



HDS.NGO/17/06
10 May 2006

Preventing and Combating Human Trafficking In Moldova

A large, stylized illustration of a balance scale, symbolizing justice and law. The scale is positioned on the right side of the slide, with its beam extending across the top. The left pan is lower than the right pan, indicating it is heavier. The scale is rendered in a dark brown color against the dark brown background.



National LEGISLATION

- Law regarding Preventing and Combating Human Trafficking No. 241 from 20.10.05
- Criminal Code, Art. 165 and Art. 206
- The National Plan of Preventing and Combating Human Trafficking, Governmental Decision No. 903 from 25.08.05



State Structures involved in preventing and combating THB

- The National Anti-trafficking Committee
(constituted through Governmental Decision No. 1219 from 09.11.2001)
 - > Local Anti-trafficking Commissions
- The Centre for Combating THB (a Ministry of Internal Affairs Structure)
 - > Local Regional Unities, that consist of 1 prosecutor and 2 policemen.



NGO's and International Structures involved in Preventing and Combating THB

- International Organization for Migration
- International Labor Organization
- OSCE
- UNICEF
- UNDP
- USAID
- Winrock International
- Centre for Prevention Trafficking in Women
- International Centre LaStrada





CRIMES RELATED TO TRAFFICKING IN HUMAN BEINGS REGISTERED AND DISCOVERED BY THE MINISTRY'S OF INTERNAL AFFAIRS CENTER FOR COMBATING TRAFFICKING IN PERSONS, REPUBLIC OF MOLDOVA

Type of the crime	In 2002 year	In 2003 year	In 2004 year	In 2005 year	Up to 31.03.2006
Art. 165 Trafficking in persons	42	173	238	239	89
<i>From which trafficking for the purpose of forced removal of organs</i>	-	1	2	6	-
Art. 206, 207 Trafficking in children	-	15	41	53	25
Art. 220 Pimping	49	71	103	104	33
Art. 362/1 Organization of illegal migration	-	-	-	-	3
Total	91	259	382	396	150



Criminal suits submitted to Court

Type of the crime	In 2002 year	In 2003 year	In 2004 year	In 2005 year
Art. 165 Trafficking in persons	8	58	111	191
Art. 206, 207 Trafficking in children	-	2	19	38
Art. 220 Pimping	30	44	62	84
Art. 362/1 Organization of illegal migration	-	-	-	-
Total	38	104	192	313



