



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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Reply from 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

Third evaluation round

Thematic focus: Access to justice and effective remedies for
victims of trafficking in human beings

Reply submitted on 2 July 2019

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

According to art. 58 of the Criminal Procedure Code (hereinafter referred to as CPC) a victim shall be considered any physical or legal person to whom moral, physical or material damage has been inflicted by offense. Once the competent authorities/public institutions have reasonable grounds to believe that the person is a victim, or a presumed victim, of trafficking in human beings (hereinafter referred to as "THB"), the criminal investigation officer, in charge of the criminal proceedings, shall inform the person about the rights and obligations of the victim as provided for in:

- art. 58 of the Criminal Procedure Code;
- Law no. 241 of 20.10.2005 on preventing and combating trafficking in human beings;
- Law no. 137 of 29.07.2016 on the rehabilitation of victims of crime;
- Law no. 105 of 16.05.2008 on the protection of witnesses and other participants to the criminal proceedings.

Additionally to providing the written information on the rights and obligations of the victim, the latter is also made familiar with the legal possibilities of obtaining compensation and with the available remedies. The victim is given, under his/her signature, a copy of this information.

Pursuant to art. 58 par. (3) 5) CPC, the victim has the right to request the criminal prosecution body to qualify her/him as injured party in the criminal proceedings. According to art. 58 par. (3) 6) CPC, the victim is entitled to apply for recognition as a civil party in the criminal proceedings and under art. 58 par. (4) 4) CPC, the victim has the right to receive a court judgement on her/his material compensation for the damage caused by the offense.

When the victim of child trafficking is a minor, all actions, undertaken at any stage of the criminal proceedings, shall ensure the observance of his/her interests. Once the identified minor victim has reached the age of 14, the criminal investigation officer shall communicate to this victim his/her rights and obligations as provided by art. 58 CPP, Law no.241 of October 20, 2005, Law no.137 of 29.07.2016 and Law no.105 of 16.05.2008, including the legal possibilities of obtaining the compensation and the available remedies.

According to art. 58 par. (10) CPC the minor victim shall enjoy its rights and exercise its obligations individually or, if permitted by law, through representatives. If the victim is a minor or an irresponsible person, his/her rights are exercised by his/her legal representatives.

In the criminal proceedings the minor victim enjoys the rights and undergoes hearings within conditions of a minor witness.

Pursuant to art. 58 par. (11) CPC, hearing of the victim is carried out in conditions foreseen for the witness hearing. In criminal cases related to sexual offenses, trafficking in children or domestic violence, as well as in other cases where the interests of justice or of the minor request that, hearing of a minor victim under the age of 14 is carried out under provisions of art. 110¹ CPC.

If the victim does not speak the state language, the criminal investigation body, under the provisions of art. 85 CPC, shall appoint a licensed translator to provide translation into the language of the victim. The translator can be appointed out of persons proposed by the victim.

In 2018, Ministry of Health, Labour and Social Protection (hereinafter MHLSP), in partnership with the International Organization for Migration (IOM) Mission in Moldova, developed and printed 1000 copies of two informative leaflets on the rights of victims of trafficking in human beings (in Romanian and Russian languages) (**Annex no. 1**). Dissemination of these leaflets was carried out with the contribution of the platform of the Centre for Assistance and Protection of Victims and Potential Victims of Trafficking in Human Beings - an institution under the subordination of MHLSP and, respectively, the territorial social assistance bodies.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

It should be noted that provision of the compulsory translation and interpretation services at different stages of the judicial proceedings, is carried out under art.16 paragraph (2) of the CPC, the wording of which specifies that one of the principles of the criminal trial in the Republic of Moldova¹ envisages that "a person who does not know, or does not speak, the state language has the right to get acquainted with all the documents and materials of the file, to speak in front of the criminal prosecution body and in the court with the assistance of an interpreter."

Paragraph 4 of the mentioned above provision states that *"The procedural acts of the criminal prosecution body and the ones of the court, when handed out to the suspect, the accused or the defendant, are translated into his/her mother tongue or into the language he/she knows, in the way established by this code"*.

At the same time, according to art.251 of the CPC, violation of the legal provisions regarding the participation of the interpreter and/or the translator to the proceedings can attract the absolute nullity of the procedural acts and can be invoked at any stage of the criminal proceedings.

In the last five years the General Prosecution Office received no complaints from the parties to criminal cases on THB, or related crimes, stating a violation by the criminal prosecution bodies or prosecutors of the rights of the parties to the assistance of an interpreter or translator. Also, no such violations have been established following the *ex officio* controls.

2. Legal assistance and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

Pursuant to art.11 paragraph (1) of the Law no.137 of 29.07.2016² *"the victim of crime benefits of legal aid guaranteed by the state under the provisions of the Criminal Procedure Code and within the conditions specified by Law no.198 of 26 July 2007 regarding the state guaranteed legal assistance, and also in cases when the criminal trial is being conducted in the Republic Moldova for an offense committed on the territory of the Republic of Moldova or committed outside the territory of the Republic of Moldova and the victim is a citizen of the Republic of Moldova, a foreign or a stateless person legally residing in the Republic of Moldova"*.

¹ Law No 122-XV of 14.03.2003, Official Gazette No 248-251/699 of 05.11.2013;

² Law no. 137 of 29.07.2016 on the rehabilitation of victims of crime, Official Gazette No 293-305 of 09.09.2016;

Additionally to these aspects of the mentioned above statement the THB victims are also informed about the compliance with the legal and institutional provisions in force.

The right of children - victims of the offense -to the state-guaranteed legal assistance as spelt out under art.206 of the Criminal Code - "*Trafficking of children*" is also stipulated in art.58 (4) of the CPC "*the victim of a particularly serious or exceptionally serious offense against the person, a victim of torture, inhuman or degrading treatment shall enjoy the rights listed below, irrespective on the fact whether it had been recognized an injured party or a civil party:*

- 1) *to benefit, throughout the entire duration of the criminal proceedings, of a lawyer's consultation in a similar way the other parties to the proceedings do;*
- 2) *to benefit, within the law, of a lawyer's assistance, responsible for the provision of state-guaranteed legal assistance when the victim has no money to pay the lawyer;*
- 3) *to be accompanied, in addition to his/her lawyer, by a trusted person during all inquiries, including the sessions behind closed doors;*
- 4) *to receive a court judgement regarding the material compensation for the prejudice caused by the offense."*

Also, according to art.19 paragraph (1¹) of the Law on State Guaranteed Legal Assistance³, "*Children - victims of crime and children - victims of domestic violence are entitled to qualified legal assistance.*"

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of their immigration status or type of exploitation?

The legal norms indicated above (Item 2.1) do not establish certain conditions to be observed by victims while seeking access to legal assistance, conditions linked with immigration status or type of exploitation included. Thus, all victims benefit unconditionally of the state-guaranteed legal assistance.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the relevant provisions.

Throughout the entire criminal proceedings, victims of THB and victims of child trafficking are entitled to state-guaranteed legal assistance, which, actually, includes the development of a claim to request compensation for prejudice caused by the crime and, respectively, to request payment of indemnities by the accused/defendants (*the wording of the legal norms set out in p.2.1.*).

2.4 Are there lawyers specialized in providing legal aid and representing victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

The membership of the National Council for State Guaranteed Legal Assistance (hereinafter "CNAJGS") includes lawyers specialized in providing qualified state-guaranteed legal assistance to victims of crime, as well as lawyers specialized in providing state-guaranteed legal assistance in child-related cases.

CNAJGS carries out its operation based on its own internal Regulation (approved by the Order of the Minister of Justice No18 of 24.01.2008). One should also mention here the other three Regulations observed by the members of this Council:

- Regulation regarding the Procedure to request the provision of emergency legal assistance and the appointment of the lawyer for this purpose (approved by the CNAJGS decision No8 of 19.05.2009);

³ Law on the state guaranteed legal assistance No 198-XVI of 26.07.2007; Official Gazette No157-160/614 of 05.10.2007.

- Regulation regarding the operation of territorial offices of the National Council for State Guaranteed Legal Assistance (approved by the CNAJGS decision No 15 of 30.07.2008).
- Regulation regarding the activity of public lawyers (approved by the CNAJGS decision No 18 of 06.10.2008).

2.5 How is the provision of legal assistance and free of charge legal assistance for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

Services to provide state-guaranteed legal assistance, including to victims of THB, are financed with resources from the state budget. In order to benefit of the state-guaranteed legal assistance, the victim of THB submits a request to the territorial offices of CNAJGS and provides proof that its income does not exceed the amount stipulated by the legislation (the minimum consumer basket approved by the Government). No fees are paid for this assistance.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable the courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

According to art. 58 (3)6) of CPC "Additionally, *the victim benefits of the following rights: ...to apply for recognition as a civil party in the criminal proceedings;*".

At the same time, according to art.61 paragraph (1) of the CPC, "*In response to an application, filed by a natural or a legal person with the criminal investigation body or with the court, requesting to initiate proceedings against a suspect, accused, defendant, or persons with patrimonial responsibility for his/her deeds, this natural or legal person is recognized as a civil party, on condition that there are sufficient grounds to believe that he/she suffered material or moral damages caused by the offense.*".

The Criminal Procedure Code specifies the manner, in which the civil action is filed, the persons responsible for the examination of the civil action and the amounts of indemnities to be paid.

The prosecutor/the criminal prosecution body has a direct role in this process which, as the case may be, receives requests for recognition as a civil party, receives materials related to the civil actions and attaches them to the criminal case and participates to recovery stages of the criminal assets or to recovery of other goods which can be valued and included in the recovery of the damage caused to the victims, including the damage caused by THB offenses.

3.2 How is the amount of compensation calculated and are there specific criteria or models for its calculation? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

The calculation of the amount of material damage caused by the offense is spelled out in art.219 paragraph (2), paragraphs (3) and (4) of CPC, and it stipulates:

"(2) Natural and legal persons, who suffered direct injury following actions prohibited by criminal law, may bring civil action in the court, and request the recovery of damages via:

- 1) restitution in kind of objects or of the equivalent value of lost or destroyed goods caused by the commission of the act prohibited by criminal law;*
- 2) compensation of the costs supported for the procurement of lost or destroyed goods, or restoration of their quality and commercial appearance, and the repair of damaged property;*
- 3) compensation for lost income as a result of actions forbidden by criminal law;*
- 4) repair of the moral damage or, as the case may be, of the damage caused to the professional reputation.*

(3) *The criminal law states as material damage related to the commission of the action prohibited by Law if it is expressed in expenses for:*

- 1) *treatment and care of the injured party;*
- 2) *funeral costs supported by the injured party;*
- 3) *payment of insurance, indemnities and pensions;*
- 4) *realisation of a contract on the storage of goods.*

(4) *The court, in assessing the size of material compensation for caused moral damages, takes into account the victim's physical suffering, the leisure or aesthetic damage, loss of life expectancy, loss of honour due to defamation, psychological suffering caused by the death of close relatives, etc. "*

Pursuant to art.15 of the Law no.137/2016 on Rehabilitation of Victims of Crime:

"The following shall be taken into account in establishing the amount of financial compensation granted by the state for the damage caused by the violent actions via which the offense was committed:

- (a) expenses incurred by the victim of the offense for hospitalization, health care or other medical interventions;*
- b) the damage caused to glasses, contact lenses, dentures and other objects that constitute means to support the functioning of individual parts of the human body;*
- c) the damage caused by the destruction or deterioration of the victim's assets or by his/her dispossession of certain goods as a result of commission of an offense spelled out in art. 12 (2);*
- d) the damage caused by loss of the work capacity, if it was caused by criminal offenses;*
- e) the cost of the burial expenses of the victim of the crime in case of its death."*

Actions and the modality of granting the compensations shall be carried out in conformity with the provisions included in the *Regulation of the interdepartmental commission for the state-allocated financial compensation for the damage caused by an offense*⁴.

Given that no criteria for the compensation calculation have been laid down in this Regulation, the general provisions of the Laws mentioned above can be directly applied or, in the form of an administrative act. In case of a controversy these acts can be challenged under the provisions of the Administrative Code⁵.

3.3 How are the compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

A court decision on the reparation of material or moral damages suffered by victims of THB is executed in the order established by the Enforcement Code, which stipulates the entire forced execution procedure performed by the bailiff.

Article 74 of the Enforcement Code envisages the following forced execution procedures:

"Forced execution is carried out via:

- a. tracking of the debtor's cash money (including in foreign currency);*
- b. tracking of the debtor's money kept in the debtor's bank accounts (including in foreign currency);*
- c. tracking the debtor's property via the application of property seizure and via its sale or forced management;*
- d. tracking the debtor's salary, pension, scholarship and other income;*
- e. tracking of the debtor's money (including in foreign currency) and the debtor's assets kept by the third parties;*
- f. withdrawal of the items indicated in the enforceable document from the debtor and handing them over to the creditor;*
- g. other measures provided by law ."*

⁴ Approved by Government Decision No 965 of 14.11.2017;

⁵ Administrative Code – adopted by the Law No 116 of 19.07.2018, in force as of 01.04.2019;

3.4 When the THB victims are removed from or have chosen to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

The Criminal Procedure Code provides for the possibility, including for foreign victims, of bringing civil action in the court to obtain compensation from the perpetrator (see item 3.2. *above*). At the same time, civil action, on behalf of the physical or legal person, may be brought by their representatives.

3.5 What procedures are in place to ensure effective access to compensation for THB victims trafficked for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

The damages the victims are entitled to claim, were described in section 3.2 above. At the same time, art. 221 of the CPC specifies that: "The application to bring a civil action in court should indicate the criminal case, within the proceedings of which the civil action is to be brought, who and in relation to whom the action is filed, the value of the action and the claim for damages. If necessary, the civil party may specify its claims", and "Judgment of the civil action within criminal proceedings, irrespective of the value of the action, is carried out by the court under jurisdiction of which falls the criminal case."

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

The National Institute of Justice carries out thematic seminars aimed at increasing the level of knowledge of judges and prosecutors via the acceptance and implementation of the international standards on prevention and combating of THB in their current work and pursuing the goal to ensure international cooperation in this area and exchange of experience and good practices referring to the management of a human trafficking file. Thematic training of lawyers takes place within the Lawyers Training Centre.

