

# THE SITUATION OF MOLDOVAN MINORS AS VICTIMS OF TRAFFICKING FOR SEXUAL EXPLOITATION, ASSISTANCE AND LEGISLATION CONCERNING TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF SEXUAL EXPLOITATION IN EU MEMBER STATES

Maria Cristina GIANNINI\*  
Laura C. Di FILIPPO\*\*

## Abstract

*The research, examines the phenomenon of trafficking of moldovan minors for sexual exploitation in the European countries. Also, in order to realize the best prevention and contrast of the trafficking of minors, the research underlines the necessity of harmonization of all the national legislations (up to now 27 different approaches pertaining to each EU member states) according the numerous directives formulated and repropesed by the European authorities.*

**Keywords:** *trafficking, sexual exploitation, European legal system, national legislation armonization, Moldovan minors trafficked; victim assistance and protection.*

## 1. The Situation of Moldovan Minors as Victims of Trafficking for Sexual Exploitation in the European Context.

In order to have a knowledge of trafficking in Moldovan children for sexual exploitation in the whole European context (and not just in the two requested countries), we have started to require data to all the European official organizations and NGOs operating in the field of human trafficking, with the aim to elaborate them by adopting the same methodology used for the Italian research.

The data we have obtained need serious reflection.

From a quantitative point of view, we only got a reply from Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, Estonia, Ireland, Luxembourg, Netherlands, Poland, Portugal, Romania, Spain and United Kingdom.

As regards a qualitative evaluation, gathered data are quite poor and disappointing, and they have not allowed us to use the methodology applied in the Italian research.

Austria<sup>1</sup>

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\* Professor of Criminology at the University of Teramo, Faculty of Law (e-mail: mcgiannini@unite.it). This paper is part of a broader research project, "The trafficking of Moldovan minors", Research realized in the frame of the Project "Additional Measures to Fight Child Trafficking in Moldova" Programme EU Grant Contract N. 2009/1556290 – Itaca ONG.

\*\* Professor of Criminology at the University of Teramo, Faculty of Law (e-mail: ledifillipo@unite.it).

<sup>1</sup> The organizations addressed by us in Austria are the following: **Ministry for European and International Affairs** National Coordinator on Combating Human Trafficking; Federal Ministry of the Interior/Criminal Intelligence Service Austria Central Service Combating Alien Smuggling and Trafficking in Human Beings; Adesuwa Initiatives; Crisis centre for victims of child trafficking run by the city of Vienna; ECPAT Austria; IBF Intervention Centre for Trafficked women; IOM Österreich (IOM); LEFÖ Counselling Education and Support for Migrant Women; Ludwig Boltzmann Institute of Human Rights.

Austria offers a varied statistical picture depending on different data sources. In 2008 the Caritas shelter assisted three Moldovan minor girls strongly suspected of being victims of child trafficking. According to data from the Judiciary Police, and regarding the year 2010, Moldovan minors involved in criminal activities have been 206 (193 males and 13 females): nobody of them was involved in child trafficking but in other criminal activities like crimes against property and drug crimes. Three minors have been sheltered for a short period but quite immediately they escaped. At present (23 march 2011) only a fourteen years old boy is still assisted and he has not the intention to go back to his country of origin.

#### Belgium<sup>2</sup>

According to the indications coming from SPF Justice (Service de Politique Criminelle) and the connected NGOs, no information about Moldovan trafficked minors is now available.

#### Bulgaria<sup>3</sup>

Bulgaria only has to face the problem of Bulgarian citizens coming back to their country of origin.

#### Czech Republic<sup>4</sup>

According to official data coming from Ministry of Interior, during the last six years (2006-2011) only two Moldovan minors have been sheltered in a centre for foreigner minors, but the cause of their victimization is unknown.

#### Denmark<sup>5</sup>

The Danish Centre against Human Trafficking has never had contacts nor received warnings concerning Moldovan children / minors identified as victim of trafficking.

