detailed in question 33 (see above).

It is also noteworthy that during 2014, one completed the works for renovating, arranging and equipping a new block (wings) designated for the placement of victims and potential victims of TC. Therefore, as a result of the GD no.869 of 08.10.2014 **on amending and completing the GD no.847 of 11.07.2008**, the MoH will assure the transmission to the Public healthcare provider the "Institute of Scientific Research in the Protection of Mother and Child Health" of the real estate (the block designated for the placement of victims of TC), with the area of 160.8 m², that will be managed by the Centre of assistance and protection of victims and potential victims of trafficking in human beings from Chisinau.

If the victims of THB have disabilities, they shall be placed in a specially arranged area (wing) within the Republican asylum for disabled and retired persons from the municipality of Chişinău.

At the same time, there are 2 Placement centres (municipality of Bălţi, municipality of Chişinău) that are subordinated to the MoH in which there are 2 material units of 8 beds each. At the same time, in the both Placement centres there are out-patient units for the recovery and rehabilitation of children with various special needs. Within the framework of the Centre of placement and rehabilitation of young children, municipality of Chisinau, a new service was established – "Respite care".

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

In conformity with the effective legal framework, the provision of protection and assistance services is not conditioned by the victims' willingness to make declarations or to

⁶³ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=318737>

participate in the prosecution of the traffickers. At the same time, assistance and protection to THB victims is provided only in line with the victims' consent, so that when placed in a service, the THB victim signs a placement agreement, the same as when she decides that she wants to stop the placement.

At the same time, with a view to coordinating, monitoring, evaluating and supporting the beneficiary, including the THB victim, in benefitting from social services, case management shall apply (approved by the order of the MLSPF no.71 of 03.10.2008), which is the working tool of the social assistants, including of the social assistants within the framework of the Centres of assistance and protection of THB victims.

One of the phases of the case management is the design of the Individual assistance plan which entails the set of measures and actions undertaken to meet the beneficiaries' needs, with their direct engagement. It is noteworthy that at this phase a cooperation agreement is signed between the beneficiary of the assistance and protection system and the social assistant, who is also the case manager. The agreement is a declaration, which is individual for each case in part depending on its specificities and the contents of the individual assistance plan.

It is noteworthy that for preparing a repatriation mission, the effective normative framework reads that the repatriation, including of victims of THB, into the country is made voluntarily based on an agreement signed between the parties, except for children under 10 years old or, as appropriate, signed by one's legal representative, by which assistance during repatriation is accepted. At the same time, repatriation procedures are initiated only after the competent authorities make sure that the opinion of the person to be repatriated is taken into consideration.

37. Is there any follow-up provided after the termination of assistance programs? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

A special role in assuring the monitoring of cases is played by the TMT, whose objective, among others, is the monitoring at the inter-sectorial level of the process of social-professional and/or family inclusion of NRS beneficiaries. Thus, the TMT coordinator monitors the implementation of activities that refer to the enforcement of decisions taken by the team specified in the NRS beneficiaries' individual assistance plans, while the case manager is responsible for the beneficiary's post-integration follow-up.

When there is sustainable progress in the dynamic of the case, according to the case management, there may be taken the decision to close the case. To do so, the documents which were previously used in the reintegration process are reviewed:

- Report on the beneficiary's and its family's progress
- Individual assistance plan
- Decision to close the case, which is discussed at the TMT meeting.

If the victim repeatedly faces a difficulty it requires assistance again and the case is reopened, then it meets the legal criteria.

Also, a follow-up instrument of post-integration cases are also the round tables, monitoring visits periodically organized at the Centre for assistance and protection for THB victims, at which the TMT coordinator and the case manager are invited.

To assure sustainability of the post-assistance reintegration process, reference can be made to the "Centre for orientation, professionalization and social reintegration" (COPR) that works in the municipality of Chisinau and provides reintegration services to victims and potential victims of THB throughout the country:

1. School and professional orientation of THB victims and persons at risk

2. Professionalization through professional training in the following areas: hairdresser, beautician, PC operator, accountant, secretary-reviewer, chef-pastry cook, waiter-barman, shop assistant, make-up, manicure-pedicure and professional development training courses. The Centre's beneficiaries – young people aged between 16 and 40 years old who require professionalization or/and jobs

3. Social reintegration by providing individual social assistance (accommodation, package of current consumption goods, instruments and school supplies, monthly hygiene package and food package); psychological assistance; instructive-educational and cultural assistance for the re-socialization (sessions of Life skills development, dance classes, excursions and summer camps); primary healthcare assistance; the Centre has an activity room, divided into zones, according to studied professions, a training room, a TV room and a hostel of 22 beds.

A form of assistance for THB victims, following the placement or other forms of protection, is the social aid and/or material aid, from which victims can benefit within the framework of the social protection system, provided that they meet the general eligibility criteria (there are no special criteria for THB victims). The "Social aid" Programme approved by the Law on state aid no.133-XVI of 13.06.2008 contributes to reducing poverty by transferring money to households, contributes to education and health and, as a result, contributes to long-term economic growth and poverty alleviation. Entitled to social aid are nationals of the RM, as well as foreigners provided for in art.2, para.(1) of the Law no.274 of 27.12.2011 on the integration of foreigners in the Republic of Moldova.

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

According to article 3 of the Law no.241 of 20.10.2005 on preventing and combating trafficking in human beings, the reflection period is the time span of 30 days granted to the victim of THB so that it could recover, avoid the influence from the traffickers and/or take an informed decision on whether it would cooperate or not with the law enforcement bodies.

The state, via its bodies and competent organizations, undertakes prompt and appropriate measures to identify and refer THB victims to protection and assistance services, granting them a reflection period of 30 days. During this time, it is prohibited to execute any order of expulsion issued against these persons and they will benefit from provisional residence permits issued free of charge, that can be extended, if appropriate. Reflection period is granted both to THB victims as well as to victims of TC. The child identified as victim is granted a reflection period to decide personally or via its legal representative or custodian whether she will or will not testify against the trafficker.

The Republic of Moldova grants protection and assistance to foreign victims of THB for their urgent voluntary return to their country of origin and assure their completely secure transportation to the border of the RM, unless international treaties provide for otherwise (Law no.241 of 20.10.2005, art. 24).

Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

According to art.31, para.(2), letter e¹) of the Law no.200 of 16.07.2010 on the regime of foreigners in the Republic of Moldova⁶⁴, *the right to provisional residence can be granted to protect victims of THB.*

Also, according to art.56, letter d) of the Law no.270 of 18.12.2008 on asylum in the Republic of Moldova⁶⁵, *when analyzing the asylum application, one will take into account the individual situation or the personal circumstances of the asylum seeker.*

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is “co-operation” interpreted and what does it consist of in practice?

According to the Law no.200 of 16.07.2010, art. 42¹, the right for provisions residence for victims of THB may be granted and/or extended for the foreigner who is or was a victim of THB, including when he/she entered the country illegally, provided that all of the following conditions are realized:

a) the foreigner shows a clear will to cooperate with the competent authorities in identifying and criminally punishing the parties that omitted the criminal offense the victims of which he/she is;

b) the foreigner stopped any contact with the persons suspected of committing the criminal offense the victim of which he/she is;

c) foreigners’ residence on the territory of the country is required for a well-delivered criminal process;

d) the foreigner does not pose any threat to the national security and/or public order.