At the same time, with the support of the development partner - OSCE Mission to Moldova, on 12-15 December 2018 in Lisbon, Portugal a Transnational workshop for professionals in this area was organized (lawyers, prosecutors, representatives of the Ministry of Justice, Ministry of Finance, judges, etc.), dedicated to the familiarisation with good practices of financial compensation of THB victims - a mechanism to be strengthened at the national level following the adoption of Law 137/2016 on Rehabilitation of Victims of Crime.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crime exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offense)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

Victims of THB, under Law no.137/2016 on the Rehabilitation of Victims of Crime, may benefit of the State financial compensation for the damage caused by the offense. A victim shall not be entitled to benefit of the State financial compensation for the damage caused by the offense if:

a) the offense was committed with the voluntary participation of the victim, except for persons who have not reached the age of 18;

- b) the offense specified by the Criminal Law was committed in one of the circumstances that eliminates the criminal character of the act according to art. 35 of the Criminal Code;*
- c) the victim failed to notify the criminal prosecution bodies about the commission of the offense in a situation when, in conformity to art. 276 of the Criminal Procedure Code and the commencement of the criminal prosecution takes place exclusively on the basis of the victim's preliminary complaint;*
- d) at the date of committing the offense, the victim is finally convicted and has a criminal record for committing a grave crime, particularly serious or exceptionally serious, or for a crime committed through participation to an organized criminal group or criminal organization;*
- e) subsequent to the commission of the offense, the victim, by its behaviour, deliberately contributed to the occurrence of the damage or to the increase of the size thereof;*
- f) the victim made, knowingly, false statements or deliberately refused to contribute to the discovery of the offense in the course of criminal prosecution or during the trial of the case, unless, under the law, it has the right to make no statements.*

Article 14 (Granting of Financial Compensation) of the above-mentioned Law provides:

"(1) The financial compensation for the damage caused by a crime is granted by the state on condition that the following conditions are met:

- 1) the act establishing the commission of the offense has entered into force (it is final and irrevocable). The following is considered, as the case may be, an act establishing the commission of the offense:*
 - a) the decision of the court relating to the conviction;*
 - b) the decision of the court to stop the criminal trial on the grounds of non-rehabilitation;*
 - c) the order of the prosecutor to stop the prosecution under art. 275 item. 4), 5), 7) and 8) and art. 285 par. (2) 2) and 3) of the Criminal Procedure Code or of Art. 53 of the Criminal Code;*
 - 2) the application was filed within the last 3 years since the date when the document establishing the commission of the offense came into force;*
 - 3) the victim of the offense, either individually or through his/her representative, is a civil party to the criminal proceedings;*
 - 4) in a situation when the perpetrator has got insufficient resources to cover the damage resulting from the offense, in case of a final judgment of the court regarding the civil action born from a criminal case if it has not been executed in full, voluntarily or forcibly, during the period indicated under item 2);*
 - 5) the damage caused by the commission of the offense was not and cannot be compensated from other sources (indemnities, insurance payments, indemnities granted by the perpetrator, voluntary or forced, in advance to the judgment of the court regarding the civil action, born by an independent criminal case or on the grounds of the latter).*
- (2) If within the time limit specified in paragraph (1) item 2) of this article, the enforcement procedure of the court decision on the civil action brought in a criminal case was instituted, but, at the moment of filing the application for financial compensation awarded by the state, the execution of the decision hasn't taken place or took place partially, the State shall provide compensation for the damage as specified under art. 15, integrally or for the uncovered part, but not exceeding the limits indicated in art. 19, par. (1).*
- (3) If, on the issuance date of the court judgment regarding the civil action born within the criminal case, the financial compensation has already been paid by the State, the court examining the civil action born within the criminal case shall deduct the compensation amount from the amount established in favour of the victim who suffered the injury. The perpetrator shall pay this compensation amount to the state budget.*
- (4) In granting the financial compensation for the damage caused by the offense, the amount thereof shall be reduced by the amounts paid by the perpetrator before that date as indemnities, as well as the amounts obtained or due to be obtained from other sources for the damages caused by the commission of the offense.*
- (5) If the victim of the offense is a minor and if its representative did not submit the application within the time limit stipulated in par. (1), item 2), the respective time limit shall begin to run from the moment the victim of the offense reaches the age of 18."*

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

According to art. 15 of Law no.137/2016 on the Rehabilitation of victims of crime, the following shall be taken into account when determining the financial compensation amount granted by the state for the damage caused by the violent actions via which the offense was committed:

- a) expenses incurred by the victim of the offense for hospitalization, health care or other medical interventions;*
- b) the damage caused to glasses, contact lenses, dentures and other objects that constitute means to support the functioning of individual parts of the human body;*
- c) the damage caused by the destruction or deterioration of the victim's assets or by his/her dispossession of certain goods as a result of commission of an offense spelled out in art. 12 (2);*
- d) the damage caused by loss of the work capacity, if it was caused by criminal offenses;*
- e) the cost of the burial expenses of the victim of the crime in case of its death."*

The financial compensation shall be paid from the state budget in the amount of 70% of the damage amount calculated according to art. 15, but shall not exceed the amount equal to 10 average monthly salaries in the economy, as projected for the year in which the victim filed the financial compensation claim.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of such cases and indicate the measures stipulating such a possibility.

According to art. 13 (1) of Law no.137/2016, the right to financial compensation is granted to the victim of an offense committed on the territory of the Republic of Moldova, on condition that he/she is a citizen of the Republic of Moldova, a foreign or a stateless person legally staying on the territory of the Republic of Moldova at the time of the offense commission, who applies for financial compensation. Paragraph (2) of the mentioned article stipulates that in the case of victims who do not fall under the categories of persons referred to in paragraph (1), the financial compensation is granted on basis of the international conventions to which the Republic of Moldova is a party.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

Law no. 137/2016 on Rehabilitation of Victims of Crime stipulates the conditions for granting legal assistance, namely:

Article 11. Legal assistance to the victim of the crime

(1) The victim of the offense shall benefit of legal aid guaranteed by the state in accordance with the provisions of the Criminal Procedure Code and under the conditions stipulated by Law no. 198-XVI of July 26, 2007 on the State guaranteed legal assistance if the offense was committed on the territory of the Republic of Moldova or if the offense was committed outside the territory of the Republic of Moldova and the victim is a citizen of the Republic of Moldova, a foreign or a stateless person, legally residing in the Republic of Moldova, and the criminal proceedings are being conducted in the Republic of Moldova.

(2) The victim of torture, inhuman and degrading treatment shall be granted the state guaranteed legal aid unconditionally.

(3) In a case when the spouse, the children and the persons in the care of the person deceased as a result of commission of the offenses, spelled out in Chapters II to IV of the Criminal Code, do not have money to pay the services of a lawyer, they are entitled to benefit of legal aid guaranteed by state both within and beyond the criminal proceedings.

(4) Non-profit organizations or profit-making legal entities have the right to individually establish the categories of victims of the crime, the conditions and forms of legal assistance to be granted.

At the same time, Article 20 of the Law mentioned above stipulates that: "The financial compensation for the damage caused by a crime, granted by the state in accordance with this Law, shall not be subject to taxation".

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

Based on Law no.48 of 30.03.2017⁶ the Crime Assets Recovery Agency was created (hereinafter referred to as "ARBI"), which is a specialized autonomous subdivision within the National Anticorruption Centre.

In exercising its functions, the Agency closely cooperates with the state institutions, the cooperation presupposing, in particular, the provision of relevant information for the recovery activity.

It should be noted that Law no.48/2017 stipulates a series of rules describing the Agency right to obtain information by way of derogation from the existing procedural rules.

The transmission of information (documents, materials, etc.) necessary for the Agency operation, by the relevant data providers, criminal prosecution bodies, prosecutor's offices, courts or other competent authorities for purposes stipulated by Law no.48/2017, does not constitute disclosure of commercial, banking, commercial secret or disclosure of personal data.

The Agency, at the request of physical persons or of the control body on the processing of personal data, shall submit information on the personal data processing only at the end of the situation which justifies this data processing.

In other words, while requesting the suppliers to deliver low accessibility information, the Agency is supposed to make a motivated request, invoking the provisions of art.14 of Law no.48/2017. In such a way, the receipt of information takes place more rapidly, as it excludes the need to also pass the authorization procedure with the investigating magistrate.

In its activity, the Agency collaborates in a productive way with the Office for Prevention and Fight against Money Laundering and Terrorism Financing by directly addressing its requests; with the Public Services Agency by having a direct access to the databases and by applying the court decisions on freezing the movable and immovable assets; with the National Integrity Authority, the Customs Service and other entities. In this respect, the National Anticorruption Centre signed a number of agreements regarding the cooperation with the state entities, and the Agency, being a subdivision of the Centre, may refer to them in its work.

Pursuant to Art.229² paragraph (2) of the CPC, in case of criminal prosecution of one or more offenses specified in this norm, the criminal prosecution body/the prosecutor requests the ARBI to conduct **through delegation** parallel financial investigations for the purpose of tracking the criminal assets, collection of evidence related to them and asset freezing.

It should be noted that ARBI does not conduct investigations with respect to all types of profit-making offenses, its responsibility covering an exhaustive list of offenses with respect to which the institution is empowered to conduct parallel financial investigations.

⁶Law regarding the Crime Assets Recovery Agency No 48 of 30.03.2017.

The offenses specified by art.165 of the Criminal Code - Trafficking in Human Beings and by art.206 of the Criminal Code - trafficking in children fall into the category of offenses with respect to which the ARBI is competent to carry out parallel financial investigations.

If in the course of parallel financial investigations, assets belonging to the subject of investigation are identified, the ARBI investigation officers, simultaneously with the conduct of the investigations, may freeze the identified goods until the completion of the investigation, in order to ensure that the tracked goods are not disposed of, hidden, damaged or spent.

It should be noted that until recently the parallel financial investigations of trafficking offenses used to be carried out as well, but they were usually performed by criminal investigation officers, investigation officers and prosecutors who, most frequently, were more focused on investigating the crime generating profits and less on the financial investigations. With the creation of this institution, there is a significant increase of actions of identification, tracking and disposal of criminal assets and of actions aimed at confiscation in view of recovery of the damage caused to victims of THB.

5.2 In what ways do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programs for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

Victims of THB benefit of the assets confiscated and exploited by perpetrators according to the general rules for all victims of crime.

In view of the fact that, according to art.219 paragraph (2) point1) of the CPC "*the restitution in kind of the assets, or of the equivalent value of the goods lost or destroyed following the commission of the act prohibited by the criminal law;*" is provided by Law, it is possible to distribute the confiscated goods directly to the victims.

At the same time, the national Law does not provide for the possibility to allocate the confiscated values from the persons convicted for TFU to separate compensation funds or to assistance structures or programs aimed for the support of victims of trafficking.

In 2018 ***the financial aspects*** were investigated in 15 criminal cases of THB, of assimilated offenses and related offenses, during which prosecutors have requested the authorization to seizure the goods resulted or used for the commission of crimes, as well as for ensuring the execution of the civil action. As a result of the steps taken by the investigating magistrates a **seizure of goods with a total value of 4 238 435.25 MDL** took place, including the following goods: 24 land plots, 8 dwelling facilities, 6 transportation vehicles, money resources amounting to over 44,000 MDL.

Following the goal to ensure the continuity of the parallel financial investigations, simultaneously to ordering the punishment of the defendants, the courts, during the reporting period, have ordered under the conditions of art.106 and art.106¹ of the Criminal Code, ***seizure*** of property resulting from crime or used in committing offenses falling under the category of THB. Thus, in 8 criminal cases the special confiscation of goods was ordered with an estimated value over **1,350,000 MDL** (cars, equipment, money, etc.).

In view of the fact that the Republic of Moldova is predominantly a country of origin and a country of transit, it is necessary to specify that the law enforcement bodies of the Republic of Moldova in most cases have to deal with actions carried out by entities involved in recruiting and transporting the victims, rather than with entities who directly exploit victims and who receive income from this illegal activity, fact more characteristic for the countries of destination.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

The criminal procedure rules do not provide for the possibility to carry out plea bargaining in case of trafficking offenses or in case of other crimes.

5.4 What is the average duration of court proceedings in THB cases? In what circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

The average length of court proceedings in cases of THB is about 1 year and 4 months in the court of first instance. The reasons for running these procedures for a longer period than the general average duration are conditioned by multiple reasons, such as the specificities of these processes, the complexity of cases, during which often a big number of defendants and victims are involved, the presence of the foreign element in these offenses, the behaviour of the parties, etc.

However, within the provisions of art.20 paragraph (3) of the CPC, *"the criminal investigation and prosecution of criminal cases involving detained persons, as well as minors, are carried out in an urgent and preferential way."*

These provisions are also applied with respect to the examination of cases of THB with minor victims, and also in cases in which defendants of such types of crime are under arrest.

As far as the rapid intervention is concerned, aimed at the improvement of the criminal prosecution or the court proceedings, it should be noted that paragraphs (5) and (6) of art.20 of the CPP contain provisions establishing possibilities of this kind: *"If, in the course of the criminal prosecution or the trial of a concrete case, the danger exists of breaching the reasonable time, the participants to the trial may appeal to the investigating magistrate or, as the case may be, to the court examining the case in the first instance, and request an acceleration of the criminal prosecution or of the hearing procedure of the case. The examination of the application is carried out in the absence of the parties, within 5 working days, by the investigating magistrate or, as the case may be, by another judge or another panel than the one examining the case.*

The investigating magistrate or the court makes the decision with respect to the request mentioned in paragraph (5) and develops a grounded statement, whereby it either obliges the criminal investigating authority or, as the case may be, the court which is examining the case, to undertake a procedural act and establish, as the case may be, a certain deadline for speeding up the procedure, or to reject the application. This statement is not subject to any remedy."

This provision implies the possibility for all participants to the process to submit applications, including victims, injured parties and their representatives, and also for their lawyers. Thus, the number of unjustified delays of judicial proceedings is minimized. Otherwise, all parties may submit acceleration requests and, after having been examined by other panels than the one judging the case on the ground, the statements on the acceleration of the criminal proceedings become mandatory for the prosecuting authorities, prosecutors and courts.

5.5 How do you ensure that sanctions for THB offenses are effective, proportionate and dissuasive?

The guarantee of effective, proportionate and dissuasive sanctions is determined by the size of the punishments envisaged for the trafficking offenses (art.165 of the Criminal Code) and child trafficking (art.206 of the Criminal Code) which, in the presence of an aggravating circumstance, are classified as particularly grave and exceptionally serious crimes and, subsequently, exclusively 7 years imprisonment punishments are envisaged for them and the suspension of the execution of the appropriate prison sentence, according art.90 of the Criminal Code, is not possible.

According to the year 2018 statistics, referring to criminal penalties applied by the national courts, it can be seen that the imprisonment punishment was applied to 62 persons out of the 122 physical persons and 5 legal persons in relation to whom the **conviction** sentences were pronounced. Namely, the convictions were for committing trafficking in human beings - 32 people, trafficking in children - 24 persons, organization of illegal migration - 4 persons, pimping - 1 (one) person, forced labour - 1 (one) person.

At the same time, in case of 28 persons the pronounced punishment was imprisonment with conditional suspension. Namely, the punishments were for trafficking in human beings - 2 persons, trafficking of children - 1 (one) person, illegal withdrawal of the child from the country - 2 persons, pimping - 17 persons, organization of illegal migration - 6 persons, organization of begging - 6 persons.

Punishment by payment of a **fine** was applied to 29 persons, namely for pimping - 4 persons, organization of illegal migration - 23 persons, illegal withdrawal of the child from the country - 1 (one) person, organization of begging - 1 (one) person.

Thus, punishments by imprisonment were applied to the majority of offenses, falling under THB offenses and child trafficking, with a rate of over 90% for both types of offenses. At the same time, no sentences were pronounced, in which convicts are punished by payment of a fine for the mentioned offenses.

Cases also exist when legal persons are prosecuted for offenses of this category, fact confirmed by the conviction of 5 persons in 2018.

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can the victims of THB be represented by NGOs in criminal proceedings?

The procedural position of a THB victim in the criminal proceedings is regulated by art.58 of the CPC. At the same time, victims of trafficking in human beings are exempt from the obligation *"to be summoned and to appear in front of the criminal investigation body or the court and to make explanations at the request of these bodies"*.

Art.59 of the CPC provides, with respect to this issue, that *"an injured party is considered to be a physical person or a legal person who has suffered a moral, physical or material injury as a result of an offense, and who was recognized as such under the law, with the victim's consent. **A minor who suffered injury following an offense shall be considered injured party without his/her consent.**"*.