#### Estonia<sup>6</sup>

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<sup>2</sup> The organizations addressed by us in Belgium are the following: **Ministry of Justice** Department of Criminal Policy Bureau of the Interdepartmental Coordination Unit for the Fight against THB; Board of Prosecutors General, Federal Public Service Justice; Caritas International; Centre for equal opportunities and opposition to racism; Child Focus – Foundation for missing and exploited children; Churches' Commission for Migrants in Europe (CCME); Department of Criminal Police; European Women's Lobby; Immigration Service - FPS Home Affairs; PAG-ASA; Payoke; Save the Children Alliance; Sürya; Terre des Homme Liaison Office with the European Union.

<sup>3</sup> The organizations addressed by us in Bulgaria are the following: Ministry of Interior – Chief Directorate “Combating Organised Crime”; National Commission for Combating Trafficking in Human Beings; Animus Association Foundation; Bulgarian Gender Research Foundation; Caritas Russe; Civil Foundation “Alternativa 55”; Foundation “Centre Nadja”; Foundation “Ekaterina Karavelova”; Foundation “SOS – Families at Risk”; International Organisation for Migration (IOM); PULSE Foundation; Resource Centre “New Alternative”; “Samaritani” Association; State Agency for Child Protection.

<sup>4</sup> The organizations addressed by us in Czech Republic are the following: **Ministry of Interior** Security Policy Department Analyses and Strategies Unit; Ministry for Foreign Affairs; Ministry of Labour and Social Affairs; International Organisation for Migration (IOM); La Strada Czech Republic; Office for International Legal Protection of Children.

<sup>5</sup> The organizations addressed by us in Denmark are the following: Danish Anti-Trafficking Centre; Danish National Police; Danish Immigration Service; Danish Red Cross; Department for Gender Equality; Pro Vest; Save the Children Denmark; The Nest International.

<sup>6</sup> The organizations addressed by us in Estonia are the following: Estonian Women's Associations Roundtable Foundation; Estonian Women's Studies and Resource Centre (ENUT); Living for Tomorrow; **Ministry of Justice** Criminal Policy Department Criminal Statistics and Analysis Division; **Ministry of Social Affairs** Labour Market Department, Social Welfare Department, Gender Equality Department; **Ministry of Foreign Affairs** Legal Department, Human Rights Division, Consular Department; **Ministry of Interior** Law Enforcement and Criminal Policy Department; Tartu Child Support Centre.

According to data coming from Ministry of Justice and covering the recent years, no minors appear to have been involved in human trafficking cases.

Finland<sup>7</sup>

The National Rapporteur on THB declares that any kind of protection measure for sexual trafficking has been applied to minors from Moldova or Romania.

Ireland<sup>8</sup>

Irish official organizations and NGOs declare the complete absence of Moldovan minors as victims of trafficking.

Luxembourg<sup>9</sup>

According to the Judiciary Police, *Section Crime Organisé*, the problem of child trafficking does not exist in Luxembourg.

Netherlands<sup>10</sup>

According to the Dutch Rapporteur on THB and the connected NGOs, no data concerning Moldovan minors as victims of trafficking are available.

Poland<sup>11</sup>

According to an excellent report of the year 2010 concerning 171 unaccompanied minors (from Afghanistan, Armenia, Belarus, Georgia, Iran, Kazakhstan, Russian Federation, Turkey, Vietnam), no Moldovan minors are present among them.

Portugal<sup>12</sup>

The Observatory on Trafficking in Human Beings has not data on Moldovan children, but underlines the presence of a quantity of Romanian children.

Romania<sup>13</sup>

<sup>7</sup> The organizations addressed by us in Finland are the following: Ministry of the Interior; Monika – Multicultural Women’s Association; National Rapporteur on Trafficking in Human Beings.

<sup>8</sup> The organizations addressed by us in Ireland are the following: Department of Justice, Equality and Law Reform Anti-Human Trafficking Unit; Ireland National Police Service; Migrant Rights Centre Ireland; Ruhama- Supporting women affected by prostitution and human trafficking.

<sup>9</sup> The organizations addressed by us in Luxembourg are the following: Ministry of Justice; LUXEMBOURG NATIONAL CONTACT FOR EXPERTISE IN THE FIELD COMBATING AND PREVENTING OF TRAFFICKING IN HUMAN BEINGS; Femmes en Détresse a.s.b.l.