The right of provisional residence for the victims of THB may be granted, upon victim’s application, for a period of 6 months, with the possibility of extending it for a new period of up to 6 months. The right to provisional residence permit is issued free of charge.

At the same time, so far, no residence permit for victims of THB was issued.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

According to art.68, art.69 of the Law no.200 of 16.07.2010 on the regime of foreigners in the Republic of Moldova⁶⁶, toleration of stay on the territory of the RM is the permission to stay on the territory of the country issued by the competent authority dealing with foreigners’ issues to foreigners who are entitled to stay and who, for objective reasons, cannot leave the territory of the RM.

Foreigners who are or who were victims of THB can benefit from toleration throughout the reflection period.

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;

Access to information on relevant judicial and administrative procedures in a language that the victim understands is assured by the fact that the victim can benefit from an interpreter during the criminal proceedings. Article 16 of the Criminal Proceedings code

⁶⁴ <http://lex.justice.md/md/336056/>

⁶⁵ <http://lex.justice.md/md/330978/>

⁶⁶ <http://lex.justice.md/md/336056/>

(“Language of the criminal process and the right to an interpreter”) reads that in the course of the criminal process, the state language is used, while the person who does not understand or speak the state language is entitled to inform himself/herself of all the documents and materials of the file, to speak in front of the criminal prosecution body and in the court via an interpreter.

b. access to free legal assistance and legal aid during investigations and court proceedings;

Access to free legal consultancy and legal assistance during investigations and judicial procedures are reflected in the Republic of Moldova Report (draft) on the implementation of the Recommendations of the Committee of the Parties of the Council of Europe Convention on action against trafficking in human beings of June 2014 (reference to pages 56-57).

c. compensation from the perpetrator;

Should the victim require to be recognized as a civil part within the framework of the criminal process, the criminal prosecution body shall recognize it as such, initiate a civil action that may include requests for the recovery of both material damage, as well as moral damage from the trafficker. In line with article 219 of the CC (Civil action in a criminal process), upon the request of individuals or legal entities on whom material damage, moral damage or, if appropriate, damage to their professional reputation was incurred by a deed (action or inaction) prohibited by the criminal law or in relation to its commissioning, a civil action may be started within the criminal process.

d. compensation from the state;

e. compensation for unpaid wages to victims of trafficking.

As regards letters d) and e), in 2014, the draft Law on victims’ rehabilitation was developed, which is currently at the phase comments by stakeholders, and which also regulates the provision by the state of financial compensations to victims of offenses, among which victims of THB. The financial compensation provided by the state is subsidiary and covers cases when damages cannot be covered or obtained from the perpetrator. Provision of this service to victims of offenses is an internationally used instrument, regulated by the Convention on damages to victims of violent offenses, adopted in Strasbourg on 24 November 1983, as well as by the Directive of the Council of the European Union 2004/80/EC of 20.04.2004 on damages to victims of offenses.

Even if the RM has still not yet ratified the above mentioned Convention, and is not an EU member state, so that the Convention is mandatory, nevertheless, in the light of the Justice sector reform strategy for 2011-2016, the state revised its priorities and the extent of attention the victims of offenses are granted changed.

Please provide examples of compensation awarded and effectively provided to victims of THB.

As regards the judicial practice, in most of the cases victims do not put forward a civil action. This is because victims are corrupted by the traffickers and they subsequently give up their participation in the judiciary process. Also, victims do not always identify themselves as being prejudiced by trafficking actions; this is why they do not want the civil continuity of the judiciary process.

At the same time, it is seen that out of the total number of cases in regard to which civil actions are put forward, courts, in principle, admit civil actions, but then the civil court

decides upon the amount of damage. Such a solution is determined by the victim's incapacity to submit sufficient evidence to prove the amount of his/her material claims.

In some cases, the courts issue a decision both on the criminal matter and civil matter, charging concrete amounts of money from the traffickers.

For instance, by the decision of the Buiucani court, Chisinau municipality, of 17.10.2014 in relation to an individual of Armenian origin who, in January 2012, recruited 14 nationals of the RM whom he promised a well-paid job, then organized their travel to the Russian Federation, where they were exploited through forced labor, the civil action was admitted, 1750 US dollars being charged for each victim.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

The analysis of the criminal prosecution and review of cases of THB in 2014 show the prosecutors' active position in conducting parallel financial investigations, seizing the goods used for committing offenses or resulted from offenses with their subsequent confiscation to the benefit of the state.

In this respect it is noted that throughout the period of 01.01 – 31.12.2014, the prosecutors ruled in 5 (five) cases the seizure of the property with a view to enforcing special confiscation of the goods used for committing offenses.

In a criminal case started on 14.02.2014 by the criminal prosecution body of the CCTP, in conformity with the elements of criminal offense provided for by art.220, para.(2) letters a) and c) CC, one authorized the seizure of real estate situated in the municipality of Chisinau. The estimated worth of the seized good was 1,673,358 MDL.

In another criminal case started on 19.03.2012 by the criminal prosecution body of the CCTP, in conformity with the elements of criminal offense provided for by art.220 para. (3) letter a) CC, one authorized the seizure of two pieces of real estate situated in the municipality of Chisinau and a Mercedes car. Estimated worth of the seized goods was 80,000 euro.

In the criminal case started on 04.09.2014 by the criminal prosecution body of the CCTP, in conformity with the elements of criminal offense provided for by art.165, para.(2) letters b) and d) CC, the seizure of a vehicle "Volkswagen Golf" was authorized.

In a criminal case started on 23.10.2013 by the criminal prosecution body of the CCTP, in conformity with the elements of criminal offense provided for by art.220 para.(2) letter c) CC, the seizure of two pieces of real estate situated in the municipality of Chisinau was authorized. The estimated worth of the seized goods amounted to 425,439 MDL.

In another criminal case started on 24.11.2014 by the criminal prosecution body of the CCTP, in conformity with the elements of criminal offense provided for by art.220 para.(2) letters a), c) CC, the seizure of real estate situated in the municipality of Chisinau was authorized. Estimated worth of the seized good was 123,827 MDL.

Out of the above mentioned criminal cases, 3 (three) were submitted to the court for their merits' examination.

At the same time, in three cases the prosecutors, representing the state accusation, asked for the confiscation of seized goods which were used for committing offenses or which resulted from offenses. In all cases the courts decided the confiscation of seized goods to the benefit of the state.

Therefore, by the decision of the Centru court of the municipality of Chisinau dated 15.01.2014 on a criminal case of accusing of committing the criminal offense provided for by art.206 para.(2) letters a) and c) CC, seized amounts of money as follows, 600 US dollars,

1270 Russian rubles and 3936 MDL were confiscated as goods which resulted from a criminal offense.

By the decision of the Centru court of the municipality of Chisinau dated 02.10.2014 on a criminal case of accusing of committing the criminal offense provided for by art.220 para.(3) CC in conformity with the provisions of art.106 CC (Special confiscation) goods as follows were confiscated: “Skoda Fabia” vehicle which was used for committing the criminal offense and money amounting to 400 US dollars, 138 Ukrainian hrivnas and 950 MDL that were used and designated for committing the criminal offense.

By the decision of the Centru court of the municipality of Chisinau dated 24.10.2014 on the criminal case of accusing of committing the criminal offense provided for by art.220 para.(2) letter a), c) CC, in conformity with the provisions of art.106 CC, the following goods were confiscated: a vehicle WV Golf, which was used for committing the criminal offense and money amounting to 720 euro, 10 Swiss francs, 200 Turkish lira, 1000 Hungarian forints and 1768 MDL which were used and designated for committing the criminal offense.