When involved in criminal proceedings, the victims of THB are being explained the rights they are entitled to in accordance with the provisions indicated above, including also the provisions of Law no.137 of 29.07.2016, after which, depending on their claims and needs, they receive information, psychological counselling and/or legal assistance.

One of the special rights enjoyed by minors, injured in child trafficking offenses, is provided for in art.60 paragraph (5) of the CPC: *"Hearing of the minor party aged under 14 years, injured in criminal cases related to sexual offenses, child trafficking or domestic violence, as well as in other cases where the interests of the justice or of the minor demand it, shall be carried out under provisions of art.110¹."*

Under art.75-77 of CPC the minors - victims of crimes are obligatorily assisted by legal representatives during the legal proceedings. According to art. 77 (1) of the CPC, *"The legal representatives of the victim, the injured party, the civil party, the suspect, the accused, the defendant shall be their parents, guardians, guardians or curators who in the criminal trial represent the interests of the minor or irresponsible participants to the process."*

Minor victims, additionally, receive legal aid guaranteed by the state in criminal court proceedings (*see section 2. Legal assistance and free legal aid*).

In conformity to art.5 para (1) of Law no.137 of 29.07.2016 *"Non-commercial organizations, independently or in cooperation with central or local public authorities, can provide victims of crime with information, psychological counselling services and other services or forms of assistance."*

Consequently, often in the prosecutor and judicial practice, there are cases when lawyers employed by non-commercial organizations provide legal services to victims of trafficking offenses.

Thus, the peculiarity of the criminal trial in the Republic of Moldova is that a licensed lawyer, proposed by a NGO providing support services to victims, can be admitted to the trial with the task to provide legal assistance, if the victim accepts his representation in the capacity of a lawyer.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent victims of trafficking, including children, have access to complaints mechanisms, such as Ombudsman institutions and other national human rights institutions?

According to art.254, art.287¹ and art.287² of the CPC, the criminal prosecution body and the prosecutor are supposed to undertake all measures stipulated by the Law so that a complete and objective investigation of the circumstances of the case is carried out for establishing the truth.

In the Republic of Moldova the non-identification of the person/persons who committed the offense does not constitute grounds for finalizing the criminal prosecution, the criminal investigative body being obliged to investigate the criminal deeds up to the identification of the persons who can be indicted.

Victims of trafficking offenses, including children, in accordance with art.298-299² of the CPC, may appeal to the prosecutor or, as the case may be, to the hierarchically superior prosecutor against the actions or inactions of the criminal prosecution body and of the prosecutor.

When the victims disagree with the decisions of the prosecutor/hierarchically superior prosecutor these decisions can be appealed to the investigating magistrate under art. 313 (1) and (2) of the CPC:

"Complaints against the actions and illegal acts of the criminal investigation body and bodies carrying out special investigation activity may be submitted to the investigating judge by the suspect, accused, defender, injured party, other participants to the process, or by other persons the legitimate rights and interests of whom were violated by these bodies, whenever a person does not agree with the outcome of the examination of his complaint by the prosecutor or if the person has not received an answer to his complaint from the prosecutor within the time limit prescribed by the law."

(2) The persons indicated in paragraph (1) are entitled to appeal to the investigating judge in situations when:

1) the criminal investigation body refused:

a) to receive the complaint or denunciation of the preparation or commission of the offense;

b) to satisfy the applications submitted in cases provided by the law;

c) to start criminal prosecution;

d) to release the person arrested for violating the provisions of art.165 and 166 of this Code;

e) to release a person detained in violation of the detention period or of the period for which the arrest was authorized.

- 2) orders were issued regarding the termination of the criminal prosecution, the suspension of the criminal case or removal of the person from the criminal investigation;
- 3) other actions were undertaken affecting the constitutional rights and freedoms of the person."

All interested persons may address applications and complaints to the Ombudsman in accordance with art.18 of Law no.52 of 03.04.2014⁷, according to whom:

"(1) The Ombudsman examines the applications of the physical persons irrespective of race or ethnic origin, colour, sex, language, religion, their political opinion or any other opinion, their national or social origin, wealth, birth or any other circumstances, who reside permanently or stay temporarily in the territory of the country (hereafter - petitioners), whose rights and freedoms are presumed to have been violated by the Republic of Moldova.

(2) The Ombudsman, by its powers, shall not substitute the public authorities, law enforcement bodies and courts of law.

(3) The Ombudsman shall examine applications regarding decisions, actions or inactions realised by public authorities, organizations and enterprises, irrespective of the type of ownership and legal form of organization, non-commercial organizations and persons with responsibilities at all levels, which, in the petitioner's view, have violated its rights and freedoms."

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in irregular migration situation and/or in detention?

Pursuing the aim to facilitate reporting and complaint mechanisms for victims of TFU, trafficking in children and other similar or related crimes, the General Prosecution Office in the process of developing mechanisms for referral, from the first source, of these offenses to prosecutors and taking into account the provisions of art.27 paragraph (2) of the *CoE* Convention, the "**Green Anti-Trafficking Line**" was established within the Prosecutor's Office based on the Order no.56/15 of 08.12.2017 of the General Prosecution Office, operating at the mobile phone number (+373) 69999021 and the email antitrafic@procuratura.md.

Additionally, applications such as Viber, Telegram, Whatsapp and Messenger are also available at this telephone number.

In the operation period of this mechanism, complaints were received from the Republic of Moldova and from foreign countries such as Israel, the Czech Republic and Poland, fact that confirms its operability, including abroad. In the same context, the Centre for Combating Trafficking in Human Beings, the Ministry of Foreign Affairs and European Integration, MSMPS, the International Centre "*La Strada*" instituted, in their turn, hotlines, most of them with coverage within the Republic of Moldova and abroad, making possible to be used by victims of trafficking.

People in detention, similar to ordinary citizens, benefit of the same mechanisms to carry out reporting of trafficking cases. At the same time, if certain persons are detained abroad, they can lodge complaints through the diplomatic representatives of the Republic of Moldova located abroad.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

⁷Law on the Ombudsman No 52 of 03.04.2014.

Whenever the involvement of a state official in cases of trafficking in human beings is identified, it shall obviously be prosecuted and the victim of the offense shall be able to bring civil action against that person in the criminal proceedings.

At the same time, the legislation of the Republic of Moldova does not regulate the coverage of the victims' damages in case of the state failure to prevent the crime or to protect the victim from the offense.

At the same time, when the law enforcement authorities are notified of the involvement of officials in cases of trafficking in human beings, criminal investigations are initiated on these facts and the facts are investigated with great care, for example:

a. On 05.07.2017, citizen X. filed a complaint at the General Prosecutor's Office regarding alleged trafficking actions committed by Y., a labour inspector. As a result of the examination of the notification, on 08.09.2017 the Prosecutor's Office initiated the criminal investigation under art.165 paragraph (2) letter d) of the Criminal Code on the fact that since the year 2014 until the moment when the criminal activity was stopped by the prosecutors, citizens X. and Z. and other persons not identified by the criminal investigation body were exploited through forced labour and services.

The perpetrator, took advantage of the victims' vulnerability position, manifested by their precarious social survival situation, and through deception, under the pretext of hiring them for a well-paid job, recruited, transported and housed these people at his animal farm in the city's out-of-town, where, through the application of physical force against these persons caused personal injuries to them and while keeping them in conditions similar to slavery, he forced them, contrary to their will, to perform various works, for which he didn't pay the promised salary. In 2018 the criminal case was brought in court and is currently being examined by the court of first instance.

b. The Criminal Investigation Body of the Centre for Combating Trafficking in Human Beings (hereinafter "CCTP"), counteracted through its actions another case of this category namely by conducting searches and other criminal prosecution actions which finalised in September 2017 with the detaining and the arrest of perpetrators. The actions were undertaken against the director of an upper secondary education-boarding school, who, following the purpose of sexual and labour exploitation and acting in concert with other persons, in the period 2016 - until the moment of stopping of the criminal activity, took advantage of his position and of the vulnerable situation of children in custody of the institution he was heading, and committed trafficking of many children via sexual and labour exploitation through the application of physical and psychological violence (art.206 paragraph (3) letter b¹), c) and f) of the Criminal Code). In December 2017, the criminal case was submitted along with its indictment to the court for substantive examination.

By decision of the Court, issued in September 2018, the ex-director of the upper secondary education-boarding school and a businessman were found guilty and convicted for 17 years and 6 months imprisonment and, respectively, for 17 years imprisonment for committing trafficking in children for the purpose of non-commercial sexual exploitation. Within the same sentence, an amount of 800,000 lei has been withdrawn from the defendants' account in favour of the minor injured party.

c. A criminal case also falling under this category is the case in which the actions of a director of a vocational school were the subject of the investigation, who, taking advantage of his job position and being the person empowered to conclude work contracts with other entities, organized, in summer time, the exploitation of students, minors included, at various restaurants on a seaside. In September 2018, the case was handed over to the court for the substantive examination, and is currently at the stage of the judicial inquiry.

d. On 01.08.2018, the CCTP criminal prosecution body initiated the prosecution under art.206 paragraph (2) letter c) of the Criminal Code, on child trafficking, namely on the recruitment and housing of a child for the purpose of sexual exploitation, accompanied by sexual abuse and abuse of the vulnerability position of the child - actions committed by lawyer X.

According to the case materials, within from year 2016 and 2018, lawyer X., following the purpose of sexual exploitation of 2 children, taking advantage of the vulnerability position of the victims, and taking advantage of the fact that one of the victim originates from a social vulnerable family, and using the

psycho-emotional development of children, periodically housed these victims at his domicile, where the victims, being materially dependent on X., used to be forced to carry out sexual intercourses with this person against money retaliation in the amount from 50 to 400 lei for each sexual intercourse.

In September 2018, the criminal case was handed over for substantive examination to the Court and is currently at the stage of the judicial investigation.

e. With regard to cases where state officials were prosecuted on the grounds that they did not intervene in order to protect the victims of trafficking in human beings, we can bring the example of the case initiated regarding a former mayor who was accused of committing the offense spelled out under art.329 paragraph (2) letter b) of the Criminal Code - that is, being a public person, he committed negligence in his work, failed to perform his duties as a public official or performed them in an inadequate way and as a result of his negligent and unconscious attitude towards such duties, there occurred serious consequences.

This person was accused on grounds that while being legally notified by the Police Inspection via the notifications registered at the Mayorality in 2015-2016, about the examination of a suspected case of violence, neglect and sexual abuse committed by father X., and also being notified via a telephone message, by the head of the police inspectorate about the run away from home of the child Y. and about **child trafficking**, this mayor showed a negligent and unconscious attitude towards his duties, fulfilled them inadequately, namely contrary to the provisions of art.3 of **Law no.140 of 14.06.2013 on the Special Protection of Children at risk and of children separated from their parents**. According to art.6 (1) (a), (b), (e), (f) and (j) of the same Law city mayors are the local guardianship authority. The ex-mayor failed to ensure the receipt and registration of allegations of violation of rights of a child in a risk situation, did not coordinate the examination of notifications about the violation of child rights, did not ensure the withdrawal of the child from those caregivers, in spite of the existence of an imminent danger to his/her life or health, did not ensure the separated child's emergency placement in a shelter, did not send notifications to the territorial guardianship authority regarding the envisaged placement of the children and in his capacity of the local guardianship authority under item 17 of the Government Decision of the Republic of Moldova no.270 of 08.04.2014, he failed to ensure urgent measures to protect the child in the event of imminent danger to his/her life and health, also out of his working hours.

This ex-mayor, after repeatedly receiving the notifications about the case regarding the minor Y., manifested a negligent, continuous criminal attitude, and took no actions in this respect while being obliged, according to art. 9 (1), (4), (5), art.10 paragraph (1) of the cited above Law, in his capacity as a local guardianship authority, to request that the child protection specialist, and in the latter's absence, the child's social worker, to carry out the initial, immediate assessment of the child's situation and if the initial assessment of the child's situation confirms that the child is in the risk situation, the local guardianship authority is obliged to immediately order that the child at risk be taken care of.

At the same time, if, as a result of the initial assessment, it is confirmed that an imminent danger to the life or health of the child exists, the guardianship authority, in whose jurisdiction the place of the child is located, immediately orders the separation of the child from his parents or from the persons in the care of whom it is placed, and communicates this fact to the prosecutor within maximum of 24 hours.

In March 2017 the criminal case on the charge of the ex-mayor was submitted with the indictment to the court for the substantive examination.

It should be noted that no cases of involvement of diplomatic and consular staff in cases of trafficking in human beings or child trafficking have been reported.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

With respect to capacity building for prosecutors, aimed at improvement of the investigation of cases falling within this category of crimes, one should mention the Order of the chief prosecutor of PCCOCS

no.5 of 08.09.2018 according to which the number of prosecutors engaged at PCCOCS Anti-Trafficking and Investigation Office increased from 5 to 10.

Also the activity of the Anti-Trafficking Bureau was strengthened based on the Order of the Chief Prosecutor of the Chişinău Prosecution Office regarding the operation of the Head Office, meant to concentrate all criminal cases from the territorial offices of the Chişinău Prosecution Office and through the ongoing training of prosecutors within the Office.

Additionally, based on the General Prosecutor's Order no.68/15 of 20.12.2017, the previous General Prosecutor's Order no.44/15 of 24.11.2016 was completed with point 2¹) as follows: *"Prosecutors from the specialized and territorial prosecution offices, appointed as responsible for activities to combat trafficking in human beings, trafficking in children, organization of illegal migration and other assimilated or related offenses, shall lead and exercise criminal prosecution of cases falling under this category of facts."*

Consequently, on December 18, 2018, based on the General Prosecutor's Order no.54/28, amendments were carried out to Orders no.47/4 of 09.12.2016 and no.44/15 of 24.11.2016 via which the offenses provided by **art.208¹** (*child pornography*) and **art.175¹** (*luring of minors for sexual purposes*) of the **Criminal Code**⁸ were included into the monitoring and coordination activity of the Anti-Trafficking Section responsible for combating the human trafficking offenses, related and assimilated crimes.

Also related to the capacity building area is the General Prosecutor's Order no.13/15 of 01.03.2019 *"regarding the amendments and supplements to the General Prosecutor's Order no.44/15 of 24.11.2016 on the interaction between the subdivisions of the General Prosecution Office, in their activity of combating trafficking in human beings and illegal migration"*, via which amendments have been made to p.4) of the indicated Order. Thus, the task of monitoring and analysing judicial practice in this field of expertise was placed under the competence of the Anti-Trafficking Unit within the Criminal Investigation and Forensics Directorate.

Additionally, in the context of strengthening the prosecutors' ability to effectively prosecute cases of trafficking in human beings, a number of departmental acts with methodological character of law enforcement have been developed.

During the reporting period, the General Prosecution Office developed several departmental acts aimed at strengthening the institutional capacities for the investigation of THB cases.

In 2018 the Methodological Guidelines **"Guidelines for prosecutors on criminal responsibility for organizing illegal migration"** were approved by Prosecutor General Order no.5/15 of 22.01.2018.

