



The Problem of Human Trafficking Continues in the 21st Century

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Abstract: Trafficking in human beings is a violation of individual freedoms and dignity and is a serious form of crime, and is still occurring in the 21st century. The phenomenon has major consequences on the life and health of human beings, while also a threat to the security and sustainable development of contemporary society. Trafficking in human beings is a national problem as well as a transnational threat. In the context of the globalization of contemporary society, the types and forms of manifestation of human trafficking are becoming more complex and latent. This study will address some of these, being the most common and / or caused by the often-voluntary action of citizens' behavior. The paper is a theoretical approach to the phenomenon of trafficking in human beings and the fight against it in the 21st century. Among the main challenges facing actors involved in the fight against trafficking in human beings and which do not allow them to have sufficient statistics, information, results and actions are mixed flows of immigrants, insufficient level of identification of victims, fear of collaboration, barriers insufficient and the capacity of the competent staff in the field. However, the Republic of Moldova is trying to prevent and combat the phenomenon of human trafficking, which can have very diverse manifestations of evolution and depending on many factors.

Keywords: human trafficking; violence; migration; exploitation; violation of liberty

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1. Introduction

Trafficking in human beings is a global phenomenon and as evidenced by the history of human development in certain periods of development this phenomenon

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is less prominent, and in other periods has a catastrophic development. But it is necessary to consider that each time this phenomenon “trafficking in human beings” retains its specificity regarding methods, means and purposes.

In order to combat this negative phenomenon in the middle of the century. In the 19th century, the first laws banning the trafficking of human beings appeared in Latin American countries, and at the beginning of the 20th century. In the twentieth century, the first international acts appeared, with the task of combating human trafficking. (International Convention of 1904, signed in Paris).

Trafficking is a fairly widespread phenomenon in the last decade and is generally characteristic of most ex-socialist countries. The social, economic and moral consequences of human trafficking for a community are one of the worst.

Today, the phenomenon of trafficking in human beings, such as corruption, the shadow economy, tax evasion or financial fraud, is one of the most widespread forms of crime, which in a record time has been unacceptable for our society.

According to assessments made by international experts in the field, trafficking in human beings is a transnational crime, well organized and yields on an international arena for revenue only to arms and drug trafficking. Trafficking in human beings is recognized as a business with minimal risk and a huge income, which attracts enormous criminal forces in this activity.

2. Rezult and Discusions

Until 2001, the Republic of Moldova did not have any law regulating trafficking in human beings, the notion of human trafficking was completely missing in the national legislation. The only article that indirectly referred to human trafficking was art. 105/2: Proxenet / Criminal Code of 1961, introduced on 04.06.98 which provides for criminal liability for trafficking in order to prostitute and receive benefits. According to article 107 of the Code of Criminal Procedure, the investigation of these crimes is attributed to the prosecutor's office due to the complexity of these new categories of crime for our society.

The penal code of the Republic of Moldova no. 985-XV of April 18, 2002 criminalizes human trafficking through two distinct articles art. 165 Use of the

results of the work or services of a person who is a victim of human trafficking and 206 Trafficking in children¹

Code of Criminal Procedure of the Republic of Moldova no. 122-XV of March 14, 2003 regulates the activity of criminal investigation bodies and courts and provides for special procedures for the hearing of adults and children, which also apply to victims of trafficking in human beings, witnesses and aims to protect the person².

Law no. 241-XVI of October 20, 2005 on preventing and combating trafficking in human beings, art. coercion, abduction, fraud, deception, abuse of power or vulnerability or by giving or receiving money or benefits of any kind in order to obtain the consent of a person in control of another person for the purpose of exploiting³.

It is true that since 1992 the Republic of Moldova has acceded to and ratified a colossal number of international normative acts, which directly or indirectly have the task of combating trafficking in human beings, but like many other national normative acts they have not practical effects in the social life of the Republic of Moldova. According to the Protocol on the Prevention, Suppression and Punishment of Trafficking in Human Beings, in particular Women and Children, the supplement to the United Nations Convention to Combat Transnational Organized Crime of 2000 in accordance with Article 3 gives us the definition as:

Trafficking in persons „means the recruitment, transportation, transfer, shelter or reception of persons, using threats or force or other forms of coercion, abduction, deception, deceit, abuse of power or position of vulnerability or offering, or receiving payments or benefits for obtaining the consent of the person in control of another person for the purpose of exploitation.