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

The possibility for the victims of criminal offenses, including of victims of THB to claim damages and compensation in the country of destination after their return to the country of origin is provided for internationally by the *Convention on compensation of victims of violent crimes, approved in Strasbourg on 24.11.1983 (the “Convention”)* and the *Directive of the CoE 2004/80/EC of 20.04.2004 on compensating crime victims (the “Directive”)*.

Article 3 of the Convention reads that compensation shall be granted by the state on whose territory the crime was committed to the nationals of the states that are parties to this Convention, as well as to the nationals of all member states of the Council of Europe who are permanent residents in the state on whose territory the crime was committed.

Article 2 of the Directive reads that compensation shall be paid by the competent authority of the member state on whose territory the crime was committed. Therefore, it is noteworthy that at present, the RM has still not ratified the above mentioned Convention.

Nevertheless, we highlight the effort out state undertakes in relation to the rehabilitation and to financial compensations granted to crime victims, including victims of THB. Thus, in the light of implementing the Justice Sector Reform Strategy for 2011-2016, the draft Law on the rehabilitation of crime victims was developed, which envisages victims’ applications for receiving compensations in the RM. The mechanism proposed by the said draft law is not comprehensive and is not fully adjusted to the provisions of the Convention on compensating victims of violent crimes. The draft law proposes a minimal support which the state, at this phase, could, eventually, assume. Therefore, the draft shall be consulted and improved.

There are no relevant cases recorded in the judicial practice.

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (non-refoulement principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

According to the provisions of art.60 of the Law no.200 on the regime of foreigners in the Republic of Moldova⁶⁷, it is prohibited to remove foreigners who are or were victims of THB and who were granted toleration on the territory of the RM and according to art.63 of the above mentioned law, the foreigner cannot be removed from a state if there are justified concerns that his or her life will be jeopardized or he/she will be subject to torture, inhuman or degrading treatment.

According to official data submitted by the line agencies (BMA, MIA, MLSPF) there were no registered cases in the RM of victims of THB – nationals or permanent residents of the RM who would be returned against their will. At the same time, in conformity with the provisions of **art.24, point 1** of the Law no.241 of 20.10.2005 on preventing and combating THB, the “*Republic of Moldova grants urgent protection and assistance to foreigners victims of THB for their voluntary return to the country of origin, and assures their transportation in full secure conditions until the state border of the Republic of Moldova, unless international treaties provide otherwise. The THB victim cannot be repatriated or expelled to the country of origin or a third country if, after assessing the risks and security, there are grounds to suppose that the victim’s and its family’s security are endangered*”.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

Point 5 of the Government Decree no.948 of 07.08.2008 on approving the Regulation concerning the procedure of return of children and adults – victims of THB, illegal trafficking in migrants, as well as unaccompanied children⁶⁸, reads that the return into the country of individuals specified in point 2 of the present Regulation is made voluntarily, based on a written agreement signed by them, except for children under 10 years of age or, if appropriate, signed by the individual’s legal representative via which assistance in the return process is accepted. Repatriation shall be assisted even if, according to the laws of the foreign state, there is no possibility that the person stayed temporary or permanently on the territory of this state.

Corporate liability (Article 22)

47. Have there been any developments in your country’s law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

According to the CC, there are provisions regarding the liability of the legal person for committing THB offenses (art.165 CC), for using the results of labor or services of an individual who is a victim of THB (art.165/1 CC) and TC (art.206 CC).

As sanctions for legal persons these norms provide for fines amounting to 3,000 and till 9,000 conventional units, depending on the criminal offense and its severity, with the deprivation of the right to do a certain business or with the liquidation of the legal person.

In practice, no cases with the involvement of legal persons in such criminal offenses were identified.

Aggravating circumstances (Article 24)

⁶⁷ <http://lex.justice.md/md/336056/>

⁶⁸ (<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=328840>)

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

According to art. 123 of the CC of the RM* no.985 of 18.04.2002⁶⁹ a public official is: the civil servant, including the civil servant with special status (diplomatic staff, customs service staff, staff of defense bodies, national security and public order, other person who holds special or military ranks); staff of autonomous or regulatory public authorities, of state or municipal undertakings, of other public law legal persons; staff of the cabinet of persons holding public offices; a person authorized or appointed by the state to provide public services on its behalf or to fulfill public interest activities.

As regards the cases of involvement of public officials in committing THB crimes or other criminal offenses related to THB, the following can be noted:

1. Criminal cases on involvement of public officials in committing THB or related criminal offenses.

- **In one case**, in 2014, the prosecutor's office of Botanica district, municipality of Chisinau, investigated a criminal case in relation to an investigations officer at PI Ciocana, who, together with an accomplice, pushed an individual to practice prostitution. The police officer was charged with committing the offense of pimping (art.220 CC).

The criminal case was submitted to the court and was reviewed within a simplified procedure based on the criminal prosecution evidence, since the defendant admitted his guilt. The police officer was convicted for pimping to 3 years of imprisonment with 2 years suspension.

- **In another case**, in 2014 the CCTP and the Unit for combatting THB of the Prosecutor's General Office apprehended red handed a coach attendant (who is a public person) and its accomplice, who organized illegal migration of Moldovan nationals to the Russian Federation. At the same time, the apprehended persons were found carrying passports that belonged also to other nationals of the RM in which there were false stamps of having crossed the borders. This case is relevant since this route could also transport victims of THB.

2. *At present, criminal prosecution is being carried out.*

Criminal cases that refer to acts of corruption committed by public officials in relation to investigating cases of THB:

- **In a case**, in 2014 the Anti-corruption prosecutor's office together with the National Anti-corruption Centre (NAC) investigated a criminal case that related to two investigation officers from the CCTP who were accused of committing the criminal offense of active corruption (art.324 CC), which entailed the extortion of 2,500 euro from a person in order not to investigate a case of illegal migration.

In October 2014 the criminal case was submitted to the course with an indictment for the review of the merits of the case and at present it is pending.

Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

⁶⁹ <http://lex.justice.md/index.php?action=view&view=doc&id=331268>

The article 165 para.(4) of the CC provides that the victim of human trafficking is exempted from criminal liability for crimes committed thereof in connection with this trial status.

The article 206 para.(4) of the CC provides that the victim of child trafficking is exempted from criminal liability for crimes committed thereof in connection with this trial status.

The article 32 of the Law no.241 of 20.10.2005 (Exemption for victim of trafficking in human beings for liability for crimes committed in relation to such status), provides that a victim of trafficking in human beings shall be exempted, under the legislation in force, from criminal, administrative, and civil liability for actions committed by him/her in relation to his/her status as a victim, if these actions fall under the jurisdiction of the CC, Contravention Code of the RM or CC.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

According to art.11 of the CC (Enforcement of the criminal law in space), all individuals who committed criminal offenses on the territory of the RM shall be criminally punished in conformity with the CC of the RM.

Foreign nationals and stateless persons who have their permanent residence in the RM and who've committed criminal offenses beyond the borders of the country bear criminal liability in compliance with the CC and are criminally punished in the RM if the criminal offenses are targeting the interests of the RM, the rights and freedoms of Moldovan nationals, peace and security of the human kind or are war crimes, as well as for criminal offenses provided for by international treaties to which the RM is a party, provided that they were not convicted in the foreign state.