The General Prosecution Office also developed the **General Instruction no.15-10d/18-600/601/602/603 of 16.07.2018 on the investigation of the offenses spelled out in art.311 and art.312 of the Criminal Code** (*False Denunciation or False Complaint and, respectively, False Statement, False Conclusion, or Incorrect Translation*), which is aimed, in each case of a change of statements by the witness or injured party, to investigate whether the person was determined or constrained to make false declarations, offenses spelled out under art.314 of the Criminal Code. In the same period of time, the responsible prosecutors from the Territorial Prosecution Offices, the Anti-Trafficking Bureaus and the Specialized Units of the General Prosecution Office, along with other non-commercial entities and NGOs, were trained, in line with their specialization, within courses and workshops organized, both in the country and abroad, by the national authorities within the National Institute of Justice.

⁸ The General Prosecutor's Order no.44/15 of 24.11.2016 on the interaction between the subdivisions of the General Prosecution Office, in their activity of combating trafficking in human beings and illegal migration.

Thus, all prosecutors are trained in this field, and in such a way the ability of specialists is maintained to effectively prosecute human trafficking, related crimes and assimilated crimes.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

The Criminal Code provides for the graduation of the victims of TFU (adult and minor) of criminal responsibility for the offenses committed by them in connection with this procedural quality.

In the practice of the law enforcement bodies carried between 2017 and 2019 (first 3 months), there were no victims who have committed an offense in connection with their procedural quality, consequently, no victims were graduated of criminal liability under the provisions of art.165 paragraph (4) of the Criminal Code⁹ or art.206 paragraph (4) of the Criminal Code¹⁰ for committing offenses. No cases were registered, in which the victim of trafficking in human beings or victim of trafficking in children was arrested or placed in custody of the state.

7.2 Can persons who have violated national laws in the course or as a consequence of being trafficked have access to remedies for victims of trafficking, including State compensation?

National legislation makes no distinction between victims of trafficking in human beings and the ones who have committed violations of national laws during, or as a result, of their trafficking. In conformity to the Criminal Code, victims of THB (adults and minors) are graduated from criminal responsibility for the crimes committed by them in connection with this procedural quality, thus, regardless of whether they have committed, or have not committed any violations they are entitled to benefit of all the support and rehabilitation services.

8. Protection of victims and witnesses (Articles 28 and 30)

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

The protection of victims and witnesses of the victims of trafficking in human beings is carried out under the provisions of Law no.105 of 16.05.2008¹¹. According to art.5 of the mentioned Law, "*The body empowered to carry out the protection of witnesses and of other participants to the criminal proceedings functions as a subdivision of the Ministry of Internal Affairs*".

One should mention here that according to provisions of art. 58 (3), item 10) of the CPC, one of the victim's rights is "*to be protected against actions prohibited by law in the way prescribed for the protection of persons participating to the criminal proceedings.*" In this context, when the victim is made familiar with the procedural rights she/he is also informed about the possibility of benefiting of the right to protection in accordance with the provisions of Law no.105 of 16.05.2008.

⁹ art.165 para.(4) CC - „the victim of THB is graduated from criminal responsibility for the crimes committed by them in connection with this procedural quality.”;

¹⁰ art.206 para.(4) CC - „the victim of trafficking in children is graduated from criminal responsibility for the crimes committed by them in connection with this procedural quality.”.

¹¹ Law No 105 of 16.05.2008 on the Protection of witnesses and other participants to the criminal proceedings.

Additionally, according to art. 215 para (1) and (2) of the CPC, *"In the circumstances specified in Law on the Protection of Witnesses and Other Participants to Criminal Proceedings, the prosecuting body, the prosecutor or, as the case may be, the court is obliged to undertake the measures prescribed by the legislation for the protection of the life, physical integrity, freedom or the property of the participants to the proceedings and of close relatives and members of the their family, under the law.*

The application of the protection measures shall be ordered by a motivated decision of the prosecutor or of the court. The decision is mandatory for the body bearing the responsibility to ensure the witness protection."

Thus, the competent persons, apart from informing the participants to the trial of their right to protection, are also required, if needed, to take the necessary measures for the protection of participants.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

According to the provisions of art. 58 para (3) item 4) of the CPC, victims benefit of the right *"To be informed, upon request, by the criminal prosecution body, the prosecutor or, as the case may be, by the court about the settlement of his/her complaint, of all taken decisions, which also refer to his rights and interests; to receive, upon request, free copies of these decisions, as well as a free copy of the decision to cease or to terminate the criminal proceedings related to the respective case, including a copy of the decision to initiate no criminal prosecution, a copy of the sentence, decision or other final court ruling;"*

Professionals conducting the criminal investigation are not obliged to inform the victim whether or not the perpetrator is under arrest, but if the victim requests this information there are no normative restrictions for the responsible professional to provide this information.

8.3 How do you ensure respect for victims' rights to safety, privacy and confidentiality during court proceedings?

Ensuring victim's right to privacy and confidentiality during court proceedings is provided under art.15.art.211 and art.212 of the CPC.

Consequently, one of the principles of the criminal trial reflected in art.15 paragraph (1) of the CPC says that *"Everyone has the right to inviolability of privacy, confidentiality of intimate, family life, to protection of honour and personal dignity. During the criminal trial, no one has the right to arbitrarily and illegitimately interfere into the intimate life of the person."*

Pursuant to art.212 paragraphs (1), (2) and (3) of the CPC, instruments need to be in place to ensure the protection of this right of the person, and also to handle the consequences of non-compliance with this obligation by persons who by virtue of circumstances have become aware of such information;

"(1) The materials of the criminal prosecution may be published only with the authorization of the person conducting the criminal investigation and only to the extent it considers the publication possible, in compliance with the presumption of innocence, and causing no prejudice to the interests of other persons and to the conduct of criminal prosecution within conditions of the Law No133 of 8 July 2011 on Protection of Personal Data.

(2) Where confidentiality is necessary to be observed, the person conducting the criminal prosecution shall warn the witnesses, the injured party, the civil party, the civilly responsible party or their representatives, the defender, the expert, the specialist, the interpreter, the translator and other persons attending the prosecution actions about the fact that they are not allowed to disclose information on the criminal prosecution. These persons are requested to make a written statement confirming that they had been warned about their liability under Art.315 of the Criminal Code.

(3) The disclosure of criminal prosecution data by the person conducting the criminal investigation or by the person charged with the control of the criminal investigation activity brings about the criminal liability

provided for in art.315 of the Criminal Code, if such action has caused moral or material damage to the injured party and their representatives or has damaged the criminal prosecution process."

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programs are not applied to victims of trafficking, what are the reasons?

During the 2017-2018 period of time the specialized subdivision of the Ministry of Internal Affairs, applied protection measures with respect to three adult victims/witnesses of trafficking in human beings (in 2017 - 2 victims/witnesses, in 2018 - 1 victim/witness), under art. 165 par. (2) of the Criminal Code.

In the same period of time, prosecutors, and other participants to the trial, reported no cases of failure to apply measures for the protection of witnesses/victims of crime.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

In the Republic of Moldova, the police bodies and the NGOs collaborate among themselves and are interested in supporting and protecting the THB victims, in their identification, in the prosecution investigation and international cooperation. Thus, the prosecution officers inform the victims about their right to benefit of free assistance (legal, psychological and medical) and protection provided by the state and relevant NGOs. Consequently, when a victim requests such assistance, the criminal investigation officer informs the professionals about the need to provide assistance to victims of trafficking.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive manner and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken to ensure a limited number of interviews?

The protection of children victims of crime and trafficking in human beings is carried out in conformity to the CPC rules, but also in conformity to the provisions of Law no.140 of 14.06.2013 *on the special protection of children at risk and of children separated from their parents*.

At the same time, the right of the child to be protected is established in art.53 of the Family Code¹². Art. 57¹ of the same Code additionally reflects the child's right to the recovery of material and moral damages. Thus, according to art.57¹ (1) of the Family Code, *"The child has the right to compensation for material and moral damage caused by harm to his/her body or to his/her health integrity or by the violation of non-patrimonial rights as a result of violence application, neglect, exploitation or evasion in any other way of the parents to exercise parental rights and obligations, which have harmed the life and health of the child, as well as by the non-fulfilment or inadequate fulfilment by a public authority or institution of the obligation established by the normative acts for the purpose of protection against the risk of occurrence of a certain prejudice."* It should be noted that this norm was introduced by Law no.83 of 25.05.2017.

Interviewing of the child is carried out in accordance with the legislation of the Republic of Moldova, which underlines the importance of ensuring the child's best interest in the decision-making process, including when involved in criminal proceedings. Art.10 paragraph (6) of the CPC guarantees the respect of the interests of the minor victim/witness at any stage of the criminal proceedings.

The CPC of the Republic of Moldova provides for the possibility of hearing the child under special conditions, distinct from the ones used in the general procedure, in order to protect him/her from the risk of re-victimization. Thus, according to art.109 para (5) of the CPC, whenever a minor witness aged under 14 years is to be subjected to hearing in criminal cases on *sex offenses*, on *trafficking in children* or on

¹²LawNo1316-XIV of 26.10.2000, published in the M.O. No 47-48/210 of 26.04.2001.

domestic violence, as well as in other cases where the interests of justice or of the minor are involved, the prosecutor, requests his/her hearing to be done under the conditions of art.110¹ of the CPC.

The special hearing conditions provided by art.110¹ of the CPP, request that the investigation judge performs the hearing of the minor witness in specially arranged areas, equipped with audio-video recording equipment, via the mediation of an interviewer who is a trained professional for effective communication with the child.

The same special hearing conditions envisaged for the hearing of the minor witness, are also applicable to the hearing of the child victim/child injured party, according to art. 58 (11) of the CPC, art.60 (5) of the CPC and art.111 (2) of the CPC. Please note that, in conformity to art.59 of the CPC, the minor who suffered injury through an offense shall be considered an injured party, even in the absence of his consent.

Among measures undertaken by the Prosecution Office, aimed at ensuring a limited number of interviews of child witnesses/victims, one should mention the development by the General Prosecution Office of the *Methodological Guide on Case Investigation involving Child Victims/child witnesses of crime*¹³, which became mandatory for prosecutors. The Unit for minors and human rights of the General Prosecution Office, jointly with the Territorial Prosecutors exert control over the execution of this Order.

This Order prescribes the need for prosecutors to carry out a limited number of interviews with minors.

9. Specialized authorities and co-ordinating bodies (Article 29)

9.1. What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

The General Prosecution Office has at its disposal one single budget which, according to the 2019¹⁴Budget Law, amounts 343,950.9 thousand Moldovan Lei. This budget of the General Prosecution Office covers the expenses of the General Prosecution Office, the territorial Prosecution Offices and the ones of the specialized offices.

Prosecutors of the Specialized Section, and the ones of the Anti-Trafficking Bureaus mentioned above, under the provisions of art.21 paragraph (1) letter e) and art.51 paragraph (1) of the Law on Public Finances and Budgetary Responsibility, annually, depending on their needs, can make proposals for the budget formulation for the next year.

The staff of the Prosecution Office, assigned to carry out combating of THB, could be divided into two categories of prosecutors, the specialized ones and the responsible ones.

The distinction between these two categories consists in the fact that the specialized prosecutors carry out their activity exclusively in the field of combating THB and related crimes, while the category of the responsible ones carry out their activity within the territorial Prosecution Offices and, as the case may be, lead or exercise criminal prosecution in this area, and simultaneously they also have responsibilities with respect to other types of crime.

Thus, 5 prosecutors work in the specialized section of the General Prosecution Office, 10 prosecutors work in the Anti-Trafficking Bureau of PCCOCS, and 5 prosecutors carry out their activity in the Anti-Trafficking Bureau of the Chişinău Prosecution Office. Respectively, 20 specialized prosecutors carry out activity in the field of combating trafficking in human beings and related crimes in the Republic of Moldova.

A number of 43 responsible prosecutors work in the territorial prosecution offices.

¹³ Approved by the Order of the General Prosecutor No 25/25 of 03.08.2015;

¹⁴ State Budget Law for 2019 No 303 of 30.11.2018, published in the M.O. No 504-511/842 of 22.12.2018.

Additionally, a prosecutor working within the Anticorruption Prosecution Office is in charge of monitoring the corruption-related crimes, related to the cases of trafficking and related crimes. The responsibility of this prosecutor is to carry out monitoring and report on the dynamics of these cases.

The technical means are relatively sufficient to ensure the operability of prosecutors.

Under item 18 of the *Prosecution Office Operational Plan for the implementation of the 2018-2020 Action Plan on the implementation of the National Strategy for Preventing and Combating Trafficking in Human Beings for the years 2018-2023*¹⁵, approved by the Prosecutor General Order no.26/15 of 28.06.2018, the Prosecution Office has the task to supply the specialized prosecutors with modern equipment to investigate cases of use of information technology in committing THB offenses and related crimes.

Centre for Combating Trafficking in Human Beings - the primary THB combating police unit, under the subordination of the National Investigation Inspectorate of the General Police Inspectorate of the Ministry of Internal Affairs, with a statute of direction, has, under the law, the mission to investigate and carry out prosecution of trafficking and related offenses. The CCTP, according to its organisation charter, has 43 staff positions, out of which - 28 investigative officers, 11 prosecution officers, 3 Dispatcher inspectors and 1 non-commissioned officer. Since March 2017 the CCTP has two rooms for interviewing minor and adult victims. With the support of international partners (US Embassy, IOM Mission to Moldova) these hearing chambers were arranged and equipped in compliance to all international requirements in this area and constitute one element of the friendly legal system, which aims at avoiding re-victimization and ensuring the realization of victims' rights.

Within the Special Investigations Division of **the General Border Police Inspectorate** of the Ministry of Internal Affairs there exists a so-called Section no.1, composed of 4 employees: 1 head of department and 3 subordinates, which is a subdivision, specialized in "Combating illegal migration and trafficking in human beings". These employees are directly involved in identifying and documenting cases of trafficking in human beings.

The section is equipped with 2 special cars and with special technical means as specified by the legal norms.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

In the Republic of Moldova since 2017, a specialized body, called ARBI, carries out parallel financial investigations, the task of which is to track the assets and means obtained and used for crimes, including for THB and trafficking in children. Please see item 5.1 for the information about its activity and also the achievements obtained in the trafficking field.

One should mention here that on 18.04.2019 the *Guidelines on conducting parallel financial investigations*¹⁶ was approved, which is meant to ensure the effectiveness of the application of normative acts, the argumentation of the interaction between the actors conducting financial investigations versus the criminal investigation bodies, the implementation of the operating techniques for the identification of sophisticated criminal schemes, etc. These *Guidelines* also include statements regarding the availability of the public and/or private bodies to cooperate in conducting financial investigations.

10. International co-operation (Article 32)

¹⁵ Approved by the General Prosecutor Order No 26/15 of 28.06.2018;

¹⁶ Approved by the General Prosecutor Order No 18/11 of 18.04.2019.

10.1 How does your country co-operate with other countries to enable victims of THB to realize their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country where the exploitation occurred?

The Republic of Moldova, based on bilateral or multilateral agreements, cooperates with other countries in the conduct of criminal prosecution of cases of THB with foreign elements.

In the 2017-2018 period of time, no requests for rogatory commissions were filed and sent for execution to the requesting states, indicating the right to redress and compensation, including the recovery and transfer of non-paid wages after the victim left the country where exploitation took place.

According to art.533 paragraph (1) point9) of the CPC, such a request is possible on condition that it does not contravene to the Code. One should notice here that the ARBI, together with the international bodies it cooperates with, can carry out tracking of these financial means, including outside the country, whenever they have been obtained following a commission of a crime.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

During the 2018-2019 period of time an investigation was carried out by a joint investigation team created with Romania on a criminal case referring to the organization of illegal migration. With reference to the creation of joint investigation teams with countries from the European Union¹⁷, we mention an agreement signed on the creation of such a team for the investigation of a trafficking in children case. Negotiations in this case were facilitated by Eurojust.