Arrested persons

In 2002 year	In 2003 year	In 2004 year	In 2005 year
36	64	182	186

Condemned persons

In 2002 year	In 2003 year	In 2004 year	In 2005 year
22	34	95	108

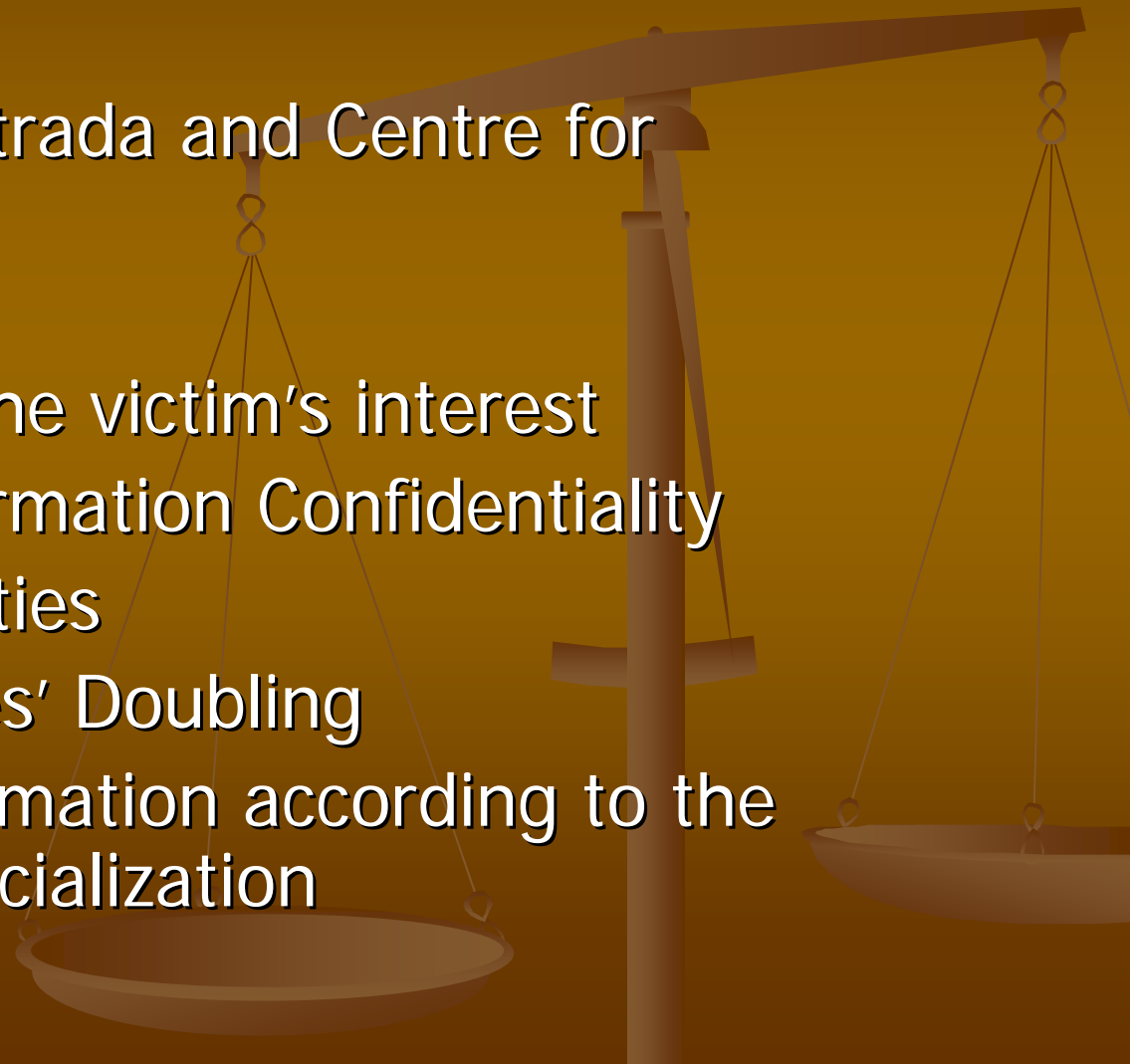
Liquidated traffickers' networks

In 2002 year	In 2003 year	In 2004 year	In 2005 year	Up to 31.03.2006
8	15	29	39	10



National Reference Mechanism

- Being implemented since 2004
- Consists of:
 - > IOM, CPTW, LaStrada and Centre for Combating THB
- Activity Principles:
 - > Primordially of the victim's interest
 - > Guaranteed Information Confidentiality
 - > Avoiding Formalities
 - > Avoiding Activities' Doubling
 - > Forwarding Information according to the organization's specialization





Victim's General Profile

- 86 % of victims of trafficking are women
- Average age of VoTs is 21 years old
- 13 % of victims were in close relationship with the trafficker before trafficking (relatives, friends, etc.)
- 2/3 of victims are unemployed
- 80 % of VoTs are gymnasium studies
- There are no significant differences between the provenience of victims (54% - rural areas, 46 % urban areas)
- 43 % of VoTs are unmarried and 34 % are married
- 1/3 of victims were applied violence at the recruitment stage
- ½ of victims were recruited through vulnerable situation abuse