<sup>10</sup> The organizations addressed by us in Netherlands are the following: Dutch National Rapporteur on Trafficking in Human Beings; Ministry of Justice; Comensha (Coordinating Centre for Human Trafficking); Defence for Children-ECPAT Netherlands; Dutch Foundation of Religious against Trafficking in Women; Foundation Federation of Shelters; La Strada International.

<sup>11</sup> The organizations addressed by us in Poland are the following: **Criminal Bureau of the General Headquarters of Police** Central Unit for Combating Trafficking in Human Beings, Human Organs, Child Pornography and Paedophilia; Centrum Pomocy Prawnej im. H. Nieć; La Strada - Foundation against Trafficking in Women Ministry of Interior and Administration Unit for Trafficking in Human Beings in the Migration Policy Department National Intervention and Consultation Centre for Victims of Trafficking (KCIK) Foundation against Human Trafficking and Slavery; Nobody’s Children Foundation.

<sup>12</sup> The organizations addressed by us in Portugal are the following: National Rapporteur for Trafficking in Human Beings; Observatory on Trafficking in Human Beings; Associação "O Ninho".

<sup>13</sup> The organizations addressed by us in Romania are the following: Ministry of Interior and Administrative Reform National Agency against Trafficking in Persons; Arad County Council - Centre for assistance and protection of the victims of trafficking in persons; Botosani County Council - Centre for assistance and protection of the victims of trafficking in persons; Galati County Council - Centre for assistance and protection of the victims of trafficking in persons; Iasi County Council - Centre for assistance and protection of the victims of trafficking in persons; Mehedinti County Council - Centre for assistance and protection of the victims of trafficking in persons; SatuMare County Council - Centre for assistance and

According to Ministry of Interior (National Agency against Human Trafficking), Moldovan minors victims of trafficking have not been identified, except for one single case detected in Iasi (General Directorate of Social Assistance and Child Protection Iasi), concerning a Moldovan minor at risk of trafficking.

Spain<sup>14</sup>

The Spanish situation is quite complex and data are unclear. The *Plan Oficial contra la trata de seres humanos* has identified 13 minors victims of trafficking in 2009, but without knowing their nationality.

United Kingdom<sup>15</sup>

According to the statistical data received from the Home Office and concerning the period 1.4.2009 - 31.12.2010, on a total of 917 victims of human trafficking, 93 are minors trafficked for sexual exploitation but no indication about their nationality is provided, allegedly for security reasons.

From all the other countries we have not received any information.<sup>16</sup>

As already affirmed, the obtained data have not allowed us to realize an in-depth research, similar to the Italian one.

protection of the victims of trafficking in persons; The National Authority for the Protection of the Children's Rights; Centre for assistance and protection of the victims of trafficking in persons.

<sup>14</sup> The organizations addressed by us in Spain are the following: Ministry of Equality; Ministry of Foreign Affairs; Ministry of Interior; ACEEM; International Organization for Migration (IOM); La Red Española contra la Trata de Personas.

<sup>15</sup> The organizations addressed by us in United Kingdom are the following: UK Human Trafficking Centre; Home Office; AFRUCA - Africans Unite Against Child Abuse; Amnesty International - International Secretariat; Anti-slavery International; Child Exploitation and Online Protection Centre OFCU, OIC Team; POPPY project; The Gangmasters Licensing Authority.