10.3 How many mutual legal assistance requests and/or European Investigation Orders have you made in THB cases and what was their outcome?

Acting in conformity with the standards set out in Art.32 of the CoE Convention on the Fight against Trafficking in Human Beings 9 applications¹⁸ requesting international legal assistance in criminal matters were submitted in 2017 to investigate the circumstances of commission of cases, including within countries of destination or countries of transit. In particular, assistance of the competent authorities was requested: of the Russian Federation - 4, Israel - 2, Romania, Ukraine, Belgium, Spain, the Czech Republic – one application each.

At the same time, in 2018, 26 requests for rogatory commissions were filed on THB cases (Hungary - 1, Italy - 1, Romania - 1, Ukraine - 2, Turkey - 3, Lithuania - 1, Germany -2, USA – 1, Poland - 1, Greece - 1, Russian Federation - 10), out of which 9 were executed, and 17 are under execution. With respect to cases of child trafficking 3 requests for rogatory commissions were submitted (Russian Federation - 2, Romania - 1), out of which one has been executed and 2 are pending.

General Prosecution Office, in its turn, received three requests for rogatory commissions (one from each three countries: the Netherlands, Ukraine, France) in connection with the investigation of the THB cases of trafficking. No requests for rogatory commissions were received in connection with the investigation of cases of child trafficking.

Ministry of Justice¹⁹ received in 2018 a request for legal assistance, which was sent to the court for consideration. The outcome of the examination of the request for legal aid was sent to the requesting

¹⁷ The country was not indicated for the reason of avoiding disclosure of any information that might prejudice the criminal prosecution. Additional data can be submitted later, depending on the achievements and needs.

¹⁸ In conformity to data collected based on the General Prosecutor Order No .44/15 of 24.11.2016.

¹⁹ According to par. (2) Art. 540 of the CPC of the Republic of Moldova *Execution in the Republic of Moldova of the rogatory commission requested by foreign bodies*: "The request for execution of the rogatory commission shall be submitted by the

competent authorities. The applications received during the period under consideration per each year are: in 2017 - one application, in 2016 - 5 applications, in 2015 - 26 applications. All requests were executed.

Additionally, officers of the Centre for Combating Trafficking in Human Beings make extensive use of the international tools and channels such as Interpol and SELEC/GUAM for the purpose of obtaining operative information in the course of performing criminal investigations, special investigation actions or other measures to identify and arrest the persons in search. Thus, in 2018 a number of 400 interpellations were sent to the Centre for International Police Co-operation and a number of 320 messages were received from this Centre, via which information was requested and received referring to identification, crossing the border, verification of the authenticity of documents, etc.

10.4 What forms of international cooperation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

Given that, according to the statistics highlighted in point 10.3., most cases of international cooperation were carried out via requests for rogatory commissions, this form of cooperation is considered the most useful in the protection of the rights of the THB victims. At the same time, prosecutors' skills are being developed to determine the relevant international co-operation in the investigation of the THB crimes and related crimes within Joint Investigation Teams.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims of return from your country to their countries of origin following their participation in criminal proceedings?

The repatriation procedure of victims of THB (adults and children), of children, found on the territory of foreign states, unaccompanied by parents or by their legal representatives, and of persons in difficulty is carried out according the Regulation approved by the Government Decision no. 948 of 07.08.2008.

We mention here that during the procedure of returning the above-mentioned categories to the country, the responsible authorities cooperate with the authorities of other countries, with international and non-governmental organizations operating inside the country and abroad, including through the Embassies of the Republic of Moldova in the countries where the beneficiaries of the repatriation procedure are identified.

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and the elements of the crime have occurred in your country's jurisdiction?

For the purpose of examining such cases, the law enforcement bodies cooperate with the International Police Cooperation Centre, liaison officers of other states, and with the IOM Missions.

11. Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and form of exploitation?

General Prosecution Office to the criminal prosecution body or, as the case may be, to the Ministry of Justice, to the court in the jurisdiction of which the place is located where the requested proceedings are to be performed." and in conformity to para (3), of art. 536 of the CPC *Request via the rogatory commission*: "The rogatory commission in the Republic of Moldova shall be requested by the prosecuting body via the General Prosecutor, or by the court - via the Minister of Justice so that it be transmitted to the respective state."

According to the legal provisions, all persons are equal before the law, before the criminal prosecution bodies and the court regardless of gender, race, colour, language, religion, political opinion or any other opinion, national or social origin, belonging to a national minority, wealth, birth, or any other situation.

In order to ensure that all victims, irrespective of immigration status and form of exploitation, are assisted in a way that at all stages of the criminal proceedings they have equal access to justice and effective remedies, the victims are being explained their rights and forms of support they can benefit of in a language they know.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

The constitutional norms and the infra-constitutional legal framework guarantee the principle of equality, including the gender aspect. Pursuing the aim to prevent and eliminate all forms of discrimination based on gender aspects, Law no. 5/2006 on ensuring equal opportunities for women and men enshrines the detailed provisions on ensuring the exercise of equal rights of women and men in the political, economic, social, cultural, and other spheres of life.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

The CPC includes a number of provisions referring to procedures involving minors. Article 18 of the Code establishes that in a process where a minor is a victim or a witness, the court will have its hearing in a closed session. Likewise, no minor will be obliged to participate to the confrontation with the person accused of crimes against his/her physical and/or moral integrity.

The Criminal Procedure Code in art. 110/1 contains detailed provisions on the hearing of the minor:

"Article 110/1. Special cases of the minor witness hearing.

(1) In conformity to art. 109 par. (5) the hearing of a minor witness, aged under 14 years, in criminal cases related to sexual offenses, trafficking in children or domestic violence, as well as in other cases where the interests of justice or of the minor request it, shall be carried out by the investigating judge in specially arranged rooms, equipped with audio/video recording equipment, through an interviewer. Hearing of the minor will take place within short terms.

(2) The minor witness and the interviewer shall be in a hearing room separated from the investigating judge and the other persons involved in this legal action.

(3) The persons present in the visualisation room shall be: the investigating judge, the prosecutor, the defender of the suspect or the accused, the psychologist, the clerk, the legal representative of the minor undergoing the hearing, the legal representative of the injured party and, as the case may be, other persons under the law. Participants to the hearing can ask questions to the investigating judge who, in his turn, sends them verbally to the interviewer, via technical devices, or in writing, during a break.

(4) If necessary, the interviewer shall have the right to reformulate the questions if they have been formulated in a way that can harm the minor witness, but without changing their essence.

(5) The hearing of the minor witness shall be carried out in such a way as to avoid any negative effect on his or her mental condition.

(6) A minor witness who at the time of the hearing is under the age of 14 shall be cautioned about the requirement to tell the truth.

(7) The statements of the minor witness under the terms of this article shall be recorded by audio and video means and shall be integrally entered into a report drawn up in accordance with art. 260 and 261. The investigating judge seals the information support on which the witness's statement was recorded and stores it in original along with the copy of the minutes of the act of hearing. A copy of the audio/video record and the minutes of the hearing shall be attached to the criminal file. Within 3 days from the time of the hearing or no later than the day on which the accused appears or is brought by force to the investigation venue, the criminal investigation body makes the suspect or the accused familiar with the

minutes of the hearing of the minor witness and with the copy of the audio/video hearing, fact described in a report.

(8) If the suspect or the accused wishes to ask questions to the minor witness, based on a reasoned request, an additional hearing shall be organized under the terms of this article. A repeated hearing of the minor should be avoided to the possible extent.

(9) In case that a suspect was not identified by the time of the hearing, then after the identification of the person and conferring the status of a suspect, the criminal investigation body shall, as soon as possible, make the suspect or his/her defender familiar with the minutes of the hearing, and with the copy of the audio/video records. If the suspect or his/her defender wants to ask questions to the minor, on basis of a reasoned request an additional hearing of the minor is organized under the terms of this article."

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses involved in human trafficking?

The 2018-2023 National Strategy for Prevention and Combating Trafficking in Human Beings and the Action Plan for 2018-2020 on its implementation contain objectives and actions aimed at establishing cooperation with the private sector with the purpose to raise awareness and inform the employers about the risks and consequences of trafficking in human beings. The Permanent Secretariat Directorate under the State Chancellery initiated a number of trainings for employers in the agricultural area to inform them about the THB phenomenon and its consequences. This kind of trainings are planned to take place in 2019-2020.

Criminal investigation officers in a compulsory way inform the THB victims about the possibility of recovering material damage caused by offenders. Subsequently, victims of trafficking in human beings can bring civil actions.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued

In the Republic of Moldova corruption cases facilitating trafficking in human beings are investigated by the Anticorruption Prosecution Office, where a prosecutor in charge carries out monitoring and reporting of these cases to the Anti-Trafficking Section of the General Prosecution Office. These cases are subject to special control and all decisions related to a case are made with increased attention paid to the rights of the victim of this type of crime. The relevant cases were presented under point 6.4.

Part II - Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report on:

- **emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);**

The comparative analysis of the period 2015-2018 shows a significant increase of the number of men in the category of victims and a high occurrence of exploitation of the THB victims for labour purpose. Women are no longer the most vulnerable category in this respect, but continue being convenient for traffickers, being exploited for sexual purposes. From the perspective of geographical destination, the exploitation of the THB victims in the European Union countries prevails, the Russian Federation being no longer the area for obtaining earnings.

Thus, victims of trafficking in human beings are persons without a stable income in the country who are easily lured with high salaries in the West and while reaching that place are forced to work free of charge under threats of physical or psychological revenge, or even of death, and whose living conditions are inhuman in certain cases. In most cases, recruiters deprive these persons of identity papers, or do not pay the initially promised wages. The recruiting method used by traffickers is the deception and taking advantage of the vulnerability position of the potential victims or sometimes, a combined method (mixed - victim deception and vulnerability of victims).

Analysis of the statistical data for 2018 indicates that out of a total number of 305 identified **adult victims** 19.3% (59 victims) were exploited within the country and 80.7% (246 victims) - abroad. As far as the external traffic is concerned, the THB phenomenon has undergone some modifications during the reporting period, reflected in the appearance of new countries of destinations such as Slovakia, Spain, Ireland, Portugal and disappearance of others. Thus, Switzerland and the United Kingdom are no more countries of destinations.

The main country of destination in case of external trafficking (based on the number of victims) continues being the Russian Federation as a country of destination with 53 trafficked persons (92 victims in 2017 or 45.8%).

The EU area, with 162 TFU victims identified, is considered a constant destination, making 53.4% of the total number of victims identified this year, mostly exploited for work purposes (92%).

Other destinations include: Turkey - 19 victims of sexually exploited women, one of the victims being repeatedly trafficked to the Russian Federation and Lebanon; UAE -4 sexually exploited women, North Cyprus - 6 sexually exploited women victims.

Three other women victims were sexually exploited in two and more countries (1 victim in Ukraine-Russian Federation, 1 victim in Romania-Italy and 1 victim in the Russian Federation-Turkey-Lebanon).

As far as **trafficking in children** is concerned, in 2018 internal trafficking was prominent, with 43 victims identified (39 girls and 4 boys), out of which 36 victims (35 girls and one boy) were exploited for sexual purposes and 7 were victims (4 girls and 3 boys) exploited for purpose of labour.

Another destination of trafficking in children is Romania with 8 child victims, of which 6 were exploited for purposes of labour (5 girls and 1 boy) and 2 boys were exploited for sexual purposes.

Also, a boy victim was identified on the territory of Ukraine exploited for purposes of begging and a trafficked girl victim - mixt exploitation (labour/begging) identified in Ukraine/Belarus.

Greece is another new country of destination for child trafficking with 4 minor victims (a girl and 3 boys) exploited for labour purposes, along with UAE, Turkey and Kosovo region with one girl victim in each of them exploited for sexual purposes. Most children come from social-economical vulnerable families, and are deprived of parental care.

- **the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);**

During the reference period, the following normative acts were developed/modified in the field of trafficking in human beings:

- Law no. 137 of 29.07.2016 on the Rehabilitation of Victims of Crime.

The provisions of the law are in their majority dedicated to the categories of support services offered to victims of crime. Thus, this Law stipulates four categories of minimum support services to be offered to victims of crime (including victims of THB and child trafficking):

- information counselling;
- psychological counselling;
- free legal aid;
- State financed compensation of the damage caused by the offense.

- Based on Government Decree No 965 of 14.11.2017 the *Regulation of the Interdepartmental Commission for the state financed compensation of the damage caused by the offense*, was approved, which is meant to ensure the application of provisions of Law no. 137/2016 on the Rehabilitation of Victims of Crime, the part related to the state financed compensation. The interdepartmental commission for state financed compensation of the damage caused by the offense was established on February 21, 2018 based on the Order of the Minister of Justice no. 140;
- In March 2017 the Agency for Public Services started the implementation of the project "Facial Recognition System in the State Register of Population, BackOffice FRS", which is under development at present. This tool has a significant share in the identification of people with multiple identities. We mention the fact that verification of identity via the Facial Recognition System in the State Register of Population "BackOffice FRS" is a continuous process meant to increase the degree of security of the information stored in the State Registry of the population as well as to counteract the attempted theft of identity.

In **2018** the following amendments were made to the legal framework:

- To the Criminal Code, art.165 - "Trafficking in human beings" (*new forms of exploitation of victims were introduced: "the appropriation of social benefits, allowances or benefits, illegal use of persons in medical or scientific tests or experiments"; also new methods of victim recruitment were introduced: "abduction, stealing, concealment, degradation or destruction of documents, keeping in servitude for the purpose of returning a debt, threatening to disclose confidential information to the victim's family or to other physical or legal persons*) and to art.206 - "Trafficking in Children" (*new forms of exploitation of victims were introduced: the acquisition of social benefits, allowances or benefits, illegal use of persons in medical or scientific tests or experiments, use in the capacity of mother-surrogate or reproductive mothers, illegal adoption*),
- To the Contravention Code, a definition of the notion "practicing prostitution" was introduced. There existed no official interpretation of the notion "practicing prostitution" in the legislation of the Republic of Moldova and, subsequently, a consensus on this definition either in judicial practice or in the literature could not be achieved. Also, a provision was introduced spelling out the responsibility for taking advantage of prostitution services, actions that previously were not criminalized by the Law on Contravention. Respectively, under paragraph (2), art.89 of the Code of Contravention it is indicated that shall be subject to penalisation "... the benefit from the services indicated in paragraph (1) as a reward or a promise to reward the person providing such services."
- Law no. 241/2005 on preventing and combating trafficking in human beings, the amendments to this Law refer to the conceptualization of some important notions for the activity of professionals in this field (presumed THB victim, sexual exploitation, commercial and non-commercial sexual exploitation), specification of the responsibilities of certain institutions as a result of the reform of central public authorities, and the institutionalization of the National Referral System.