According to Article 165 of the Criminal Code of the Republic of Moldova of 18.04.2003, trafficking in human beings - *Recruitment, transportation, transfer, accommodation or reception of an adult, with or without his consent, for the purpose of commercial or non-commercial sexual exploitation, labor or forced labor, begging, misappropriation of aid, allowances or social benefits, unlawful*

¹ Criminal Code of the Republic of Moldova No. 985 of 18-04-2002, modified HCC39 of 21.12.21, MO325-333 / 31.12.21 art.232; in force 21.12.21.

² Code of Criminal Procedure of the Republic of Moldova No. 122, from 14-03-2003, modified HCC6 from 19.03.19, MO119-131 / 05.04.19 art.63; in force 19.03.19.

³ LAW on preventing and combating trafficking in human beings No. 241 of 20-10-2005, Version in force from 20.04.18 based on the amendments by LP32 from 16.03.18, MO126-132 / 20.04.18 art.249.

use in medical or scientific tests or experiments, exploitation in slavery or slavery, use in armed conflict or in criminal activities, organ harvesting , human tissues and / or cells, as well as the use of the woman as a surrogate mother or for the purpose of reproduction.

The given crime is committed by two categories of criminal actions¹.

The first category of criminal actions can have the following varieties:

- a) the application of non-violent violence for the life or health of the person or with the threat of the application of violence;
- b) abduction;
- c) stealing, concealing, degrading or destroying documents;
- d) being held in servitude, for the purpose of returning a debt;

The listed actions must be committed for the purpose of commercial or non-commercial sexual exploitation, by forced labor or services, in slavery or under conditions similar to slavery, for use in armed conflict or in criminal activity, for the removal of organs or tissues for transplantation.

The criminal actions of the second category can be committed by:

- e) threat to disclose confidential information to the victim's family or other natural or legal persons;
- f) disappointment;
- g) abuse of position of vulnerability or abuse of power, giving or receiving payments or benefits in order to obtain the consent of a person in control of another person.

Recruitment for the purpose of trafficking in human beings involves attracting a person by selection in a particular activity, determined by the purposes of Article 165 of the Criminal Code of the Republic of Moldova.

¹ Criminal Code of the Republic of Moldova (comment) 2003.