<sup>16</sup> Cyprus: Ministry of Interior; Cyprus Police Headquarters – Office of Combating Trafficking in Human Beings; Migrant and Refugee Center, Limassol; Migrant and Refugee Center, Nicosia; FRANCE: ALC - Service de Prévention et de Readaptation Sociale (SPRS); Association «Les Amis du Bus des Femmes»; Autres Regard; Comité Contre l'Esclavage Moderne; ETZ Esclavage Tolérance Zéro; Ministry of Interior; GERMANY: Ban Ying Counseling and coordination Center against trafficking in Persons; Federal Ministry of the Interior; Federal Ministry for Family Affairs, Senior Citizens, Women and Youth; Federal Ministry of Justice; Federal Ministry of Labour and Social Affairs; KOK - German nationwide activist coordination group combating trafficking in women and violence against women in the process of migration; GREECE: ARSIS-Association for the Social Support of Youth; Hellenic National Committee for UNICEF; International Organization for Migration (IOM); Ministry of Interiors - National Coordination; Mechanism to Monitor and Combat Trafficking in Human Beings; HUNGARY: Ministry of Justice and Law Enforcement; State Secretariat for Law Enforcement; NANE Women's Rights Association; Terre des Homme; Latvia: Ministry of the Interior; Office of Citizenship and Migration Affairs; Resource Center for Women "Marta"; State Police; Society Shelter "Safe House" - NVO biedrība "Patvērums "Drošā māja"; Lithuania: Ministry of Interior of Republic of Lithuania; Thb Investigation Unit of the Lithuanian Criminal Police Bureau; Office of the ombudsman for children; Lithuanian Caritas; Lithuanian Human Rights Association; Lithuanian Human Rights League – Lhrl; Missing Persons' Families Support Centre (Mpfsc); Klaipeda Social And Psychological Services Center; Malta: Police General Headquarters; SLOVAKIA: Ministry of Interior; IOM Bratislava national office; Slovak Crisis Center DOTYK; SLOVENIA: Ministry of the Interior; European Affairs and International Cooperation Office; Caritas Slovenia; **Society Ključ**, Centre for the fight against trafficking in persons; SWEDEN: National Rapporteur on THB; The Crime Victim Compensation and Support Authority; Ministry of Integration and Gender Equality; National Coordinator against Prostitution and Trafficking; County Administrative Board of Stockholm; ECPAT Sweden; Nationellt centrum för kvinnofrid (NCK); Save the Children Sweden; Terrafem.

As a conclusion, we can affirm that according to the obtained data, the phenomenon of trafficking Moldovan minors in Europe appears to be somehow resized and indeed from the report released by La Strada International, it is possible to infer how trafficking in Moldovans follows extra-European routes.

Nevertheless, other two more explanations are possible: either Moldovan minors make use of the Romanian nationality, or the Italian system is, as it has been defined, the more effective in measuring the phenomenon.

This consideration appears in line with the invitation, made in the last EU directive 2011/36/EU, and addressed to all Member States, to adapt themselves to the model of unconditioned assistance and protection, experimentally adopted in Italy since 1998.

A last remark must be done: the present research clearly shows that the efforts put in place by organizations must be implemented in order to realize a deep evaluation and quantification of the phenomenon of trafficking in minors.

## **2. Assistance and Legislation Concerning Trafficking in Human Beings for the Purpose of Sexual Exploitation in EU Member States**

The efficacy of the European policies against human trafficking for sexual exploitation depends mainly on the harmonization of national legislations, which should be adapted to the standards included in the three pillars of prevention, prosecution of traffickers, and protection of victims, that European Union considers as fundamental and basic principles in the fight against this transnational and organized criminal phenomenon.

Actually, the analysis of the different domestic legislations of Member States highlights the existence of considerable gaps with respect to the European norms, particularly in regard to the assistance and protection of trafficked persons, but also between the law and its concrete implementation.

Even the “Council Framework Decision on Combating Trafficking in Human Beings” of 19 February 2002, which represents the first complete formulation of the problem, has not always been completely translated in domestic norms: and this is so true that in some countries the same definition of human trafficking is not clear, while in some cases it does not cover all the facets of this crime. This situation, of course, weakens at local level the activity of law enforcement and prosecution of traffickers, as well as, at transnational level, the fight against criminal groups and the international cooperation.

According to the following “Council Directive on the Residence Permit issued to Third-Country Nationals Who Are Victims of Trafficking in Human Beings or Who Have Been the Subject of an Action to Facilitate Illegal Immigration, Who Cooperate with the Competent Authorities” of 29 April 2004, the member states should subordinate the issuing of a residence permit, as well as the assistance to the victims of trafficking, to their cooperation with law enforcement agencies and the judiciary in the investigation and prosecution of traffickers. Up to now, only few countries correctly implemented the directive, and many national laws present important gaps in fixing an adequate reflection period, regulating the access to the residence permit, and offering general assistance to the victims of trafficking, mostly provided by NGOs, which prove to be more effective than state agencies. Besides, it is worthy to emphasize how the subordination of the residence permit to the cooperation of the victims, has often proven to be a poor and inadequate stimulus.