- Government Decision no. 472/2008 "On the approval of the membership of the National Committee for Combating Trafficking in Human Beings and the Regulation of the National Committee", whereby adjustment of the membership of the National Committee was done, by inclusion of two additional institutions: the Agency for Public Services (following the reorganization) and the Bureau for Migration and Asylum.
- Government Decision no. 948/2008 on the approval of the Regulation of the procedure for the repatriation of children and adults - victims of trafficking in human beings, of persons in difficulty and of unaccompanied children, (the changes were requested by the need to improve the mechanism for repatriation of victims of THB and persons in difficulty through concrete description of the mechanism for identification of the person in difficulty, as well as the content of the repatriation file for the THB victim and the person in difficulty (adult persons).
- Following the aim to streamline the provision of public services in the field of issuance of identity documents, amendments to the Law no.273/1994 on the identity documents of the national passport system were carried out. The purpose of the amendments to this Law was to simplify the operational processes for the provision of public services in the field of the issuance of identity documents and keeping records of the inhabitants of the Republic of Moldova, namely:
 - the exclusive application of the signature of the holder who has reached the age of 14 years on the identity document as envisaged for the acquisition of the limited exercise capacity. In the situation when the holder cannot apply his signature, a special symbol shall be applied under the conditions established by the State;
 - replacement of the word "nationality" with the word "citizenship";
 - extension of the validity period of the Moldovan citizen's passport from 7 to 10 years for persons over the age of 16;
 - issuance of the temporary identity card to a person who has emigrated in an authorised way and is temporarily staying on the territory of the Republic of Moldova upon request;
 - the regulation of the way to apply for the issue of identity documents according to the category of applicants and the special situations in which they might be (minors, including those in custody or under guardianship, persons subject to legal protection in the guardianship form, children separated from parents in the care of social services, immobilized, severely ill persons, persons under coercive care, persons under pre-trial arrest or detention, etc.);
 - the compulsory issuance of the identity card as of the age of 16, etc.
- In order to streamline the provision of public services in connection with the citizenship aspect, amendments were carried out to The Law on Citizenship of the Republic of Moldova no. 1024/2000, which entered into force on 19.04.2018 following the approval of Law no.132/2017 on amending and supplementing the Law on the Citizenship of the Republic of Moldova no. 1024/2000. Following the introduction of amendments to the Law on Citizenship of the Republic of Moldova no.1024/2000, the Regulation on the Procedure of Acquisition and Loss of Citizenship of the Republic of Moldova, was approved via the Government Decision no.1144/2018.
The purpose of the amendments made to this Law was to optimize and simplify the process of acquisition of citizenship of the Republic of Moldova, to ensure the constitutional right of the person to citizenship as well as to prevent and reduce the statelessness.

Thus, as of 19 April 2018:

- the procedure of recognition of persons exceeding the age of 18, born on the territory of the Republic of Moldova, as citizens of the Republic of Moldova was simplified. Thus, they are recognized as citizens of the Republic of Moldova as of the date of giving their written consent to this effect;

- parents who are not citizens of the Republic of Moldova, but at least one of them has the right to stay on the territory of the Republic of Moldova, obtained the opportunity to decide regarding granting the citizenship of the Republic of Moldova to their child, when born on the territory of the Republic of Moldova, also taking into account the child's interests;
 - the child is granted the right to acquire the citizenship of the Republic of Moldova on the same grounds on which the citizenship of the Republic of Moldova was acquired by the parent if the child had not acquired it jointly with the parent.
- Implementation as of 5 February 2018 of the new – series AB citizen's passport of the Republic of Moldova with a modernized design and content constitutes an important event. The document contains additional advanced security features, meant to counteract attempts of identity theft, forgery, or use of the loosed or theft passport by a foreign person, as well as to prevent THB and illegal migration.
- **the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);**

At national level, a mechanism was established, meant to ensure the coordination of *activities, under the national policy* on combating THB, *of the law enforcement bodies* in the field of combating THB and *activities to provide immediate assistance to victims of trafficking within the National Referral System*. It operates at all levels of public administration and includes, apart from central and local government institutions, also the inter-departmental consultation bodies:

1. **National Committee for Combating Trafficking in Human Beings** - the Standing Consultation Body of the Government, established for the purpose of coordinating the activity of preventing and combating trafficking in human beings (*GD 472/2008 regarding the approval of the membership of the National Committee for Combating Trafficking in Human Beings and the Regulation of the National Committee*), including the representatives of:
 - The Ministry of Foreign Affairs and European Integration;
 - Ministry of Internal Affairs;
 - Ministry of Health, Labour and Social Protection;
 - The Ministry of Justice;
 - Ministry of Finances;
 - Ministry of Education, Culture and Research;
 - The General Prosecutor's Office;
 - The Information and Security Service;
 - The Autonomous Territorial Unit of Gagauzia (Gagauz-Yeri);
 - The Centre for Combating Trafficking in Persons;
 - The General Inspectorate of the Border Police;
 - The Migration and Asylum Bureau;
 - The Public Services Agency;
 - The State Labour Inspectorate;
 - The Diaspora Relations Office of the State Chancellery;
 - Secretary of the National Committee for Combating Trafficking in Human Beings
 - Secretary of the Supreme Security Council.
2. **The Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings**, the responsibilities of which are to coordinate, to monitor and to evaluate the anti-trafficking policies. In 2018, the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings (CTFU CN) was reformed. Under the Government Decision no. 915 approved on 24.09.2018, the Directorate of Permanent Secretariats was created within the State Chancellery, by merging 3 secretariats: the permanent secretariat of the CTFU CN, the

Secretariat of the National Council for Child Rights Protection and the Secretariat of the National Commission for joint consultations and negotiations. The Directorate includes of 7 staff units.

3. **Territorial Committees for Combating Trafficking in Human Beings** were created under subordination of the executive body of the local public administration, operating under the Framework Regulation of the Territorial Committees for Combating THB (Government Decision no. 234 of 29.02.2008), with the task to coordinate the prevention and combating of THB in districts, municipalities and in the autonomous territorial unit of Gagauzia. The position of the President of the Commission is held by the Vice-President of the District Council, responsible for the social assistance and protection of population. The membership of the territorial commission includes, as a rule, the representatives of the decentralized services of the central public authorities, the decentralized public services with competences in the field of prevention and combating trafficking in human beings, other central administrative authorities with responsibilities in the field of prevention and combating THB, non-governmental organizations engaged in prevention, combating and assistance to victims of THB, other organizations as necessary.
4. Under the Prosecutor General the **Coordination Council of the Law Enforcement Bodies in the field of combating trafficking in human beings** was established, which operates within the *Regulations*, approved by the Prosecutor General's Order. The Coordination Council is an interdepartmental consultation body with the task to ensure strengthening of the efforts of the law enforcement bodies with responsibilities in the field of combating THB and to establish coordinated objectives and measures for preventing and combating THB, as well as, to ensure, according their competences of these bodies, an uniform enforcement of the provisions of the legislation in this area.
5. **Centre for Combating Trafficking in Human Beings** was founded on 6 September 2005 on the basis of Amendment III to the Letter of Agreement on Drug Control and the Application of the Law of 28 August 2001 between the Government of the United States of America and the Government of the Republic of Moldova. CCTP is the primary Police unit for combating THB under the supervision of the National Investigation Inspectorate of the General Inspectorate of Police of the Ministry of Internal Affairs, with a statute of a directorate, which according to the law has the mission to investigate and prosecute the THB and related offenses.
6. Specialized units or designated prosecutors, in charge of this area, have been set up in the **Prosecution Offices** of all levels.
 - A specialized unit is established in the **General Prosecution Office - the Section for Combating Trafficking in Human Beings**, which has the following main tasks:
 - to ensure that the Prosecution Offices carry out a unitary implementation of the of state policy in the field of combating THB, trafficking in children, trafficking of body organs and combating the organization of illegal migration;
 - to monitor and verifies, within the limits established by the Prosecutor General, the activity of prosecutors of the territorial prosecution offices and of the ones specialized in the areas within the competence of the specialized unit;
 - to provide practical and methodological assistance to prosecutors and prosecution officers in the field of investigation of THB cases.

On December 18, 2018, based on the Prosecutor General Order no.54/28, amendments were made to Orders no.47/4 of 09.12.2016 and no.44/15 of 24.11.2016, according to which the offenses specified in Art.208¹ "Child Pornography" and Art.175¹ "Luring of minors by adults for sexual purposes" of the Criminal Code were included in the monitoring activity of the Directorate for Combating Trafficking in Human Beings and coordination of the activity of combating the crimes of human trafficking, related crimes and assimilated offenses.

- **Prosecution Office for Combating Organized Crime and Special Causes** has the following responsibilities in the anti-trafficking area:
 - Creates the anti-Trafficking Bureau which is in charge of heading and controlling the prosecution exercised by the criminal investigation officers of the Centre for Combating Trafficking in Persons (art.270² paragraph (2) of the Criminal Procedure Code);
 - Carries out the direct prosecution of THB cases or trafficking in children whenever these cases are committed by organized criminal groups or by the criminal organizations (art.270 paragraph (1) letter d) of the Criminal Procedure Code);
 - acts in the capacity of the state accusation of cases brought to trial.
 - **The Anti-Trafficking Bureau, created** on 27.12.2017 within **the Prosecution Office of the Chişinău municipality**, with powers to exercise and conduct criminal prosecution on cases investigated by the police inspectorates, located within the district of the Chişinău municipality, referring to human trafficking offenses, and to the related offenses.
 - The **specialized prosecutors in territorial prosecution offices**, operating at the district level, exercise or conduct criminal prosecution of the THB cases investigated by the territorial police inspectorates.
7. The **National Coordination Unit of the National Referral System** - a unit out of a number of appointed staff, established within the Ministry of Health, Labour and Social Protection with the function of coordinating the activities of the organizations participating to the National Referral System, and of exercising the task of referral of the beneficiaries of protection and assistance at the national level, including the responsibilities to carry out the coordination of the repatriation procedures.
 8. The **multidisciplinary territorial teams** of the National Reference System were created based on the Government Decision no. 228/2014 referring to the Regulation of Operation of these teams. Among the competencies of these teams are: to ensure the organization of the prevention and combating of THB, to facilitate the provision of assistance and protection to victims and potential victims of THB and to ensure that members of the multidisciplinary territorial teams carry out these actions in accordance with their functional responsibilities, meaning that they join the resources, experience and knowledge and exchange operational information, ensuring a systemic approach to joint efforts in a cross-sectoral format (p. 2 of the Decision).
 9. On 14.11.2017, the Government approved Decision no. 965 "Regarding the approval of the Regulations of the **Interdepartmental Commission for the State-made financial compensation for the damage caused by the offense**". The Commission is an independent collegial body, with the task to solve the problems related to the financial compensation granted by the state to victims of crimes or to other persons who have this right under the provisions of Law no. 137 of 29 July 2016 on the Rehabilitation of Victims of Crime.
 10. The **Community mediator**, operates on the basis of *The Framework Regulation on the organization of the activity of the Community mediator, approved by GD no. 557 of 17.07.2013* and is represented by a Roma person from a settlement compactly populated by Roma ethnicity or by a mixed population, responsible for an efficient facilitation of the beneficiaries' access to social services, education, health care, employment, documentation, improvement of the living conditions, provision of other services if necessary, through effective communication with the relevant local institutions.
 11. One should also mention here that at the request of the Prosecutor General, by Decision no.198/10 of the Superior Council of Magistracy of 17.04.2018, **the Pilot Project** for the **Specialization of**

Judges, dedicated to issues of examination of the THB cases and related crimes started within the Chişinău Court and the Chişinău Court of Appeal. As a result of this project judges were appointed to carry out this task. Thus, based on Order no.28 of the President of the Chişinău Court of Justice, issued on 14.05.2018, three judges in each district court office underwent specialization for examining criminal cases related to the THB offense and to the related and assimilated crimes. At the same time, in May 2018, at the request of the President of the Chişinău Court of Appeals, the specialization of three other judges in the examination of this category of criminal cases took place. In November 2018 judges, specialized in this way, attended training in the seminars organized by the IOM Mission to Moldova with funding from the US Embassy in Chişinău.

➤ **the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);**

In order to ensure the continuity of the state policy regarding the reform of national and transnational cooperation relations between public, non-commercial and intergovernmental organizations to facilitate the implementation of measures to prevent and combat THB and in order to promote the rights of victims and presumed victims of trafficking in human beings the Government Decision No 461 of 22.05.2018 was approved referring to **The 2018-2023 National Strategy for Prevention and Combating Trafficking in Human Beings and the 2018-2020 Action Plan for its implementation**²⁰. The responsibility to carry out monitoring of the implementation of this Strategy and its Action Plan is placed with the Permanent Secretariat Directorate of the State Chancellery.

The National Strategy and the Action Plan contain objectives and actions drafted in light of the 4P paradigm: Prevention, Punishment, Protection and Partnership.

The institutions - members of the National Committee for Combating Trafficking in Human Beings are responsible for the realisation of actions included in the Action Plan, certain actions being carried out with the support of the development partners.

The Monitoring Report on the implementation of the Strategy highlighted a 100% achievement of the planned actions for 2018, thing illustrating the consolidated effort of the authorities responsible for preventing and combating trafficking in human beings.

➤ **recent case law concerning THB for different forms of exploitation.**

With reference to the recent legal practice in THB cases and child trafficking, one may note that the sentences refer to cases of trafficking for sexual exploitation, labour and begging:

²⁰http://antitrafic.gov.md/public/files/Strategy_and_Plan_antitrafic_ENG_publicat.pdf

- a Court, by its judgment of September 2018, found X. guilty of trafficking in children (art. 206 par. (3) lit. b), f) of the Criminal Code) and child pornography (art. 208¹ of the Criminal Code) committed in the following circumstances: during the March 2017 - September 2017 period X. while at his domicile and in other non-established locations, aiming at the intention of committing child trafficking for non-commercial sexual exploitation, abusing the vulnerability status of victims, caused by the child minor age, using the mobile phone and messenger and video chat applications such as Viber, Skype, WhatsApp, etc., recruited by carrying discussions via the Internet 4 minor victims for this purpose, knowing with certainty that they had not reached the age of 16 and asking these minors to electronically send intimate pictures representing them. Later, X. by using the same information system and threatening the minors with the disclosure of the confidential information to their family or to other persons and creating false profiles on social networks including, contrary to the will of the victims, the previously obtained intimate photo and video images representing the minors, determined them to continue taking photos in indecent positions and to participate to the online video sessions. By judgment of the Court of September 2018, X. was sentenced to 16 years imprisonment.
- The decision issued in February 2018 by the Court stated that X.- citizen of the Republic of Moldova, in May 2006 organized a criminal group out of Moldovan citizens, who used to share their role within the group, for the purpose of commercial exploitation, for labour exploitation in the construction and agriculture area on the territory of the Russian Federation. By using the deception and vulnerability of the victims, the criminal group organized the recruitment, transportation, housing and reception for further exploitation of the citizens of Ukraine, as well as servitude, forced labour, confiscation of documents, application of physical and psychological violence non-dangerous to life and health. All members of the group were aware of the existence of such a criminal group and were associated through a predetermined plan, according to which they used to share their roles in order to achieve the set objectives of the plan. This plan was well known by all members of the organized criminal group. By judgment of the Court of February 2018, it was decided to recognize X. guilty of committing the offense spelled out in Article 42 (3), 165 para. (3) lit. a) of the Criminal Code of the Republic of Moldova and to establish based of this Law the punishment by imprisonment for a term of 11 (eleven) years, with servicing of the imprisonment punishment in a closed prison and with the deprivation of the right to occupy certain positions or to carry out certain activity of tourism and with the ban for legal movement of persons for a period of 5 (five) years.
- X. and Y. were found guilty through the Court decision of March 2018 for the reason that on January 2016, acting for profit purposes jointly and based on prior understanding, intentionally pursuing the purpose of exploitation via begging, by abusing the vulnerability position of the person, manifested by the precarious situation in terms of social survival (social, material and familiar hardship and lack of financial resources of subsistence), recruited Z. against his will, to practice the begging at various intersections in the city. Subsequently, in order to achieve the criminal intent, X. and Y., acting jointly with other persons, not established by the criminal investigation body, in order to achieve the purpose of exploitation of the victim via begging, sheltered him in a deserted room. Subsequently, the X. and Y., together and based on prior understanding, acting for the achievement of the criminal purpose, would daily transport Z. to the intersection of the streets where, by threatening to apply the physical and mental violence, not dangerous for the life and health of the person, they imposed the victim against his will, to beg during two weeks, until February 2016, when CCTP collaborators put an end to the injurious actions.