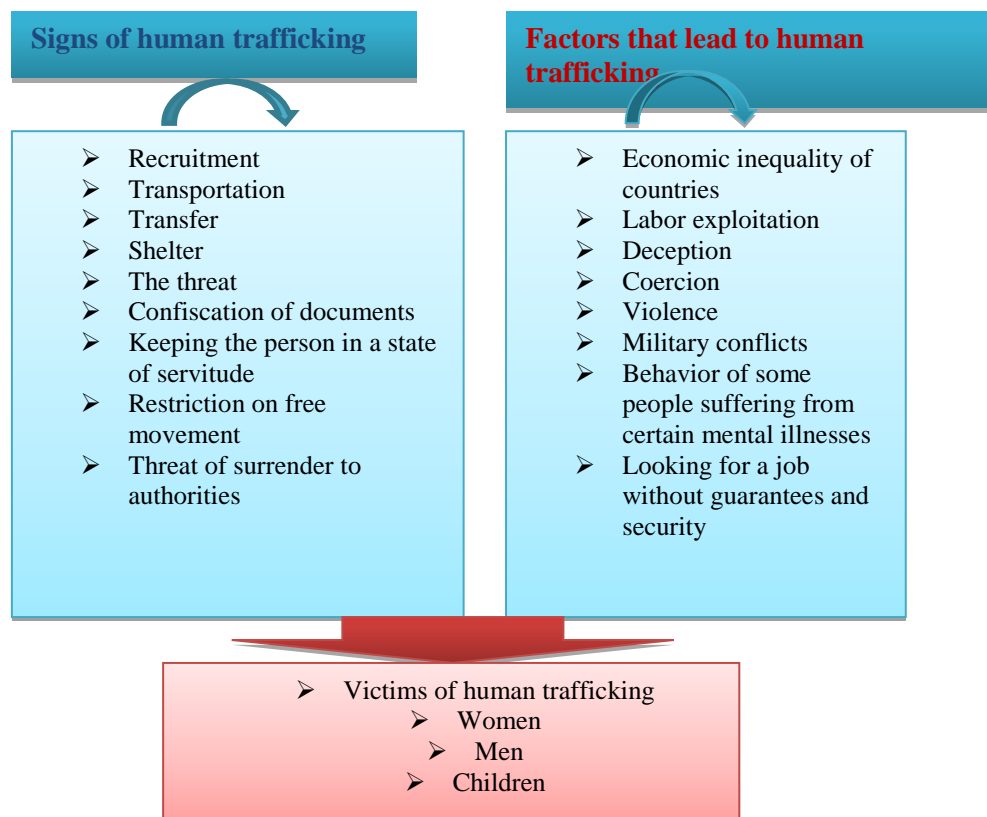


Figure 1. Signs and Factors of Human Trafficking

Transportation involves moving the victim from the place of origin directly to the destination state or through transit countries.

The transfer involves the transfer of the person from one service to another that allows the perpetrator to use the victim for the purposes mentioned.

The shelter is intended to place the victim in a safe place (home, temporary shelter, etc.) so that he or she will not be discovered by law enforcement or third parties who may notify the authorities of the criminal actions of traffickers.

Receiving a person involves admitting, including, employing the victim in an enterprise, institution, or organization, or hosting him or her in a place that allows the perpetrator to use him or her for human trafficking.

The use of forced labor or the enslavement of a person. Forced labor involves the performance by a person, under the influence of compulsion, of activities that

require physical or intellectual effort, in order to create material or intellectual property for another person.

Examples of forced labor are cases in which Moldovan citizens emigrate illegally to other countries, with the support, including financial support, of groups or networks specializing in illegal migration. Arriving in the destination states, they are (sequestered) forced to perform various jobs on behalf of the payment of loans.

Slavery - within the meaning of Article 1 of the Convention on Slavery, signed in Geneva on 25 September 1926, slavery is the state or situation of the human being to whom the attributes of the property right or some of them are applied (ie), ie slavery - the placing or holding of a person under conditions in which another person exercises dominion over it or determines it, through the use of deception, coercion, violence or threat of violence, to engage in or remain in a cohabitation or marriage relationship.

Armed conflict. Experts in international humanitarian law divide armed conflicts into two categories:

- international armed conflicts;
- non-international armed conflicts.

The concept of armed conflict enshrined in the Geneva Convention, adopted after 1945, is defined as the form of armed struggle between two subjects of international law, which does not involve the formal recognition of the state of war by the belligerents.

Non-international armed conflict is a form of violence within a state, which has reached a certain degree of intensity and a certain balance between the armed forces of the legal government and those of the rebel forces and which presupposes the existence of an organized civilian authority.

Involving a person in criminal activity consists in forcing (by coercion) the victims of human trafficking to commit criminal acts in the interest of the persons or criminal groups for which he works.

Collection or transplantation of human organs or tissues. According to Article 1 of the Law of the Republic of Moldova no. 473-XIV of 25 June 1999:

- the collection of human organs or tissues is the harvesting of morphologically and functionally healthy human organs and tissues, in the performance of a transplant;

• Transplantation of human organs and tissues is the therapeutic method of saving lives and restoring human health that involves replacing compromised organs and tissues with similar healthy structures and carried out in accordance with national law, human rights and the principles of humanism proclaimed by the international community.

By non-violent violence to the life and health of the person we mean the blows that cause only physical pain and minor injuries to the integrity of the body or health, which require medical care for up to 6 days.

The abduction is intended to take the victim by force, controlled by traffickers.

By confiscating documents for the purpose of returning a debt the size of which is not reasonably established, we mean taking the victim's identity documents on the basis of the debt.

By servitude for the purpose of returning a debt we mean the subjection of a person to slavery (service, enslavement) for the payment of a debt that cannot be returned at the moment. The deception can be active, when the culprit communicates to the victim with information knowingly false or passive, when he does not communicate to the victim the information that he was obliged to communicate in order to carry out human trafficking.

The abuse of a vulnerable position involves trafficking in human beings by using the victim's weakness, her sensitive or negative traits.