In conformity with art.4 of the CPC (Action of the criminal procedural law in space), there is only one criminal procedural law for the entire territory of the RM and it is mandatory for all criminal prosecution bodies and courts, regardless of the place where the criminal offense was committed.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

a. setting up specialized investigation units and the number of staff involved;

To enforce the provisions of the Law no.241 of 20.10.2005 on preventing and combating THB, a Unit for preventing and combatting THB was established within the Prosecutor's office bodies. Subsequently, the Unit was reorganized into the Unit for combatting THB, consisting today of 7 prosecutors, of which 1 prosecutor, the head of unit and 1 prosecutor is deputy head of unit.

The respective unit has the following tasks:

- conduct and control the criminal prosecution carried out by criminal prosecution officers of the CCTP;

- represent the state accusation on cases submitted to the court;

- monitor and coordinate the activity of the prosecutors from other sub-units of the Prosecutor's office in preventing and combatting THB;

- carry out activities as media coverage and prevention of THB.

At the same time, the principles of interaction between the sub-units of the Prosecutor's office bodies dealing with preventing and combatting THB were established. According to these principles, at local level at each prosecutor's office one appointed prosecutors in charge of on-site enforcing and respecting the laws that touch upon the prevention and combatting of THB.

The Prosecutor's General Office participates in drafting the yearly report. Thus, according to the provisions of art.11 para.(8) of the Law no.241, the law enforcement bodies submit on an yearly basis, not later than January 10, to the coordinating council under the Prosecutor General reports on the respect in the country of the laws on preventing and combating THB, then the Prosecutor General submits, by January 20, the respective reports to the NC CTHB.

Also, with a view to enforcing the provisions of the Law no.241 within the framework of the MIA, the CCTP was established within the NII of the GPI. The Centre consists of one Director and one deputy director, 2 administrative staff and 5 operational staff. There are 35 specialists, of which 33 police officers and 2 civilian staff, working for the Centre. In the Northern and Southern areas of the country, the Centre is represented by the Officer for combatting trafficking in persons "North" and "South" ("Regional offices") – 8 specialists. Regional offices assure operational coverage of the Northern and Southern parts of the country respectively. In their activity, the regional offices functionally are subordinated to the Centre, but administratively to the respective Regional unit of the NII.

According to the Law no.241, the main tasks of the Centre are as follows:

- a) detect and fight against THB crimes, by enforcing operational investigative and criminal prosecution actions;
- b) analyse, control and monitor the trafficking phenomenon;
- c) cooperate internationally in the anti-trafficking;
- d) conduct prophylaxis and prevention of the trafficking phenomenon;
- e) cooperate with specialized NGOs and the civil society;
- f) cooperate with other departments.

The Centre has also the following tasks:

- a) analyze the internal policy of preventing and fighting against the phenomenon of THB;
- b) coordinate activities to enforce procedures of preventing and combating THB within MIA bodies and sub-units;
- c) make an analysis of the evolvement of the criminal phenomenon in relation to the methods and means used by criminals, organize measures to remove causes and facilitating conditions, determine priority activity directions of the services for detecting and fighting against the phenomenon of THB;
- d) exercises tasks of a criminal prosecution body;
- e) if appropriate, provides assistance for the return of victims of trafficking in human beings, in line with signed agreements.

b. exchange of information with, and obtaining evidence from, other parties;

Within its international level activities, the Unit for combating THB within the GPO cooperates with the Prosecutor's offices from the countries of destination, INTERPOL, EUROPOL, SELEC, EUBAM, and within its national level activities with all relevant domestic agencies – the Ministry of Internal Affairs (GPI, BPD), the Intelligence Service, Prosecutor's Office's units.

The CCTP in its international level activities cooperates with INTERPOL, EUROPOL, SELEC, EUBAM, while domestically – with all relevant agencies such as the Ministry of Internal Affairs (GPI, BPD), the Intelligence Service, Prosecutor’s Office’s units.

c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organized crime;

According to the provisions of art.132/1 CPC, investigation officers conduct special investigations within criminal prosecution including in cases that refer to THB or in TC. According to the above mentioned norm of criminal procedure, special investigative measures are ordered and conducted only in the conditions below are cumulatively fulfilled:

1) it is impossible to realize the purpose of the criminal process by any other way and/or the management of evidence may be considerably harmed

2) there is reasonable suspicion in relation to the preparation or perpetration of a serious, extremely serious or exceptionally serious crime, with the exceptions provided for by the law

3) the action is required and proportional to the constraints of the human rights and fundamental freedoms.

At the same time, according to the provisions of art.132/8 para. (2) CPC, the tapping of communications can apply exclusively in criminal cases whose object is the criminal prosecution or trials of persons against whom there is data or evidence of the perpetration of criminal offenses provided for by the following articles of the CC: art.135–145, 150, 151, 158, 164–165/1, art.166 para.(2) and (3), art.166/1, 167, art.171 para.(2) and (3), art.172 para.(2) and (3), art.175, 175/1, art.186 para.(3)–(5), art.187 para.(3)–(5), art.188, 189, art.190 para.(3)–(5), art.191 para.(2) letter d) and para.(3)–(5), art.192/1 para.(3), art.201/1 para.(3), art.206, 207, 208/1, 208/2, art.216 para.(3), art.217 para.(3), art.217/1 para.(3) and (4), art.217/3 para.(3), art.217/4 para.(2) and (3), art.219 para.(2), art.220 para.(2) and (3), art.224 para.(3) and (4), art.236, 237, art.241/1 para.(2), art.242/1–243, art.244 para.(2), art.248 para.(2)–(5), art.259–261/1, 275, 278–279/1, art.279/2 para.(3) letter b), art.280, 282–286, 289–289/3, art.290 para.(2), art.292, 295–295/2, art.303 para.(3), art.306–309, 318, 324–328, 333–335, art.335/1 para.(2), art.337–340, 342–344, art.352 para.(3), art.362, 362/1, art.368 para.(2), art.370 para.(2) and (3). The list of component parts of the crimes is exhaustive and can be changed only via a law.

According to the provisions of art.132/2 para.(1) CPC, investigation officers may conduct special investigative measures specified below within criminal prosecution in order to detect and investigate crimes:

1) upon investigative judge’s authorization:

a) search of the domicile and/or installation in it of devices that assure audio and video surveillance and recording, devices that take pictures and film;

b) surveillance of the domicile by technical means that assure recording;

c) intercepting and recording of communication or images;

d) apprehension, research, transmission, search or lifting of mail;

e) monitoring of telegraphic and electronic communications’ links;

f) monitoring or control of financial transactions and access to financial information;

g) documentation by technical methods and means, as well as localization or following via GPS or other technical means;

h) gathering information from electronic communications services providers;

2) upon prosecutor’s authorization:

- a) identification of the subscriber, owner or user of an electronic communication system or an access point to an informational system;
- b) visual pursuit;
- c) control of money which is transmitted or received, of services or other material or immaterial values that are claimed, accepted, extorted or offered;
- d) undercover investigation;
- e) cross-border surveillance;
- f) controlled delivery;
- g) control purchase.

While conducting the special investigative measures, as provided for by the CPC, one uses informational systems, video and audio recording devices, pictures and film cameras, other technical means, including special technical means for secretly obtaining information.

Special investigative measures are implemented by the investigative officers of the specialized sub-units of the authorities specified in the Law no.59/29.03.2012 on special investigative activity.