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- **prevent trafficking for the purpose of labour exploitation by monitoring recruitment and temporary work agencies;**

As of February 10, 2019, the regulation of the activity of private agencies placement persons abroad for employment is carried out on the basis of Law no.105/2018 on the Promotion of Employment and Unemployment Insurance (Law no.180/2008 on labour migration was abrogated).

Under this Law, namely according to art.59, "the control of the private agencies activity shall be carried out in conformity to Law no. 131/2012 on the State control of the entrepreneurial activity."

At the same time, the legislation also stipulates other ways of monitoring the activity of private agencies, namely:

- suspension of the operation license;
- withdrawing of the operation license;
- condemnation for the organisation of illegal migration.

Based on the above, the Public Services Agency has the right to withdraw or suspend operation licenses whenever the private agencies violate the legislation in force.

If private agencies are suspected of organizing illegal migration, the law enforcement bodies initiate criminal proceedings under Art. 362/1 of the Criminal Code of the Republic of Moldova.

At the same time, the National Employment Agency keeps records of the individual labour contracts submitted by private agencies, and also coordinates the cooperation agreements concluded between private agencies and foreign intermediaries or employers.

Pursuing the aim to settle cases of labour exploitation, the above mentioned institutions cooperate with the Ministry of Foreign Affairs and European Integration and with the diplomatic missions of the Republic of Moldova.

In addition, one should mention that in 2019 the Ministry of Health, Labour and Social Protection shall carry out a comprehensive analysis of the legal framework regarding the regulation of the operation of private agencies and shall review it to bring it in compliance with the international standards. In this respect, a special emphasis shall be placed on:

- exhaustive determination of the responsibility and sanctions applicable to private agencies in the event of illegal activity;
- identification of the institutions empowered to carry out control and supervise the operation of private agencies and to impose sanctions;
- application of restrictive rules for the receipt of a license;
- legalization of fees levied from citizens for the facilitation of employment abroad, in line with the provisions of the Convention of the International Labour Organization no.180 on the private employment agencies.

Additionally, on the basis of the CCTP Order no.24/345 of 14.11.2018, the CCTP verified 62 private agencies facilitating employment of citizens within the country and abroad (out of a total number of 83 registered companies) out of which 17 agencies ceased their operation or their license was withdrawn.

- 9 individuals were identified engaged in the illegal provision of placements for employment purposes.
- 17 minutes were drawn up and 17 penalties were imposed in the form of a fine.
- 22 notifications were sent to the Public Services Agency (Department for Registration and Licensing of legal entities) and the State Tax Service as basis of performing fiscal controls and withdrawal the operation license.

- **increase efforts to proactively identify victims of trafficking for the purpose of labour exploitation by reinforcing the role and training of labour inspectors;**

The State Labour Inspection coordinates at national level the observance of normative acts in the field of labour relations and health and safety at work. To this end, it organizes and carries out, in conjunction with the competent authorities empowered to supervise the occupational safety, the initial and continuous training of labour inspectors. The following are the trainings performed in the reporting period:

In 2018 the following was carried out:

- **5 workshops for the benefit of specialists of the Territorial Commissions for the prevention and combating of THB**, were organized by the Standing Secretariat of the CN CTFU with the support of the IOM Mission in Moldova, with the purpose to carry out capacity building regarding the roles of sector policemen and of labour inspectors in the identification of victims and presumed victims of THB. A number of records of statistical data were done, along with changes to the normative framework of the area in line with the latest trends of the phenomenon,
 - The workshop **"Measures to combat the phenomenon of trafficking in human beings for labour exploitation purpose and other purposes. Identification of Victims and Presumed Victims of Trafficking in Human Beings"** was organized by MSMPs in partnership with the OSCE Mission to Moldova on 06.12.2018, with the purpose to strengthen the capacities of labour inspectors in preventing and combating THB.
 - In April 11-19, 2019 the labour inspectors from the State Labour Inspection and labour inspectors from the competent authorities, empowered to supervise the occupational safety, were trained in issues characteristic for their competency segment. Additionally, the training touched up on main aspects of prevention and combating trafficking at workplaces and the specification of the mechanism of action to be undertaken in different situations.
- **provide specific training to community mediators to enable them to identify victims and potential victims of trafficking in Roma communities;**

Pursuing the aim of achieving this recommendation, the Ministry of Health, Labour and Social Protection in partnership with the OIM Mission to Moldova organized on 12-13 December 2017 and 19-20 July 2018 training sessions on the theme "The role of community mediators in dealing with THB cases and domestic violence, in settlements compactly inhabited by Roma or by mixed population." Community mediators and social workers from districts Rîșcani, Hîncești, Soroca, Florești, Strășeni, Nisporeni, Bălți, Ștefan-Vodă, Drochia, Călărași, Cimișlia attended these training events.

The goal of these seminars was to inform the community mediators and the community multidisciplinary team coordinators from the same localities and to familiarize them with the new changes to the legal framework, the case identification and assistance methodology, the beneficiaries' monitoring process and the creation of the communication and coordination platform for handling the assistance offered by multidimensional specialists at central, local and inter-regional levels.

- **provide adequate funding to the centres for assistance and protection of victims and potential victims of human trafficking;**

Centres for the provision of specialized social services, with the status of public institutions, are funded according to the methodological norms approved by the Government with financial resources from the state budget. Also, one should mention that the annual budgeting amounts earmarked for these centres are updated according to the inflation rate coefficient.

The following financial resources from the State Budget were allocated for budgeting of the 7 centres providing specialized services on the territory of the Republic of Moldova:

- 8714.5 thousand lei in year 2018;
- 9241.3 thousand lei in year 2019.

➤ **ensure that all victims of trafficking are guaranteed effective access to public health care;**

In accordance with the Law on compulsory health insurance no.1585 of February 27, 1998, the Government provides insurance to 15 categories of persons - subjects of compulsory health insurance.

Under the framework of compulsory health insurance, the insured persons benefit of medical assistance in the amount established by the Unique Programme of compulsory health insurance, developed within the limits of the allotted funds for the compulsory health insurance.

According to provisions of the Unique Programme of compulsory health insurance, the insured persons benefit of the following types of medical care: emergency medical assistance at the pre-hospital stage; primary care; hospital care; specialized out-patient health care, including dental care; hospital health care; high performance medical services and home medical care.

Uninsured persons benefit of emergency pre-hospital medical assistance and of primary care, provided in the amount established by the Unique Programme and of the prescription of medicinal products covered by the Public Health Insurance according to the normative acts in force, with no payment for the provision of these services.

In case of socially-transmissible diseases, with a major impact on public health, the costs of the specialized out-patient care and of the hospital care are covered by the compulsory health insurance funds under the legislation.

For uninsured persons, emergency pre-hospital medical assistance and the primary health care is provided in the amount established by the Unique Programme, including the prescription of medicinal products covered by the Public Health Insurance according to the normative acts in force, with no payment for the provision of these services.

Medical services are granted both for insured persons and uninsured persons in case of socially transmissible diseases and for the emergency situations with major impact on public health such as: tuberculosis; health hysteria and other mental and behavioural disorders; alcohol and drug addiction; oncological and malignant haematological confirmed diseases; HIV/AIDS and syphilis; acute viral hepatitis, botulism, viral and meningitis-encephalitis, bacterial and parasitic infections, pandemic flu, chicken pox, measles, malaria, leptospirosis, typhoid and paratyphoid fever, typhus, cholera, tetanus, anthrax, brucellosis, Q fever, epidemic parotid, rabies, trichinella, iersinioza, tularaemia, diphtheria, polio, rubella.

Victims of THB accommodated in temporary placement centres for their rehabilitation period are assigned to the medical institutions located in the respective sectors and are granted the status of insured persons and, subsequently, they benefit of the primary health care and of the entire package of medical services under the Unique Programme of Compulsory Insurance Medical Assistance (hereinafter "AOAM").

Improving access to reproductive health services and family planning

Access to safe and effective services for the protection of sexual and reproductive health as an integral part of the right to health protection is enshrined in the Constitution and Law no.138 of 15.06.2012 on reproductive health.

The Government provides access to sexual and reproductive health services, tailored to the needs of the beneficiaries, including women, girls, people with specific needs (e.g. adolescents, victims of sexual violence and trafficking in human beings, socio-economically vulnerable people, disabled people, the elderly, etc.), without discrimination.

The regulatory framework for this domain is contained in the provisions of Law no.138 of 15 June 2012 on reproductive health and its subsequent amendments, the National Program on Sexual and Reproductive Health Rights for the 2018-2022, approved by the Government Decision no. 681 of 11 July 2018 and MSMPS orders.

Sexual and reproductive health services are offered at the following healthcare provision levels: primary care, outpatient healthcare, and hospital care, both by the public and private sectors.

At the level of primary health care in urban and rural localities services are offered by:

- a. Health Offices (OS) and Family Physician Offices (OMF) operate in rural areas according to established criteria and are subdivisions of Centres of Family Physicians and Health Centres;
- b. health care centres, including autonomous (CS);
- c. centres of family doctors (CMF);
- d. reproductive health (CSR) offices are party of the CMF;
- e. youth friendly health centres (CSPT).

Within the specialised out-patient health care the sexual and reproductive health services are offered by specialized doctors (gynaecology doctors, dermatology and venerology doctors, urologists, andrology doctors, sexual-pathologists, endocrinologists, infection disease doctors) within the consultative-diagnostic centres and the consultative units of the perinatal centres.

In providing the healthcare in the field of reproductive health the Centres for consultations and diagnostic and the advisory units constitute an intermediary link between the primary and hospital care. Sexual and reproductive health services are also provided at the level of hospital care within secondary and tertiary health institutions.

Pursuing the aim of increasing access of population groups with special needs to sexual and reproductive health services, in 2015, the costs of contraceptive products were covered with funds from the National Health Insurance Company. In line with the Methodological Norms for the implementation of the AOAM's Unique Programme, approved by Order no. 596/404 item 34 of 21.07.2016, the primary health care facilities cover the costs for procurement of medical devices and contraceptives, including for emergency situations, for the target population of the district, namely: sexually active adolescents, especially the vulnerable ones and the ones at risk, young people from vulnerable and risk groups and women belonging to vulnerable groups and groups at risk; costs are also covered for urgent HIV tests and standard drug sets for the treatment of urogenital infections, except for syphilis and gonococcal infection, carried out by vulnerable groups and health and social risk groups.

The Unique Programme of Compulsory Health Insurance was supplemented in 2018 with additional provisions referring to:

- provision of family planning services: consultation on family planning issues, including the choice of contraceptive products for people with no obstetric risk, socially transmissible diseases, etc., including supply of contraceptive products for the target population: sexually active adolescents, especially the vulnerable ones and the ones at risk, young people from vulnerable and risk groups and women belonging to vulnerable groups and groups at risk, in accordance with the provisions approved by the Ministry of Health, Labour and Social Protection;
- administration of contraceptives, application or removal of the sterile (IUD device); sampling of the cytological sample;
- extraction of the pathological product or biopsy material;
- the issue of certificates on the state of health of young people before marriage along with the prescription of the investigations to be carried out as stipulated by the normative acts in force;
- realisation of prescribed medical workmanship procedures specific to obstetrics and gynaecology;

- creation of a network of 41 Youth-Friendly Centres located in the municipalities of Chişinău, Bălţi and in the district centres in the republic aimed at ensuring special attention to vulnerable groups, adolescents and youngsters. This group of population benefits of services tailored to their specific needs as far as the provision of these services is concerned.

Youth-friendly services

A number of 41 Youth Friendly Health Centres (CSPT) function in the Republic of Moldova addressing, in an integrated and multidisciplinary way, the promotion and assistance in securing the health care of adolescents and young people.

The CSPTs focus their activity on reducing the number of health and development priority problems of adolescents and young people, such as reduction of the occurrence of STIs/HIV, unwanted pregnancy cases and unsafe abortion, puberty developmental disorders, nutritional disorders, emotional disorders of well-being and the use of psychoactive substances and violence. Reduction of the number of these problems, with a major impact on public health, would make an essential contribution to ensuring the country's demographic security.

The CSPTs also provides multidisciplinary consultation services and organize a whole range of instructional-methodical activities for adolescents and young people, specialists, parents, other community members, aimed at promoting the lifestyle and health skills and the development of the young generation. The CSPTs in 2017 and 2018 were financed with about 21 million MDL from the AOAM funds.

Pursuing the aim to facilitate the access of young people with special needs to health services, especially to the ones related to sexual and reproductive health, a number of 21 Youth Friendly Health Centres (CSPTs), out of the existent 30 centres, with the support of the "Healthy Generation" Project, were equipped with adjustable gynaecological armchairs (with access ramps and/or elevators) for patients with special needs (30 armchairs were procured in 2017).

At the same time, pursuing the aim to increase the access of the population groups with special needs to the comprehensive range of sexual and reproductive health services, in line with the 2018-2022 National Program on sexual and reproductive health and rights, approved by G.D. no 681 of 11.07.2018, 7 categories of vulnerable groups and groups with special needs were identified, which were supplied contraceptives. In 2018, modern contraceptive remedies were procured for the benefit of vulnerable groups of the population in the amount of 3588.9 thousand lei.

➤ **reviewing the age assessment procedures, ensuring that the best interests of the child are effectively protected;**

Whenever in the criminal investigation, the exact age of the presumed victim of THB is not known, for the reason that it has no document confirming his/her age, but the supposition exists that the victim is a minor, the law enforcement bodies apply to the Forensic Medicine Centre and request that a forensic expertise investigation be made to establish the victim's age. The CML carries out forensic expertise to determine the age of children at the request of the law enforcement bodies via the forensic expertise methodology, approved on 29.11.2018 by the Methodological and Scientific Council subordinated to the National Centre for Legal Expertise of the Ministry of Justice (the institution coordinating the practice of legal expertise in the country). Based on Order of the CML no.54 of 30.11.2018, the revision of these procedures was carried out recently.

- **take a proactive approach and increase outreach work to identify child victims of trafficking, provide adequate support and services to them, including appropriate accommodation, and ensure long-term monitoring of their reintegration;**

In order to inform and raise awareness of professionals and of the general public (adults and children) about the risks and consequences of THB and about the way to identify a victim of THB, activities focused to this issue are organized on an annual basis. Awareness raising campaigns continue to attract citizens' attention to the phenomenon of trafficking in human beings and to the related risks, as well as to the continuously changing behaviour and thinking patterns in the society.