One of the major factors in human trafficking is migration. This phenomenon, present worldwide, is a problem for the state regardless of whether the flow is from immigrants or emigrants. The Republic of Moldova, like other states of the CIS community, has become a source of emigrants. Attractive directions during the period of independence of August 27, 1991 and so far have changed depending on the reception possibilities of the host state's influx of immigrants, its economic development and the provision of official and informal jobs, social policies of the state for citizens and immigrants, etc. The main destinations identified by (IOM) for the Republic of Moldova are Russia, Italy, Ukraine, Israel, Germany, Canada, USA and 30 other less popular destinations.¹ From the official data presented on the portal page at the level of 2015, it results that the persons left for work purposes are around 146,654 thousand citizens, of which 63% are represented by women.

¹ Migration Profile of the Republic of Moldova: //moldova.iom.int/migration-profile-republic-moldova.

According to unofficial data, their number ranges from 800,000 to 1.5 million. The uncontrollable process of migration, the rise in poverty and the high flow of people involved in the process are determinants of the development of human trafficking in the Republic of Moldova, but also in other countries of the world. Figures on the number of migrant workers from Moldova are quite low due to the lack of a viable and efficient system for recording immigration processes. The lack of national control over the Transnistrian eastern border has a negative effect on adequate information on the number of migrant workers from Moldova. For this reason, there are discrepancies between official statistics on the number of foreign citizens and unofficial data.

According to some sources and studies conducted by NGOs, the majority of the population involved in the migration process are from rural areas, up to 70%, and 65% of them are women.

In order to assess the number of Moldovan citizens abroad, the Ministry of Information Technology has conducted system research over the past two years on the possibility of organizing the operative exchange of information with potential users of the Central Data Bank (BCD) of DTI, located at a distance, including abroad Moldova. In this context, experimental testing of the information system was performed, which offers the possibility of access of citizens' diplomatic missions abroad.

However, it has not been possible so far to identify a method of quantifying the number of citizens of the Republic of Moldova emigrants. Some NGO studies have shown reasons for citizens to be in other countries.

Such a large gap between estimates shows that for the young state of Moldova, international labor migration is a new phenomenon (like many other phenomena related to the transition to a market economy) and the state does not have adequate experience at the moment. As far as its measurement is concerned, the promotion of a coherent policy on its regulation, in general, the formulation of a clear official position on labor migration.

Trafficking in human beings is a very complex and diversified phenomenon due to the identification signs of the traffic, the forms of traffic, the stimulating factors, the aims and destination of the trafficked persons, etc. Approaching the subject at an international level makes the problem of human trafficking global, and the search for solutions a common one. The benefits of coordinated migration must also be seen in terms of the potential they can bring to a particular territory. The

relationship between migration and development is much more complex: the political, social and economic processes in the potential destination countries will also determine the flow of migration. If migration is poorly regulated, it can also have a negative impact on development. Migration can also be exposed to the risk of human trafficking.

Controlling and coordinating migration processes is one of the ways to combat human trafficking. At the Government level, plans, policies, strategies in the field of migration and asylum are approved to regulate the movement and mobility of citizens, in order to contribute to the prosperity of the country's population, its socio-economic development, ensuring the rights and social security of migrants. In 2008, the National Committee for Combating Trafficking in Human Beings was set up as a consultative body of the Government.¹

The members representing the National Committee are the leaders of the following structures: the Ministry of Foreign Affairs and European Integration; Ministry of Internal Affairs; Ministry of Health, Labor and Social Protection; Ministry of Justice; Ministry of Finance; Ministry of Education and Research; Attorney General's Office; Intelligence and Security Service; Gagauzia Autonomous Territorial Unit (Gagauz-Yeri); Center for Combating Trafficking in Persons; General Inspectorate of Border Police; Office of Migration and Asylum; Public Services Agency; State Labor Inspectorate; Diaspora Relations Office of the State Chancellery; The Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings within the State Chancellery; as well as the secretary of the Supreme Security Council².

¹ DECISION on the approval of the National Strategy in the field of migration and asylum (2011-2020) no. 655 of 08.09.2011.

² DECISION No. 164, of 23.02.2018 for the amendment and completion of the Government Decision no. 472 of March 26, 2008.