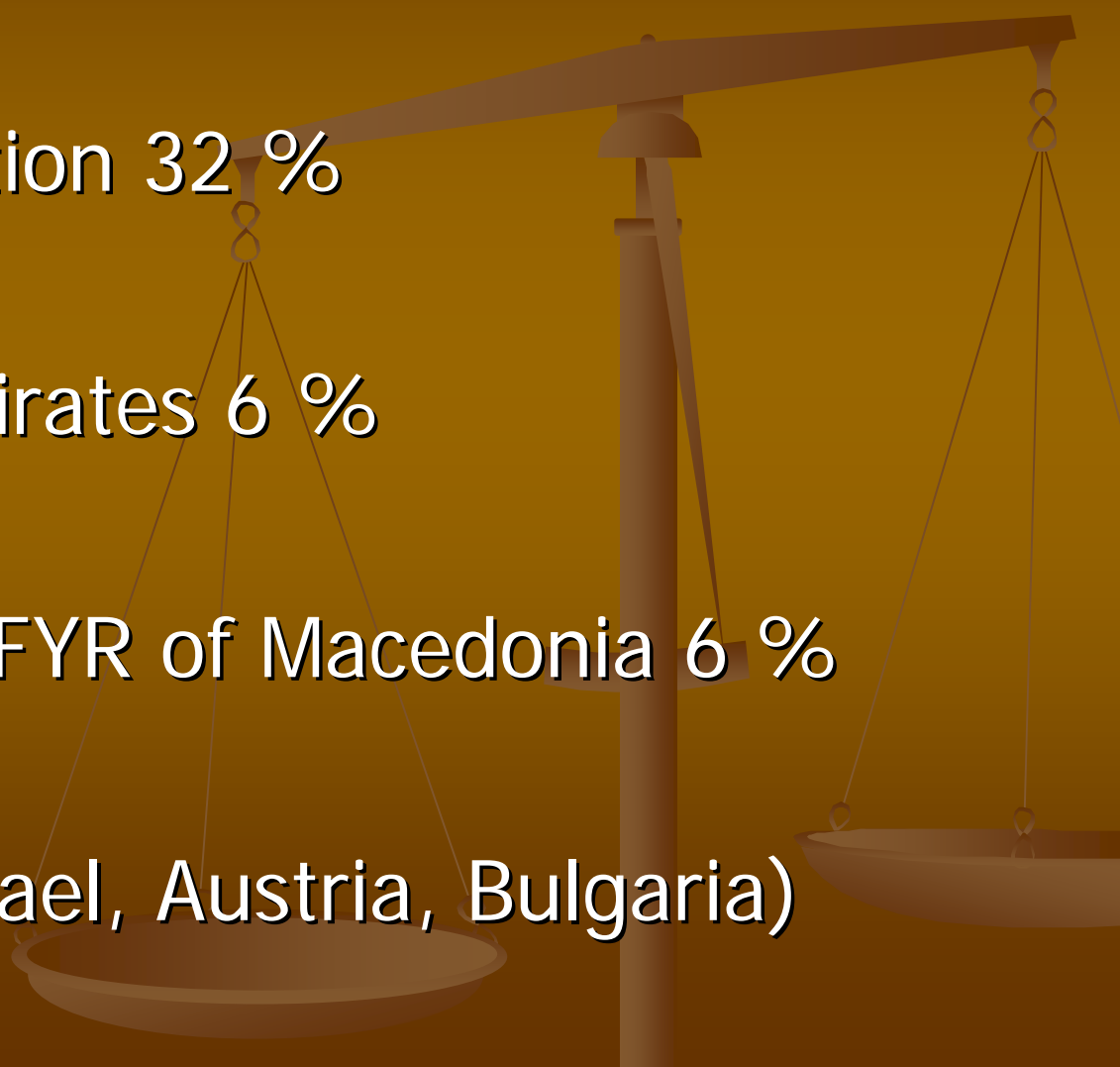
Trafficker's profile

- 64 % of traffickers are women
- Average age is 29 years, if woman, and 32 years, if man
- 89 % are citizens of Republic of Moldova, 6 % are Turkish, 3 % are Russian
- 5 % of traffickers have been previously condemned
- 60 % of traffickers are recruiters
- 29 % of traffickers are transporters