The following tables show the different approach followed by the 27 EU member states:

	<b>Reflection period and eventual assistance</b>	<b>Criteria for granting of residence permit</b>	<b>Duration of residence permit</b>	<b>Assistance and protection</b>	<b>Legislation</b>
AUSTRIA	30 days with assistance	The cooperation of the victim is not a condition to obtain the residence permit	6 months for victims of trafficking, extensible to children	State and NGO	Criminal Code Amendment Act 2004 article 104 and 217; Settlement and Residence Act 2005, amended 2009; Security Police Act 1991 amended 2006, 2009; Asylum Act 2005 amended 2009; Aliens Police Act 2005
BELGIUM	45 days with assistance and monitoring	The cooperation with the authorities entails a 3 months residence permit and the possibility to work. During the process right to remain for 6 months, renewable. If the victim is in danger the permit can turn to permanent	3 months 6 months Permanent	State	Criminal Code - Modified by the Law of 10 August 2005; Law of 10 August 2005; Royal Decree of 16 May 2004; Royal Decree of 27 April 2007; Act of 15 September 2006
BULGARIA	30 days with assistance	The cooperation with the authorities entails a residence permit of 6 months or equivalent to the duration of the process and the possibility to work.	6 months or all the process	State	Combating Trafficking in Human Beings Act, Criminal Code (CC), State Gazette (SG) 32/2009; SG 92/2002 - Trafficking for sexual exploitation, article 159 a, b, d, Trafficking for labour exploitation, article 159 a, b, d, Trafficking in children, article 159 a, b, d, Trafficking in organs, article 159 a, b, d, Trafficking in pregnant women for selling their children, article 159 a, Using the sexual services of victims of trafficking, article 159 c, Crime Victim Assistance and Financial Compensation Act , State Gazette, No. 105/22.12.2006, Law for the Foreigners in the Republic of Bulgaria.
CYPRUS	30 days with possibility to a renewal and assistance	In case of cooperation temporary residence permit free of expenses		State	Law for Combating Trafficking, Exploitation of Human Beings and for the Protection of Victims N.87 / 2007

CZECH REPUBLIC	30 days with assistance, extensible to 60 days	In case of cooperation, residence permit of 60 days renewable and possibility to obtain a permanent residence permit and the possibility to work	60 days or permanent	State	Act No. 325/1999 Coll.on Asylum and Amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Asylum Act); Act No. 326/1999 Coll. on the Residence of Foreign Nationals and on the Amendment to Some Other Acts, as amended; Act No. 40/2009 Coll., the Criminal Code as amended by Act No. 306/2009 Coll.; Act No. 141/1961 S Coll., the Code of Criminal Procedure, as amended; Act No. 435/2004 S Coll., on Employment, as amended; Act No. 262/2006 Coll., the Labour Code, as amended; Act No. 209/1997 Coll., on Financial Assistance to Victims of Criminal Offences and on the Amendment to Some Other Acts, as amended; Act No. 108/2006 Coll., on Social Services, as amended; Act No. 513/1991 Coll., the Commercial Code, as amended
DENMARK	30 days with assistance extensible to 100 days, preliminary to the repatriation. Assistance	Permit allowed till the repatriation. If the victim is in danger asylum is granted for humanitarian reasons			The Criminal Code, Order No. 1034 of 29 October 2009; The Danish Aliens Act, Order No. 785 of 10 August
ESTONIA	30/60 days	In case of cooperation temporary residence permit of one year with guaranteed testimony			Penal Code 2001, consolidated text April 2008; Obligation to Leave and Prohibition on Entry Act (October 1998, came into force on 1st April 1999; consolidated text April 2004) Aliens Act (passed 1993, consolidated text April 2005)
FINLAND	30 days / 6 months	The demonstrate victimization entails the residence permit from 6 months to 1 year. The permit is extended for humanitarian reasons. Judicial cooperation not requested. Possibility to obtain a permanent residence permit	6 months / 1 year		Criminal Code, Law no. 1889-39 (Chapter 25 chapter 3 and 3a), Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999), Act on the Ombudsman for Minorities and the National Discrimination Tribunal (660/2001 and amendment 1109/2008) Aliens Act (301/2004)