According to art.6 of the Law no.59/29.03.2012 on special investigative activity, the special investigative activity is conducted by investigation officers of the specialized sub-units within or subordinate to the MIA, the Ministry of Defense, the National Anti-corruption Centre, the Intelligence Service, the State Protection and Guard Service, the Customs Service and the Department of Penitentiary Institutions of the MoJ.

At the same time, the same norm prohibits that special investigative measures be conducted by other authorities than the above mentioned ones.

d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;

The agency in charge of this type of criminal offenses is the CCCC that is subordinate to the NII of the GPO. According to the information supplies by the Centre, it had not such cases to deal with.

e. financial investigations to disrupt criminal money flows and ensure asset recovery;

Based on the information collected, there were no recorded data for financial investigations to disrupt criminal money flows and ensure financial asset recovery.

f. use of joint investigation teams (JITs).

According to the CPC, art.5402, joint investigation teams may be established. Para.(1) of the above article reads that the “Competent authorities from at least two states can establish, through a joint agreement, a joint investigation team with a specific objective and for a limited period of time, which can be extended with the consent of all parties with a view to conducting criminal prosecution in one or several states which form the team. The composition of the joint investigation team (JIT) is decided jointly”.

During the reporting period no JITs were established, though there were attempts to cooperate with the Greek competent authorities on a pimping case committed by an organized crime group, they showed no interest and no reply was received so far to the Request of international legal assistance in criminal matters.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

In 2013 a case of THB for the removal of organs was registered based on a complaint from an alleged victim who claimed that he was recruited by abuse of his vulnerable position and deceit in order to convince him to travel to Teheran (Iran) where he was operated on for a renal transplant. The criminal prosecution is underway.

**Protection of victims, witnesses and collaborators with the judicial authorities
(Article 28)**

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

The Law no.105 of 16.05.2008 on the protection of witnesses and other participants in the criminal process (Law no.105) provides for assuring the security of the participants in the criminal process whose life, corporal integrity, freedom or property are jeopardized as a result of the fact that they hold data which they agreed to provide to judicial bodies and which are convincing evidence pointing to the perpetration of serious, very serious or exceptionally serious crimes.

According to the Law no.105, to protect witnesses and other participants in the criminal process, protection measures shall apply, including urgent protection measures, as well as assistance measures. Thus, as protection measures, the Law no.105 provides for the following:

- a) protection of identification data;
- b) interviews that encompass special modalities;
- c) change of the domicile or the place of work or studies;
- d) change the identity, change of appearance;
- e) installation of an alarm system in the home or residence;
- f) change of telephone number;
- g) assure the protection of the goods.

These measures can apply individually or cumulatively, including together with urgent measures and/or assistance measures.

The criminal prosecution body may apply urgent measures in relation to the participant in the criminal process which is in danger, the fact which requires immediate actions to assure security, such as:

- a) assure body-guarding, guarding of the home, residence or goods;
- b) intercept its communication in accordance with the provisions of the CPC;
- c) oversee via audio/video means in accordance with the provisions of the CPC;
- d) temporary placement in a safe place;
- e) protect the movement or limit the movement;
- f) release special active and passive personal protection means.

Urgent measures can apply individually or cumulatively, including together with assistance measures.

Witnesses and other participants in the criminal process can also benefit from assistance measures, such as:

- a) integration in a different social environment;
- b) professional re-training;
- c) assure decent incomes before he/she finds a job;
- d) assistance in acquiring a new profession;

- e) healthcare assistance;
- f) legal assistance;
- g) psychological and social assistance.

According to the data provided by the agency in charge of protecting witnesses and other participants in the criminal process, in 2014 no relevant cases were registered.

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

To encourage victims and witnesses to cooperate with the law enforcement agencies, special methods of interviewing them were regulated (art.110 CPC)⁷⁰. Thus, should there be solid grounds to believe that the life, bodily integrity or freedom of the witness or its close relative are jeopardized on the account of the declarations that it makes in a criminal case related to a serious, very serious or exceptionally serious crime and should the respective technical means be in place, the investigative judge or, if appropriate, the court may admit that this witness is interviewed without being physically present at the location of the criminal prosecution body or the court room, by means of technical devices.

According to art.110¹ of the above mentioned Code, the interviewing of a minor witness under 14 years old in criminal cases related to sexual crimes, TC or DV in conformity with the provisions of art.109 para.(5) shall be conducted by the investigative judge in specially equipped rooms, which have audio video recording means, via a psychopedagogue. In this respect, during the reporting period, there were equipped and now functional 6 more regional interview rooms (Anenii Noi, Orhei, Soroca, Cahul, Leova, Ocnita) which are located at the Prosecutor's Offices of the mentioned districts. In Călărași such a room was opened on 10 December 2013 with the financial support of the US Department of State. The Law no.163 of 18.07.2014 modified art.110¹ of the CPC and in this respect, with the support of the partners in implementing national anti-trafficking policies, 6 trainings were conducted focusing on "Interviewing children victims and witnesses of sexual abuse/exploitation and the use of regional interview rooms" designated for psychologists, prosecutors, investigative judges and those who are responsible within the multidisciplinary teams. Currently, the professionals from all districts of the country benefitted from trainings on this module and 7 interview rooms are operational and maintained from the state budget. Taking into account that there are no interview rooms in each district centre, 8 transportation means were purchased and distributed for the facilitation of the travel of minors and persons accompanying them to the place of interview. Subsequent to the evaluation of the manner of operation and use of these rooms, one shall address the need to equip interview rooms also in other establishments. These actions cost in total 3,245 thousand MDL, which were budgeted and earmarked from the state budget via the GPO. The order of the Prosecutor General **no.18/28** of 6 March 2014 approved the Regulation on the organization and transportation of participants in the interview of children victims/witnesses of crimes to specially equipped premises. Operation and the monitoring of operation of the interview rooms are financially and methodologically assured by the GPO.

Previously, there were two Minor's interview rooms equipped and operational in the RM, managed by NGOs: the NCCAP "Amicul", specialized including on helping minors-

⁷⁰ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=350171>

victims of domestic sexual abuse and the IC “La Strada” specialized on supporting victims of TC or commercial sexual abuse.

The Law no.105 of 16.05.2008 *on the protection of witnesses and other participants in the criminal process* provides for assuring security of the participants in the criminal process whose life, bodily integrity, freedom or property are threatened as a result of the fact that they hold data which they accepted to supply to the judicial bodies and which are convincing evidence of the perpetration of serious, very serious or exceptionally serious crimes, including the crime of THB or in TC. Also, criminal punishment is provided for determining other persons to change declarations, according to art.314 CC, which is imprisonment for up to 3 years.

To encourage victims to contribute to the investigation and criminal prosecution of traffickers, the representatives of the law enforcement bodies are oriented at:

- Interview victims of THB in special conditions at the investigative judge’s (exclude the meeting between the victim and the traffickers);

- Facilitate victims’ access (in the first phase of the beginning of the criminal prosecution) to victims’/witnesses’ protection programs;

- Grant all THB victims reflection periods;

- Assure the exempt of THB victims from criminal liability for perpetrating criminal offenses related to this specific procedural quality (Art.165 para.(4) and art.206 para.(4) CC of the RM);

- In each investigated case to evaluate the needs of the THB victims (social, healthcare, psychological or legal assistance) and depending on these, to refer victims to specialized entities;

- Facilitate the provision of social assistance and protection to THB victims (including at the phase when these are identified as alleged), regardless of whether the victim cooperates or not with the law enforcement agencies;

- Establish multidisciplinary teams that would include prosecutors, criminal prosecution officers and psychologists, the latter having the role to conciliate the victim and facilitate its contact with the representatives of the law enforcement;

- Undertake measures to grant compensations to victims for damages caused by the traffickers as a result of the perpetration of the criminal offense;

- Identify cases of interference into the criminal prosecution or of determining the victims to make false declarations. In the course of 6 months of 2014, on the above mentioned issues, 3 criminal cases were started, 1 based on the crime component provided for by art.303 CC (interference into the justice and criminal prosecution, expressed by convincing by the suspects of the minor victims to change previously made declarations) and 2 criminal cases based on art.314 CC (Determining to make false declarations, expressed by convincing by the suspects of the minor victims to make false declarations during criminal prosecution).