Table 1. The Organizations that Carry out Activities to Prevent and Combat Trafficking in Human Beings are, Among Which are:

Nr.	Name of the structure	subordinated
1.	National Committee for Combating Trafficking in Human Beings	Government of the Republic of Moldova
2.	Coordinating council of law enforcement bodies in the field of combating trafficking in human beings	The Prosecutor General
3.	Joint Risk Analysis Group on Cross-Border Crime, Trafficking in Human Beings and Illegal Migration	Members are the territorial commissions for combating trafficking in human beings and the territorial multidisciplinary teams
4.	Center for combating human trafficking	Structură publică specializată
5.	Specialized section of the General Prosecutor's Office	General Prosecutor's Office
6.	Office of specialized prosecutors	from the Prosecutor's Office for Combating Organized Crime and Special Cases
7.	Office of specialized prosecutors	from the Main Office of the Chisinau Prosecutor's Office
8.	National Coordinating Unit	National Committee to Combat Trafficking in Human Beings
9.	Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings of the State Chancellery	Government of the Republic of Moldova

In 2012, the Diaspora Relations Office was created as a subdivision of the State Chancellery, and one of the main priorities would be the protection of the rights of the citizens of the Republic of Moldova in the diaspora. According to Art.10, point. LAW No. 241 of 20-10-2005 on preventing and combating trafficking in human beings 11 letter b) and c) The office of relations with the diaspora has the mission of b) ensures the training of members of the diaspora in the field of preventing and combating trafficking in human beings; c) collaborates with the members of the diaspora in order to prevent and combat human trafficking.

On June 2, 2016, a specialized service for child victims and potential victims of violence, neglect, exploitation and trafficking in human beings was inaugurated at the Center for Assistance and Protection for Victims and Potential Victims of Human Trafficking in Chisinau. Offers temporary, crisis or long-term placement.

Due to the involvement of information technologies in all fields of activity, an effective communication / information tool in the fight against human trafficking has become the web page www.antitrafic.gov.md. At this source I also consulted

figure 2 which represents the evolution of the victims of human trafficking in the Republic of Moldova in the period 2012-2019.

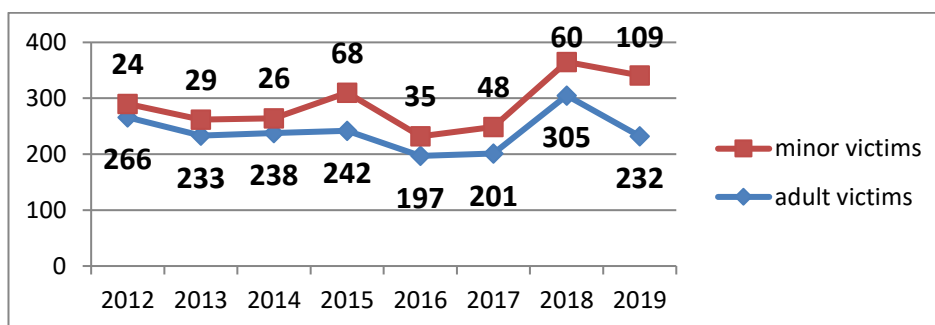


Figure 2. Evolution of Victims of Trafficking in Human Beings in the Republic of Moldova in the Period 2012-2019, www.antitrafic.gov.md

The fight against the phenomenon of trafficking in human beings is one of the priorities of the country's internal security system but also an obligation under the Association Agreement between the Republic of Moldova and the EU.

With the ratification of several international instruments, the Republic of Moldova has become a country with commitments to several international organizations that fight human trafficking, so we are monitored and supported by the Council of Europe's Independent Experts on Combating Trafficking in Persons (GRETA), The United States Department of State, United Nations Office on Drugs and Crime (UNODC), etc.)¹.

The period 2019-2022 is marked by the influence of the pandemic factor COVID-19, which determined the circumstances of the development of both illegal migration and trafficking in human beings. Job loss, vulnerability, poverty, inability to pay rent that leads to loss of livelihood, lead to coping with the problems created by the COVID-19 pandemic and create premises for looking for a job abroad or illicit income sources by engaging in trafficking in human beings through labor exploitation or involvement in one of the signs of trafficking in human beings.