FRANCE	6 months	For cooperating victims: residence permits of other 6 months, residency card of 1 year renewable every 6 months	6 months	State	Criminal Code, Act No. 2003/239 on Internal Security of March 18, 2003
GERMANY	30 days. Assistance and support	In case of cooperation the victims obtain a temporary residence permit of 6 months with possibility of a renewal	6 months	State	Criminal Code as amended February 2005; Trafficking in human beings, art 232, 233 a, 236, 180 b, 181; Residence Act 2004 (art. 25, par.4)
GREECE	30 days	In case of cooperation the victims obtain a temporary, renewable residence permit	Temporary residence permit	State	Law 3064/2002, Combating trafficking of persons, crimes against sexual freedom, pornography of minors and the financial exploitation of sexual life in general and providing assistance to victims of such acts, Presidential Decree 233/2003 Protection and assistance to victims of crimes pertaining to articles 323, 323 <sup>A</sup> , 349, 351 and 351 of the Penal Code, according to Article 12 of Law 3064/2002, Law 3386/2005 on Entry, stay and social integration of third country nationals on Greek territory, Law 2928/01 on criminal organizations and other provisions.
HOLLAND	90 days	In case of cooperation, residence permit of 1 year renewable till 3 years for the trial phase, extensible if the process is concluded. If the cooperation does not lead to the conviction of the trafficker it is possible a residence permit for humanitarian reasons.	1 / 3 years		Penal Code, Article 273f valid from 1st July 2009; Trafficking in Human Beings for Sexual Exploitation, Article 273f; Trafficking in Children, Article 273f; Aliens Circular 2000; B-9 Regulation.
HUNGARY	30 days with assistance	In case of cooperation the victims obtain a temporary residence permit of 6 months	6 months	State	Penal Code, act No CXXI/2001 Article 175 b, entered into force on 1 March 1999; Act of Entry and Stay of Third Country Nationals: Act No. 2. of 2007; Act on Support and Compensation of Victims: Act No. 135 of Act on Witness Protection: Act No. 85 of 2001.



IRELAND	45 days and assistance	In case of cooperation the victims obtain a temporary residence permit of 6 months	6 months	State	The Criminal Law (Human Trafficking) Act 2008; Child Trafficking and Pornography Act 1998; Illegal Immigrants (Trafficking) Act 2000; Criminal Law (Sexual Offences) Act, 1993: sections 7, 8, 9, 10 and 11; Criminal Justice (Public Order) Act, 1994: Part IV Section 23; The Criminal Law Amendment Act, 1935; Criminal Law (Sexual Offences) Act, 2006; The Children Act, 2001; Sexual Offences (Jurisdiction) Act, 1996
ITALY		the residence permit may be obtained by the victims of trafficking regardless of a judicial complaint, in that it provides the so-called "dual track": a process of social integration with a judicial nature and a second one with a social nature. The permit lasts six months and is renewable for another six months or for a longer period if the protection program so requires	6 months renewable for another six months or for a longer period	healthcare services, study, training, enrolling in unemployment lists and actual employment	Law n. 108 of July 2, 2010, Law n. 146 of March 16, 2006; Law n. 38 of February 6, 2006; Law n. 228 of August 11, 2003 as amended by law 108/2010 and Article 18 of Legislative Decree 286 of 1998, Law n. 46 of March 11, 2002 ; Law n. 269 of August 3, 1998; Article 12 of Legislative Decree no. No 286 of July 25, 1998 Article 3 of Law No. 75 of February 20, 1958
LATVIA	30 days	In case of cooperation the victims obtain a temporary residence permit of 6 months	6 months		Criminal Law (as amended 25 April 2002) Section 154 Human Trafficking and Section 165 Selling a Person for Sexual Exploitation, Code of Criminal Procedure of Latvia; Immigration Law; Latvian Administrative Violations Code; Law on Pornography Restrictions; Law on Protection of the Rights of the Child, Law on Residence of Victims of Trafficking in Human Beings in the Republic of Latvia; Law On State Compensation to Victims; Special Protection of Persons Law ; Social Services and Social Assistance Law.
LITHUANIA	Residence permit and assistance	In case of cooperation the victims obtain a temporary residence permit of 6 months renewable		State, NGO and IOM	Criminal Code of the Republic of Lithuania; Administrative violations code of the Republic of Lithuania; Law on the Legal Status of Aliens