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

According to the provisions of art.11 CC, the nationals of the RM and stateless persons whose permanent residence is in the RM, who committed criminal offenses abroad of the country are subject to criminal liability in line with the CC of the RM.

The same law reads that foreign nationals and stateless persons who permanently reside in the RM and committed criminal offenses abroad of the country are criminally liable in lien with the CC of the RM and are held criminally liable on the territory of the RM if the criminal offenses are targeting the interests of the RM, the rights and freedoms of citizens of the RM, peace and security of the human kind or are war crimes, as well as for criminal offenses provided for by international treaties to which the RM is a party, if they had not been convicted in the foreign state.

Criminal offenses committed in the territorial waters and in the air space of the RM are considered to be committed on the territory of the RM. The person who perpetrated a criminal offense on a ship or an aircraft registered in a port or an airport that belong to the RM and being located beyond the water or air space of the RM may be subject to criminal liability in compliance with the CC, if the international treaties to which the RM is party do not provide for otherwise.

Domestically, the relations with foreign countries or international court regarding legal assistance in criminal matters are regulated by the CPC of the RM and the provisions of Law no.371 of 01.12.2006 on international legal assistance in criminal matters.

Requests for international legal assistance in criminal matters are submitted via the MoJ or the GPO directly and/or via the MFAEI, except for cases when, based on reciprocity, another way of submitting requests is envisaged.

International legal assistance may be requested or granted with a view to executing procedural activities provided for by the criminal procedural legislation of the RM and the respective foreign country, in particular:

1) communication of procedure acts or of court decisions to individuals or legal persons that are abroad;

2) interview of persons as witnesses, suspects, accused, defendants, parties incurring civil liability;

3) making of investigations on-site, of searches, lifting of objects and documents and sending them abroad, seizure, confrontation, submission for recognition, identification of telephone subscribers, interception of communication, making expert reviews, confiscation of goods resulted from the perpetration of criminal offenses and other criminal prosecution actions provided for by the present Code;

4) summoning of witnesses, experts or persons prosecuted by criminal prosecution bodies or by the court;

5) taking over the criminal prosecution upon the request of a foreign country;

6) searching and extradition of persons who committed criminal offenses or for the execution of the custodial sentence;

7) recognition and execution of foreign sentences;

8) transfer of convicts;

9) communication of the criminal record;

10) other actions that are not contrary to the provisions of the Code.

International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

With a view to initiating international cooperation with other countries, during 2014 the representatives of the BPD subordinate to the MIA made trips abroad focusing on the issue of THB:

- 10-14 February, training course on THB, organized by NATO;
- 26-28 February, working meeting, organized by EUBAM “A synthesis of the situation on illegal migration and THB at the Moldovan-Ukrainian border during 2013”;
- 2-4 April, working meeting “A synthesis of the situation on illegal migration and THB at the Moldovan-Ukrainian border during 2013” organized by the Department of social assistance Ungheni, Directorate for community assistance Iași, Philanthropic association “Asociația filantropică cu trup și suflet”;
- 8-10 December, participation at the meeting on “Illegal migration and THB” organized by the Directorate general of the border police of the Ministry of Internal Affairs of Bulgaria;
- On 11.09.2012 in Moscow, the agreement of cooperation between the Ministry of Internal Affairs of the RM and the Ministry of Internal Affairs of the Russian Federation on combating criminality was signed.

In particular, the BPD during 2012 and the first half of 2013 signed cooperation agreements with border authorities of the following states: Romania, Ukraine, the Russian Federation, the USA, Poland, as well as other states, in which there are provisions concerning bilateral cooperation initiatives in combating cross-border criminality, including the THB. Also, since 2008 the BPD cooperates with the European agency for managing operational cooperation at the external borders of the EU member states “FRONTEX”. Within the framework of this cooperation, the cooperation plan for 2015-2017 on training the staff of the Department in fighting against THB was developed. FRONTEX provided the BPD with 10 guidebooks, which are a training program for the Department staff on combating THB. Beginning with 1 December 2005, the BPD started its cooperation with the EUBAM, in which one of the areas of cooperation is the fight against cross-border criminality.

As regards the return of victims of THB, on 6 November 2013 the GD no.847 on initiating negotiations on the draft agreement between the Government of the Republic of Moldova and the Ukrainian Cabinet of ministers on cooperating in the return of THB victims (adults and children), unaccompanied children and migrants in difficulty. Throughout the reporting period, one was in contact by e-mail and telephone with the Ukrainian part, but given the conflict in Ukraine, the negotiations on the mentioned agreement did not take place.

On 30 June 2014 the representatives of the MLSPF, together with their partners (representatives of the IOM and TdH participated at a round table entitled “Strengthening inter-sector cooperation between governmental organizations and NGOs in order to protect the rights and legitimate interests of migrants to the Russian Federation”. Within the framework of this round table, the issues related to the phenomenon of migrants in difficulty on the territory of the Russian Federation, as well as the prevention of THB were addressed.

Within the framework of the dialogue on the VLAP, actions to prevent and combat the phenomenon of THB were undertaken. The component on THB was included in a separate chapter in block III on “Security and public order” of the VLAP. As a result of the successful realization of all conditionalities of the Action Plan, the European Union modified the Regulation 539/2001 on abolishing the visa regime for short stays in the Schengen area for the nationals of the RM, which entered into effect on 28 April 2014.

According to art.16, para.(1), letter a) of the RM-EU Association Agreement (signed on 27 June 2014), the parties cooperate in preventing and combating the THB. The commitment is reflected in the National action plan for enforcing the Association agreement, which was approved by the GD no.808 of 07.10.2014.

On 10 July 2014, the Cooperation agreement between the Republic of Moldova and Eurojust, the EU agency that coordinates the actions of the competent agencies of the EU member states in the area of judicial cooperation, was signed.

On 23 June 2014, the Agreement on installing a secure communication line between the Republic of Moldova and EUROPOL at the premises of the International police cooperation centre was signed. While on 18 December 2014 the operational agreement between the Republic of Moldova and EUROPOL was concluded.

The cooperation agreements between the RM and EU member states on European integration provide for the cooperation and exchange of experience, including in the area of preventing and combating the THB phenomenon. Therefore, during February 2012 – October 2014, the RM concluded European Integration Cooperation Partnerships with Croatia (6 November 2012), Slovenia (22 July 2013) and Greece (8 April 2014).