Destination Countries

- Turkey 38 %
- Russian Federation 32 %
- Poland 7 %
- United Arab Emirates 6 %
- Cyprus 6 %
- Bosnia, Serbia, FYR of Macedonia 6 %
- Germany 2 %
- Others 3 % (Israel, Austria, Bulgaria)





Exploitation Types

- Sexual Exploitation 61 %
- Forced Labor and Services 29 %
- Slavery 2 %
- Forced Removal of Organs 2 %
- 12 % of victims were released before the exploitation process
- 26 % of victims were dispossessed of their identification documents



Unfolding the Criminal Prosecution

- 83 % of criminal procedures were started due to the victims' complaint
- 70 % of traffickers were arrested during the criminal prosecution
- The criminal prosecution's average term of unfolding is 4 months
- 72 % of evidence are based on declarations (39 % from these belong to victims), 12 % - documents
- 15 % of criminal procedures use international co-operation



Unfolding the Court Proceedings

- The average term of unfolding is 1 year, including 8 sessions in front of the Court
- 31 % of cases make use of Appeal
- 13 % of cases make use of Recourse
- 45 % of traffickers are maintained under arrest as prevention measure (20 % of traffickers are maintained under arrest at the end of criminal process)
- 77 % of traffickers choose their attorneys at law from own resources
- Only 26 % of victims can afford attorneys at law (from these, 24 % are CPTW Lawyers)



Unfolding the Court Proceedings

- 78 % of sessions are public
- In 45 % of cases, the prosecutor modified the traffickers' sentence into another one, with a milder crime; in 3 % of cases, requesting the appliance of a real punishment; 19 % - amends
- In only 2 % of cases, the victim was taken under state protection, though in 12 % of cases this kind of protection was solicited
- No case used victim's hearing, preserving her confidentiality in front of the trafficker



Categories of punishment applied by the Court

Punishment applied after the judicial examination

The type of the punishment	Trafficking in persons		Pimping		Other crimes		The total as per categories of punishment
	%	Average punishment's period	%	Average punishment's period	%	Average punishment's period	
Real imprisonment	19	14 years 4 months	1	3 years	1	1 year 6 months	21 %
Conditioned imprisonment	13	8 years	9	3 years 9 months	3	3 years 3 months	25 %
Amend	-	-	26	520 \$	3	350\$	29 %
Amnesty	-	-	21	-	4	-	25 %
Total as per categories of punishment	32 %		57 %		11 %		100 %