According to the study carried out by the antitrafic.gov.md portal carried out during the period (May-September 2020) exactly after the withdrawal of the traffic restrictions regarding the pandemic situation, the citizens of the Republic of Moldova desperately accepted the most dubious job offers in search of a way to

¹ NATIONAL STRATEGY for preventing and combating trafficking in human beings for the years 2018-2023.

earn.¹ It took advantage of the complicated financial situation and the intermediary companies, developers of illegal migration, made false promises, directly or indirectly mediating the exploitation of some citizens through work. Thus, the main consequences of labor exploitation in the post-emergency period according to the study were:

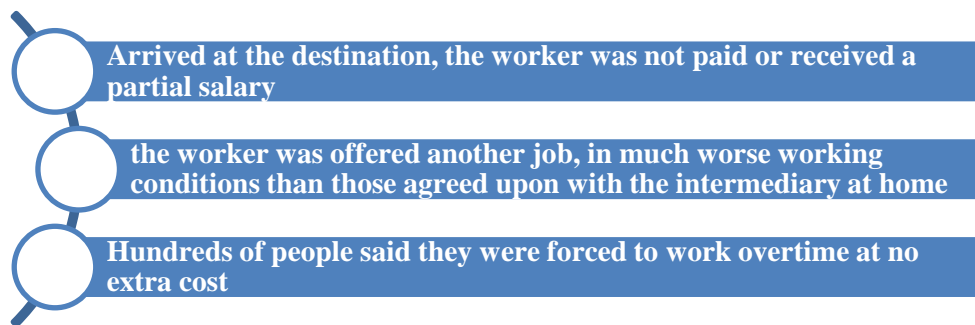


Figure 4. Forms of Labor Exploitation that Moldovan Citizens were Subjected to Shortly After the Removal of the State of Emergency (May-September 2020) According to the Study [antitrafic.gov.md](http://www.antitrafic.gov.md) http://www.antitrafic.gov.md/public/files/Analiza_migratie_oct_2020.pdf

The processes of evolution related to trafficking in human beings in the current period are becoming more and more turbulent, and actions on acting require continuous performance. Despite the fact that a whole system of forces is involved in the fight against human trafficking, new waves of circumstances may change the positive course of control. With the advent of information technologies and their availability as a source of help in disseminating information through the media, centralizing data on digital platforms, supporting the unlimited information space, etc. we are not sure how to solve the problem. Each new implemented source can be just as easily applied by those interested in carrying out actions that develop human trafficking.

Due to the latest political events in the international arena and due to its geographical proximity to the EU, the Republic of Moldova may become attractive to migrants as a destination country, and this precedent requires other strategies, policies, action plans, etc.

¹Antitrafic http://www.antitrafic.gov.md/public/files/Analiza_migratie_oct_2020.pdf.

Conclusion

For human trafficking, the Republic of Moldova remains prevailing as a country of origin of migration, to a lesser extent - a country of transit. Ensure the implementation of government strategies and policies on combating trafficking in human beings by strengthening the joint efforts of public administration authorities and national non-governmental organizations, cooperation with other states and relevant international organizations, to maintain and develop a coherent and systemic policy in this field. Combating poverty and lack of information in rural areas, where most victims of trafficking in human beings come from, should be the starting point for the concerns of structures working to prevent and combat trafficking in human beings in the Republic of Moldova due to the current situation, worsened by the pandemic factor and which continues to be the premise of slavery in the 21st century.

References

- *** Antitrafic available online
http://www.antitrafic.gov.md/public/files/Analiza_migratie_oct_2020.pdf.
- *** *Code of Criminal Procedure of the Republic of Moldova* No. 122, from 14-03-2003, modified HCC6 from 19.03.19, MO119-131 / 05.04.19 art.63; in force 19.03.19.
- *** *Criminal Code of the Republic of Moldova (comment) 2003*.
- *** *Criminal Code of the Republic of Moldova No. 985 of 18-04-2002*, modified HCC39 of 21.12.21, MO325-333 / 31.12.21 art.232; in force 21.12.21.
- *** *Decision No. 164*, of 23.02.2018 for the amendment and completion of the Government Decision no. 472 of March 26, 2008.
- *** *Decision on the approval of the National Strategy in the field of migration and asylum (2011-2020) no. 655* of 08.09.2011.
- *** *LAW on preventing and combating trafficking in human beings No. 241 of 20-10-2005*, Version in force from 20.04.18 based on the amendments by LP32 from 16.03.18, MO126-132 / 20.04.18 art.249.
- *** *Migration Profile of the Republic of Moldova: //moldova.iom.int/migration-profile-republic-moldova*.
- *** *National Committee for Combating Trafficking in Human Beings*, available online <https://brd.gov.md/ro/content/istorie-misiune-viziune-obiective>.
- *** *National Strategy for preventing and combating trafficking in human beings for the years 2018-2023*.