At the same time, during the 26th session of the UN Human Rights Council (UNHRC), Moldova's permanent representation to the UN Geneva office organized, in partnership with the Austrian Diplomatic mission and the Office of the UN High Commissioner for Human Rights, a side event on THB entitled "Fighting trafficking in human beings: fostering partnerships and coordination – good practices" (12 June 2014). A similar event was organized for the first time during the CDO session and resulted in enhanced visibility of actions undertaken in our country in this area. In this connection, the good practices that refer to the prevention and combating of THB, including the operation of the national coordination mechanism and the NRS of victims from the RM were promoted. Also, we should note, in the light of the CDO, Moldova's participation as a panelist at the parallel event organized by the Morocco mission on Combating THB: comparative experiences and good practices, as well as its active support of the resolution on the mandate of the Special UN Rapporteur on THB, in particular women and children.

According to the Law no.371 of 01.12.2006 on international legal assistance in criminal matters, when there is not an international treaty, international legal assistance may be provided on the principle of reciprocity via diplomatic channels. Assurance of reciprocity for all forms of international legal assistance is compliant with the provisions of the CPC art.536 para.(2), which prescribes that reciprocity conditions are confirmed by a letter through which the MoJ or the Prosecutor General commit to provide, on behalf of the RM, legal assistance to the foreign state or the international criminal court in conducting procedural actions with the guarantee of the procedural rights of the person in relation to whom assistance is enforced, as provided for by the domestic legislation.

Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

Domestically, the relations with foreign countries or international courts that refer to legal assistance in criminal matters are regulated by the CPC of the RM⁷¹ and the provisions of the Law no.371 of 01.12.2006 on international legal assistance in criminal matters⁷².

⁷¹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=350171>

⁷² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=320384>

Requests of international legal assistance in criminal matters are made via the MoJ or the GPO directly and/or via the MFAEI, except for the cases when, based on reciprocity, another way of submitting requests is provided for.

From the CCTP practice, it was possible to identify and return 5 victims of THB and one presumed victim, all coming from the RM, via the INTERPOL.

In June 2014 via the SELEC Bucharest, a meeting with the liaison officer of the Ministry of Internal Affairs of Italy in Romania was organized at the CCTP in order to share information, plan subsequent actions and create a joint investigation team with the Italian law enforcement with a view to documenting and disintegrating a group of individuals specialized in THB for sexual exploitation in Italy.

The mentioned group made up of Moldovans and Albanians recruited a number of young women from the RM, Romania and Ukraine since 2011 for sexual exploitation on the streets in the North of Italy. Currently, the feedback in relation to the initiation of the procedure to create a joint investigation team is expected from the Italian authorities, which is delayed by the Italian part.

Therefore, in practice, in order to obtain operational information in the course of conducting criminal prosecution actions, special investigative actions or other measures to locate and arrest persons that are wanted, the CCTP officers widely use the appropriate international instruments and channels: INTERPOL, SELEC/GUAM. Hence, the CCTP officers submitted 154 interpellations through which was requested the necessary information, as follows: establishing the identity, crossing the border, control of the authenticity of certain documents, verification of addresses, establishing the holders of certain documents, etc.

As envisaged measures of transmitting information on the victim, the witness or the collaborator to another state, the Intelligence Service uses information sharing with special partner services based on bilateral agreements.

Recently, on 18 December 2014 the Operational agreement between the Republic of Moldova and EUROPOL was signed.

58. Has an early warning system for missing children been introduced in your country and is the harmonized European telephone number for missing children available? What other measures are there for early signaling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

In the Republic of Moldova there is no early warning system on missing children and the harmonized European telephone number for missing children is not available.

When it is confirmed that missing children crossed the border, their search is being conducted through INTERPOL channels. During 2010-2014 7 children went missing. Today, 6 of them were found.

Relationship with other international instruments (Article 40)

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field. (Ref. to pages 15-16)

The national plan for preventing and THB beings for 2014-2016⁷³ reflects the joint efforts of the public authorities and the civil society in fighting against the THB, in preventing and combating this criminal offense.

Significant support in developing and enforcing the NAP for 2014-2016, including financial and logistical support, is provided by national and international partners, in particular the ones mentioned in the *Diagram 4*.

Out of the total number of 120 actions provided for in the 2014-2016 AP, 74 were realized within partnerships between the CPA and NGOs/IOs. At the same time, according to point 4 of the GD no.472 of 26.03.2008⁷⁴, the representatives of the non-governmental and international organizations which have representations in the RM and carry out activities aimed at combating THB and at providing assistance to THB victims can participate in the meetings of the NC CTHB with the right of consultative vote.

Moreover, the representatives of the non-governmental and international organizations are invited and actively participate in the meetings of the Technical coordination group of the PS, the 6 meetings organized throughout 2014, being proof thereof⁷⁵.

Technical coordination meetings organized by the OSCE Mission to Moldova continue to be a platform for strengthening the strategic partnership and the exchange of good practices. 6 such meetings were organized in 2014.

As regards the strengthening of efforts to promote national policies on prevention and combating of THB and related areas, in the course of the last 2 years the following memoranda/cooperation agreements were signed:

- IC "La Strada" signed at 7 February 2013 a memorandum of cooperation with the CCTP with a view to promoting safe migration and to establishing a partnership to make the operation of the National hotline more efficient

- Cooperation agreement between the GPI and the TdH within the framework of the "Transnational Action" project, supported by the SDC, signed on 20 May 2013

- Memorandum of cooperation between the IC "La Strada" and the GPI (that covers the cooperation with the CCTP and the CCCC), signed on 8 August 2013. The main objective was mutual cooperation in preventing and combating THB, child pornography and sexual commercial exploitation of children

- Memorandum of cooperation concluded in 2013 between the MLSPF, MoEd, MIA, MoH, District councils Leova and Orhei, CNPAC and CIDDC in relation to the piloting and promotion of the inter-sectorial monitoring mechanism, the prevention and assistance to children exposed to abuse, neglect, exploitation and children at risk.

- The CCTP signed 2 memoranda of cooperation with the NCCAP in relation to the identification and assistance to children victims of sexual violence.

- The Centre of Journalistic Investigations with a view to sensitizing the wider public on the THB phenomenon.

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

The agreements/partnerships the Republic of Moldova concluded with foreign states/international entities were already specified in **question 56** (see *above*).

⁷³ <http://lex.justice.md/md/353631/>

⁷⁴ <http://lex.justice.md/md/327523/>

⁷⁵ <http://antitrafic.gov.md/libview.php?l=ro&idc=94&id=354&t=/Presa/Stiri-si-Evenimente/SESIUNEA-DE-EVALUARE-SI-PLANIFICARE-A-ACTORILOR-ANTITRAFIC>

<http://antitrafic.gov.md/libview.php?l=ro&idc=94&id=415&t=/Presa/Stiri-si-Evenimente/Membrii-Grupului-coordonator-al-Secretariatului-permanent-s-au-intrunit-astazi-in-sedinta>

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

The status of refugee, humanitarian protection, temporary protection as well as political asylum to an individual is regulated by the *Law no.270 of 18.12.2008 on asylum in the Republic of Moldova*⁷⁶. The Law reads that the status of refugee is recognized, upon request, to a foreigner who, in the light of a well-grounded fear to be prosecuted based on grounds of race, religion, nationality, for belonging to a certain social group or political opinion, left his/her country and who cannot or, due to fear, does not want to place himself/herself under the protection of this country; or who, as a stateless person and being in the country where he/she will have its legal and common domicile, as a result of certain events of this kind cannot or, because of the respective fear, does not want to return.

Humanitarian protection is granted to the foreigner who does not meet the conditions for the recognition of the status of refugee and in relation to whom there are grounds to believe that upon his/her return into the country of origin, he/she will be subject to serious risk and because of this risk he/she cannot or does not want to obtain the protection of that country.