Categories of punishment applied by the Court

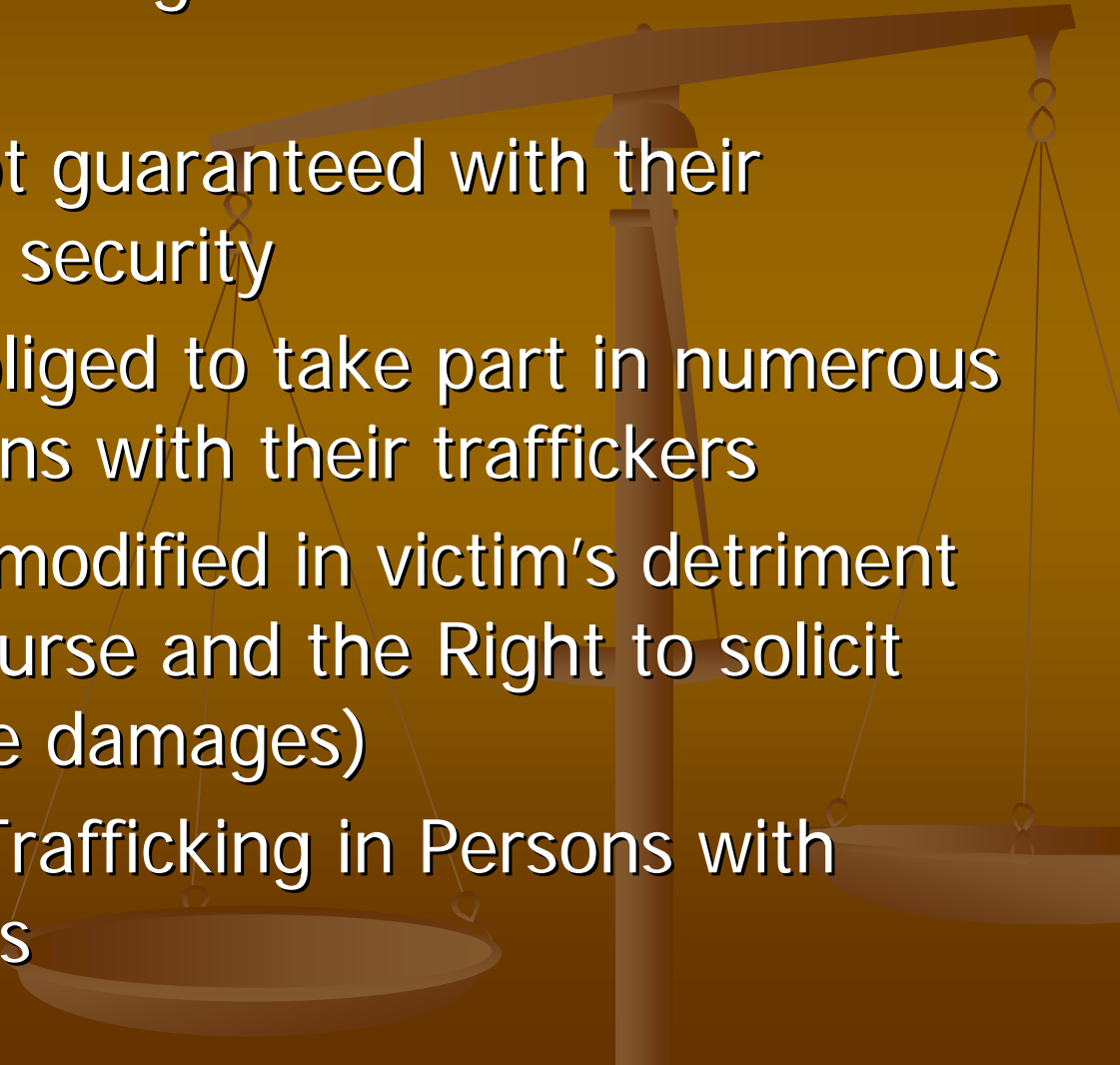
Punishment remained effective or applied after the definitive examination in superior hierarchic instances

The type of the punishment	Trafficking in persons		Pimping		Other crimes		The total as per categories of punishment
	%	Average punishment's period	%	Average punishment's period	%	Average punishment's period	
Real imprisonment	17	9 years 5 months	3	2 years, 5 months	-	-	20 %
Conditioned imprisonment	12	8 years, 3 months	9	3 years 9 months	3	3 years 3 months	24 %
Amend	-	-	23	415 \$	1	380\$	24 %
Amnesty	-	-	28	-	4	-	32 %
Total as per categories of punishment	29 %		63 %		8 %		100 %



Victim's constraints during the Court Proceedings

- The long-term unfolding of the Court Proceedings
- The victims are not guaranteed with their confidentiality and security
- The victims are obliged to take part in numerous direct confrontations with their traffickers
- The Legislation is modified in victim's detriment (the Right to Recourse and the Right to solicit the recovery of the damages)
- The confusion of Trafficking in Persons with other milder crimes





Thank you for your attention!

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