Numerous activities of this kind were carried out in 2018 among them the following:

- The permanent secretariat of the CN CTFU, with the financial support of the IOM Mission to Moldova, organized public lectures with the title "Trafficking in human beings. Risks and Consequences" for students of vocational schools in Chişinău. These events were held within the premises of 5 vocational schools in the Chişinău municipality. A total of 135 students attended these events;
- The permanent secretariat of the CN CTFU, with the financial support of the IOM Mission in Moldova and in partnership with the Territorial Commissions for Combating Trafficking in Human Beings, continued (after launching in 2017) the unfolding of the "Invisible Among Us" Information Campaign in 5 districts (Anenii Noi, Dubăsari, Străşeni, Ialoveni and Călăraşi) and at the Otaci border crossing point. After each launching event a workshop was held in these 5 districts with the participation of the professionals members of the territorial commissions for prevention and combating of trafficking in human beings, which was attended by a total of 205 professionals;
- On 10.06.2018 under the aegis of the Ministry of Internal Affairs, at the initiative of CCTP, with the support of the US Embassy, IOM, OSCE and IC "La Strada" a Marathon (5 km) was organized for the Mobilization and Involvement in the Prevention and Combating Trafficking in Human Beings with the slogan "Together We Say NO to Trafficking in Human Beings";
- On 18 -25 October, for the seventh consecutive year, the National Campaign "The Week for Combating Trafficking in Human Beings" was carried out both at central and at the local levels. Through awareness-raising actions for the population focused on the phenomenon of THB, it was possible to inform a number of about 153 thousand people about the phenomenon and the efforts of the central and local public authorities were intensified to prevent the phenomenon and to strengthen human rights;
- The Centre for the Prevention of the Child Abuse (CNPAC) continued in 2018 carrying out the "Safe Adolescence" Campaign, and implementing the Teenagers Program "12+", during which young people, parents and professionals were provided with tools meant to assist them in taking the necessary measures to prevent child abuse and sexual exploitation, including by management of the web page: www.12plus.md.
- The Ministry of Education, Culture and Research plays an important role in informing and raising awareness among young people. The educational institutions carried out, during the entire study year, activities focused on prevention of THB. Thus, pupils from primary and secondary general education institutions (about 55 000 pupils) attended curricular and extra-curricular activities on the prevention of THB and related issues. The topic was addressed during compulsory disciplines ("Education for Society", "Individual Development", etc.), as well as during optional subjects („Education for Gender Equality and Equal Chances"), Education for Human rights and democratic citizenship").

Implementation of interactive programs for the prevention of THB in vocational technical education was carried out through various activities during the class hour with the head teacher (1 hour/week), within the compulsory discipline Civic Education (1 hour/week) and through extracurricular activities on the prevention of dangers associated with TFU (courses, seminars, round tables) with the participation of about 2,000 people, including students, teachers, head teachers, parents, psycho-pedagogues.

About 60 anti-trafficking activities dedicated to anti-trafficking were organized in the higher education institutions via seminars, roundtables, educational classes, conferences which were attended by about 4500 students.

- At the same time, the Government Decision no. 270 of 08.04.2014 expressly establishes the introduction of the inter-sectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking. Guidelines referring to this mechanism were developed in compliance with the family, civil, labour and social protection, criminal and contravention legal framework.

In this context, one should notice the fact that the child victims of trafficking fall under the provisions of Government Decision mentioned above, i.e. they are registered with guardianship authorities and benefit of all necessary assistance and protection, including the provision of adequate accommodation services, the operation regulations of which are drafted in accordance with international standards and respond to the best interests of the child.

One should also mention that the situation of child victims of trafficking is monitored by the responsible authorities, according to their duties.

- **issue clear instructions to law enforcement bodies on victims' rights during the recovery and reflection period, and stressing that it is not conditioned by the victim's co-operation with the law enforcement authorities.**

In view of ensuring the adequate quality and efficiency of the activity of prosecutors and prosecution officers, the Prosecutor General's order dated 04.05.2017 request prosecutors to thoroughly study the provisions of Law no.137 of 29.07.2016 on the rehabilitation of victims of crime, so that its correct and uniform application is ensured. Thus, the prosecutors - 692 in number, were familiarized with the provisions of this law.

In addition, the General Prosecution Office issued a General Instruction regarding the way victims should be informed about the support services they can benefit of, which on 12.10.2017 was sent to the Chief Prosecutors and the heads of the prosecution bodies for enforcement.

In the same context, the General Prosecution Office developed a set of useful information for victims of THB, which in November 2017 was placed on the Prosecution Office website under the "News" Compartment.

Part III - Statistics on THB

14. Please provide the following statistics, **per year starting with 2015**, if available disaggregated as indicated below:

- **Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights 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).**

Over the years, no statistics regarding presumed victims of trafficking in human beings was collected. With respect to victims of THB, identified by the criminal investigating authority, data provided by CCTP show the following recorded statistics:

Table No 1. **Number of adult THB victims**

Year	gender		Type of THB		Form of exploitation						Total No
	Female	Male	external	internal	sexual	for labour	Begging	Trafficking of organ/tissue or cell	criminal activity	Mixed (labour and begging)	
2015	153	89	209	33	90	117	27	6	2	0	242
2016	95	102	174	23	67	81	21	0	19	9	197
2017	98	103	176	25	60	121	15	5	0	0	201
2018	112	193	246	59	54	240	10	1	0	0	305

Table No 2. **Number of victims of child trafficking**

Year	gender		Type of THB		Form of exploitation				Total No
	Female	Male	external	internal	sexual	for labour	Begging	Trafficking of organ/tissue or cell	
2015	56	11	3	64	48	18	1	0	67
2016	31	4	10	25	25	4	5	1	35
2017	31	17	17	31	29	12	7	0	48
2018	49	11	17	43	41	17	1	1	60

- **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**

No victims of trafficking were identified as part of the asylum procedure.

- **Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

During 2015-2018, **354 victims of trafficking in human beings** benefited of assistance within the Centres providing specialized social services (adults and children):

Table No 3. **The sex criterion**

Year	Female				Male			
	adults		minors		adults		minors	
2015	44		14		31		9	
2016	42		11		30		3	
2017	43		14		25		9	
2018	35		15		25		4	
Total	164		54		111		25	

Table No4. Theage criterion

Year / sex	0-3 years		4-10 years		11-18 %		18-25 years		26-35 years		36-50 years	
	F	M	F	M	F	M	F	M	F	M	F	M
2015	-	-		1	14	8	21	8	16	8	7	15
2016	1	-	1	1	9	2	21	2	16	11	5	17
2017	-	1	1	5	13	3	17	6	18	5	8	14
2018	-	-	-	2	15	2	19	4	14	12	2	9
Total	1	1	2	9	51	15	78	20	64	36	22	55

Table No5. The citizenship criterion

Year	Republic of Moldova				Statelessness				Alta, Norway			
	adults		minors		adults		minors		adults		minors	
	F	M	F	M	F	M	F	M	F	M	F	M
2015	43	30	10	6	-	-	-	-	1	1	4	3
2016	40	30	10	3	1	-	-	-	1	-	1	-
2017	41	25	13	8	1	-	-	-	1	-	1	1
2018	32	25	14	3	2	-	-	-	1	-	1	1
Total	156	110	47	20	4	-	-	-	4	1	7	5

Table No6. Form of exploitation criterion

Year/ sex	<i>sexual</i>		<i>For labour purposes</i>				<i>Begging</i>				<i>trafficking of organs</i>				<i>Other (pornography, slavery etc.)</i>					
	adults		minors		adults		minors		adults		minors		adults		minors		adults		minors	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
2015	24	-	8	1	10	26	2	5	6	4	-	-	1	-	-	-	3	1	4	3
2016	25	-	6	-	4	31	1	2	10	1	2	1	-	-	-	-	1	-	2	-
2017	19	-	11	1	14	23	3	4	7	2	1	3	-	-	-	-	3	-	-	-

2018	13	-	8	3	11	25	5	-	10	-	-	1	-	-	-	-	1	-	2	-
Total	81	-	33	5	39	105	11	11	33	7	3	5	1	-	-	-	8	1	8	3

Table No7. Internal/External trafficking

Year	Internal				External			
	adults		minors		adults		minors	
	F	M	F	M	F	M	F	M
2015	10	11	14	9	35	19	-	-
2016	3	12	11	3	40	17	-	-
2017	8	13	12	5	35	12	2	4
2018	7	5	14	1	28	20	1	3
Total	28	41	51	18	138	68	3	7

➤ **Number of child victims of THB to whom legal guardians were appointed.**

No data were collected in this respect.

➤ **Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).**

In conformity of data supplied by Ministry of Health, Labour and Social Protection:

Table No 8. Year 2015

Age	Women	Men	Form of exploitation												
			sexual		for labour		begging		Trafficking of organs		Mixed exploitation		Did not arrive to destination		
			F	B	F	B	F	B	F	B	F	B	F	B	
minors	10	8	5	0	5	8	0	0	0	0	0	0	0	0	0
18-25 years	12	4	6	0	3	4	1	0	0	0	0	0	0	2	0
26-35 years	4	7	2	0	0	6	2	1	0	0	0	0	0	0	0
36-45 years	1	1	0	0	1	1	0	0	0	0	0	0	0	0	0
46	3	4	0	0	2	3	0	1	1	0	0	0	0	0	0
total	30	24	13	0	11	22	3	2	1	0	0	0	0	2	0
	54														

Table No 9. Year 2016

Age	Women	Men	Form of exploitation				
			sexual	for labour	begging	trafficking of organs	mixed exploitation

			F	B	F	B	F	B	F	B	F	B	F	B
minors	6	3	6	0	0	2	0	1	0	0	0	0	0	0
18-25 years	7	1	2	0	1	1	3	0	0	0	0	0	1	0
26-35 years	5	8	2	0	0	7	3	1	0	0	0	0	0	0
36-45 years	0	2	0	0	0	2	0	0	0	0	0	0	0	0
46 >	2	3	0	0	2	3	0	0	0	0	0	0	0	0
total	20	17	10	0	3	15	6	2	0	0	0	0	1	0
	37													

Table No 10. Year 2017

Age	Women	Men	Form of exploitation											
			sexual		for labour		begging		trafficking of organs		mixed exploitation		did not arrive to destination	
			F	B	F	B	F	B	F	B	F	B	F	B
minors	8	6	6	1	1	2	1	3	0	0	0	0	0	0
18-25 years	6	4	1	0	3	4	1	0	0	0	1	0	0	0
26-35 years	6	2	3	0	2	1	1	1	0	0	0	0	0	0
36-45 years	2	6	0	0	2	5	0	1	0	0	0	0	0	0
46 >	1	6	0	0	1	6	0	0	0	0	0	0	0	0
total	23	24	10	1	9	18	3	5	0	0	1	0	0	0
	47													

Table No 11. Year 2018

Age	Women	Men	Form of exploitation											
			sexual		for labour		begging		trafficking of organs		mixed exploitation		did not arrive to destination	
			F	B	F	B	F	B	F	B	F	B	F	B
minors	7	4	2	3	4	0	1	1	0	0	0	0	0	0
18-25 years	4	2	0	0	2	2	2	0	0	0	0	0	0	0
26-35 years	6	11	0	0	3	11	3	0	0	0	0	0	0	0
36-45 years	1	3	0	0	0	3	1	0	0	0	0	0	0	0
46 >	0	1	0	0	0	1	0	0	0	0	0	0	0	0
total	18	21	2	3	9	17	7	1	0	0	0	0	0	0

39												
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- **Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).**

No stay or right permit was requested or issued to THB victims during the reporting period.

- **Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).**

No refugee status or subsidiary/complementary status was requested or issued to THB victims during the reporting period.

- **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (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).**

Based on the information of the General Prosecutor's Office, the following data were recorded:

Table No 12

Year	2015	2016	2017	2018
Victims who have received compensation	-	3	9	12

At the same time, as far as the *efficient compensation* of the TFU *victims* is concerned, one should note that when the victim asks to be recognized as a civil party, the criminal investigative body recognizes it as such and initiates a civil action that may involve requests of recovery from the trafficker for both material and moral damage.

As far as the judicial practice in this segment is concerned, one should note that in most cases the victims do not bring civil actions. Also, victims do not always identify themselves as persons harmed by trafficking, which is why they do not want the continuation of the judicial process in civil action form.

Similarly, it was found that during 2015-2018, within the total number of cases in which civil actions were brought, the courts, in principle, admitted the civil action, and the civil court was subsequently supposed to decide on the amount of the indemnities. This settlement was determined by the fact that the victim did not provide enough evidence to substantiate the size of material claims.

No cases were recorded in which victims claim compensation under Law 137/2016 on Rehabilitation of Victims of Crime, spelling out the provisions for granting the state-financed compensation (provisions in force as of 01.01.2018),.

- **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**

No such data was recorded.

- **Number of victims of THB who received free legal aid.**

According to data provided by the National Council for State Guaranteed Legal Assistance, 5 cases were registered of granting state guaranteed legal aid during 2015-2018, they being:

- 2 cases were registered in 2018 (one female and one male);

						tissues / cells		and begging)
2015	151	242	90	117	27	6	2	0
2016	123	197	67	81	21	0	19	9
2017	122	201	60	121	15	5	0	0
2018	154	305	54	240	10	1	0	0

Table No 15. **Victims of child trafficking**

Year	No of criminal offenses	No of victims	Form of exploitation			
			sexual	For labour purpose	Begging	Trafficking of organs, tissues / cells
2015	38	67	48	18	1	0
2016	28	35	25	4	5	1
2017	41	48	29	12	7	0
2018	37	60	41	17	1	1

- **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).**

Table No 16. **Data referring to initiated criminal cases and pronounced sentences, victims of adult trafficking:**

Year	2015	2016	2017	2018
Initiated	151	123	122	154
Sentences adopted	21	32	25	40
Persons in respect of whom sentences were passed	29	48	31	56
Sentences of conviction	19	28	21	26
Convicted persons	27	40	26	34
Imprisonment with execution	27	39	25	32

Table No 17. **Data referring to initiated criminal cases commenced and sentences pronounced, victims of trafficking in children:**

Year	2015	2016	2017	2018
Initiated criminal causes	38	28	41	37
Sentences adopted	5	6	16	19
Persons in respect of whom sentences were passed	10	8	27	30
Sentences of conviction	4	6	13	15
Convicted persons	9	8	21	25
Imprisonment with execution	9	8	21	24

- **Number of convictions for THB, with the indication of the form of exploitation, whether the victim was an adult or a child, the type and duration of the penalties, whether they were effectively enforced or suspended.**

The data are included in Tables No 16 and 17

- **Number of judgments in THB cases resulting in the confiscation of assets.**

In order to ensure the continuity of the parallel financial investigations, simultaneously with the enforcement of the punishment of the defendants, the courts also ordered the confiscation under the conditions of art.106 and art.106/1 of the Criminal Code of the goods resulted from crimes or used to commit the offenses falling under the category of trafficking in human beings. Thus, in 2018 the special confiscation of goods with an estimated value of over 1,350,000 lei (cars, technical equipment, money, etc.) was ordered in 8 criminal cases.

In 2017 the special confiscation of the following goods was ordered in 8 criminal cases, these including: money in the amount of 100,300 lei; 2 cars, 1/2 of 2 apartments, a dwelling house and technical facilities.

- **Number of convictions of legal entities for THB.**

No legal persons were convicted in the 2017 – 2018 period of time for committing offenses spelled out in art.165 and 206 of the Criminal Code.



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