Temporary protection is granted by GD, upon the proposal of the MIA, based on a report submitted by the Bureau for Migration and Asylum on the need to grant temporary protection. The GD sets out the measures and period for which temporary protection is granted.

In outstanding cases, persons who held political, diplomatic or public interest positions in other countries or international bodies, persons who proved special attachment, respect and interest for the RM, other remarkable personalities who are prosecuted in their countries of origin may request political asylum from the President of the Republic of Moldova.

According to the data supplied by the appropriate body, no such cases were registered.

D. Final questions

62. Which bodies and organizations contributed to responding to this questionnaire?

1. Permanent Secretariat of the National Committee for Combating THB
2. Ministry of Foreign Affairs and European Integration
3. Ministry of Labor, Social Protection and Family
4. Ministry of Internal Affairs
5. General Prosecutor's Office
6. Ministry of Justice
7. Ministry of Finance
8. Ministry of Health
9. Ministry of Education
10. Ministry of Economy
11. Ministry of Information Technology and Communications
12. Ministry of Transport and Road Infrastructure
13. Intelligence Service
14. Ministry of Youth and Sports
15. Border Police Department of the MIA

⁷⁶ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=330978>

16. Bureau for Migration and Asylum of the MIA
17. Information Technologies Service of the MIA
18. Centre for combating trafficking in persons of the NII of the PIG of the MIA
19. Centre for combating cybercrimes of the NII of the PIG of the MIA
20. Department of Penitentiary Institutions, MJ
21. Civil status service, MJ
22. National Institute of Justice

Year	Total	Sex		Age category		Form of exploitation					Specifics of the trafficking	
		Female	Male	Minor	Adult	Sex	Labour	Begging	Removal of organs, tissues,	Engagement in criminal acts	External	Domestic
2010	181	-	-	27	154	-	-	-	-	-	-	-
2011	154	119	35	23	131	107	45	2	0	0	124	30
2012	290	192	98	24	266	140	135	14	1	0	265	25
2013	262	174	88	29	233	131	105	24	2	0	228	34

23. National Employment Agency
24. Organization for the Development of the Small and Medium-sized Enterprises
25. Licensing Chamber
26. Bureau for Diaspora Relations, State Chancellery
27. Broadcasting and Coordination Council
28. IOM in Moldova
29. IC “La Strada”
30. Swiss Foundation ThH

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

Permanent secretariat of the National Committee for combating trafficking in human beings, State Chancellery.

E. Statistics on THB (per year, starting with 2010)

64 Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

Table 4

2014	264	175	89	26	238	116	91	53	0	4	231	33
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Source: GPI, GPO

65. Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

Currently the legislation of the RM does not provide for the notion of presumed victim. In the guidebook on the identification of victims there are 2 questionnaires (one for victims’ identification and the second one for potential THB victims’ identification), thus, the statistical data within the NRS are developed around these two categories. The notion of potential victim is also defined in the GD no.228 of 28.03.2014 – “*potential victim of trafficking in human beings* – an individual who is in difficulty associated to specific circumstances which lead to its social marginalization or exclusion for the reason of which the individual may end up in a situation of trafficking in human beings. Potential victims are victims of domestic violence, victims of sexual crimes, migrants in difficulty, unaccompanied children or children without supervision, other categories of beneficiaries. Potential THB victim is entitled to social assistance”. This category of beneficiaries was included for the purpose of preventing THB, Moldova being a country of origin.

66. Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

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67. Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

Table 5

	TOTAL	Sex		Age	
		female	male	minor	adult
2010	132	-	-	-	-
2011	109	78	31	19	90
2012	189	134	55	20	169
2013	131	95	36	13	118
2014	-	-	-	-	-

MLSPF (NRS)

68 Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation)

No residence permit was issued to a victim of trafficking in persons so far.

69 Number of victims given refugee status and subsidiary/complementary protection

No asylum applications were received from possible victims of trafficking in human beings so far.

70 Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded

In 2014 **14 victims** benefited from 1,750 US Dollars. In total 24,500 US dollars.

71 Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation)

Table 6

Year	TOTAL	sex		Age	
		female	male	minor	adult
2010	55	42	13	0	55
2011	32	18	14	0	32
2012	80	46	34	0	80
2013	30	28	2	0	30
2014	22	16	6	0	22

MLSPF, OIM

72 Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation)

73. Number of investigations into THB cases

Table 7

Year	2010	2011	2012	2013	2014
Number of investigations into THB/TC cases	142/23	111/24	151/20	135/20	151/24

Source: GPI, GPO

74. Number of prosecutions of THB cases.

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Year	2010	2011	2012	2013	2014
Number of prosecutions of THB/TC cases	45/10	45/14	60/5	43/8	42/7

Source: GPI, GPO

75. Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Table 9

Year	Number of convictions for THB/TC resulting in penalties involving deprivation of liberty (suspended)	Number of convictions for THB/TC resulting in penalties involving deprivation of liberty (effectively enforced)

2010	11/1	27/4
2011	11/1	7/1
2012	8/1	13/9
2013	1/0	20/4
2014	6/0	28/9

Source: GPI, GPO

Table 10

	Year	Total	Sex		Age category		Nationality/citizenship				Average length of the punishment (years)
			female	male	minor	adult	MD	UKR	RUS	Other	
<i>Number of persons convicted with imprisonment for THB crimes (art.165 CC)</i>	2010	7	3	4	-	7	6	-	-	1 (TR)	8.5
	2011	4	3	1	-	4	4	-	-	-	6.7
	2012	8	7	1	-	8	8	-	-	-	6.6
	2013	14	7	7	-	14	14	-	-	-	7.2
	2014	16	8	8	-	16	15	-	-	1 (AL)	9

Source: DPI

Table 11

	Year	Total	Sex		Age category		Nationality/citizenship				Average length of the punishment (years)
			female	male	minor	adult	MD	UKR	RUS	Other	
<i>Number of persons convicted with imprisonment for TC crimes (art.206 CC)</i>	2010	2	1	1	-	2	2	-	-	-	13.5
	2011	2	2	-	-	2	2	-	-	-	6.5
	2012	9	1	8	-	9	7	-	1	1 (IT)	14.5
	2013	2	-	2	-	2	2	-	-	-	16
	2014	7	2	5	-	7	6	-	-	1 (BG)	10.8

Source: DPI

Table 12

	Year	Total	Sex		Age category		Nationality/citizenship				Average length of the punishment (years)
			female	male	minor	adult	MD	UKR	RUS	Other	
<i>Number of persons convicted with imprisonment for</i>	2010	-	-	-	-	-	-	-	-	-	-

<i>THB/TC crimes</i> (art.165 CC& art.206 CC)	2011	-	-	-	-	-	-	-	-	-	-
	2012	2	-	2	-	2	2	-	-	-	13
	2013	2	-	2	-	2	2	-	-	-	16
	2014	1	-	1	-	1	1	-	-	-	21

Source: DPI

76. Number of judgments resulting in the confiscation of assets.

The decision of the Centru court of the municipality of Chişinău of 15.01.2014 on a criminal case of accusing of committing the criminal offense provided for by **art.206 para.(2) letters a) and c) CC**, confiscated money which was seized, amounting to *600 US dollars, 1,270 Russian roubles and 3,936 MDL* goods resulting from a criminal offense.

77. Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

No cases were registered (source PGO)

78. Number of convictions for the use of services of a victim of THB.

No cases were registered (source PGO)