LUXEMBOURG	90 days and assistance	Temporary residence permit of 6 months and invitation to cooperate. Eventual renewal if the immigration law allows it			The law of 31 <sup>st</sup> May 1999 reinforcing measures against trafficking in human beings and sexual exploitation of children modifying the Penal Code and Code of Criminal; The law of 13 <sup>th</sup> March 2009 concerning trafficking in human beings; The law of 29 <sup>th</sup> August 2008 concerning the free movement of persons and immigration; The law of 8 <sup>th</sup> May 2009 concerning the assistance, protection and security of victims of trafficking in human beings.
MALTA	60 days	In case of cooperation the victims obtain a temporary residence permit of 6 months renewable		State	Criminal Code (Cap. 9) Sub-title VIII bis entitled 'Of the traffic of Persons'; Immigration Act (Cap. 217) The Permission to Reside for Victims of trafficking or Illegal Immigration who Cooperate with the Maltese Authorities Regulations; White Slave Traffic (Suppression) Ordinance (Cap. 63).
POLAND	60/90 days	In case of cooperation the victims obtain a temporary residence permit of 6 months renewable, with possibility to work	6 months	Right to work	The Code of Criminal Procedures, 6 June 1997; Trafficking in Human Beings for Sexual Exploitation Art. 253; Trafficking in Children Art. 253; Act on Aliens, adopted on 13 June 2003 (amended 2005 and 2009); Permission for residence for a specific period Art. 53(1) (15); Permission for residence for a specific period – reflection period Art. 53(a) (2) and Art. 56(2); Law of 16 February 2007 amending the Law on social assistance.
PORTUGAL	30/60 days	Residence permit of 1 year allowed case by case, renewable even if the victim does not cooperate	1 year	State	Law no 23/2007 of July 4: Art.109-112 Approves the legal system for entry, stay, exit and removal of foreigners from national territory; Law no 59/2007 of September 4: Art. 160 Traffic in persons; Decree law no. 368/2007 of November 5 establishing the authorization of residence permits of foreigners who are victims of human trafficking.
ROMANIA		Residence permit not foreseen but tolerance regime till 6 months		Initial <i>accommodation</i> and assistance for 10 days. Renewal subordinate to	Law No. 678/2001 on the Preventing and Combat of Trafficking in Human Beings; Law No. 287/2005 for the approval of Government Emergency Ordinance no. 79/2005 which amends Law No. 678/2001 on the Preventing and Combat of Trafficking in

				cooperation	Human Beings; Criminal Code (updated 2000) Trafficking in adults, Art. 204 Trafficking in minors, Art. 205 Law No. 682/2002 on witness protection; Law No. 211/2004 on measures to ensure protection of victims of offences; Law No. 705/2001 on the national system of social assistance; Law No. 302/2004 on international cooperation of the judiciary on criminal issues; Law No. 272/2004 on the protection and promotion of the rights of the child
SLOVAKIA	40 days	In case of cooperation, residence permit and possibility to work		NGO and IOM	The Criminal Code – Act No. 300/2005; Trafficking in Human Beings for Sexual Exploitation, Article 179, Trafficking in Children, Article 180-181
SLOVENIA	90 days	In case of cooperation victims can benefit of a temporary residence permit and remain for the duration of the process or even more in case of study or work		State	Aliens Act 2006; Criminal Code Paragraph 113.
SPAIN	30 days	In case of cooperation temporary residence permit. In exceptional cases, connected to the personal situation of the victim, it can be granted even without cooperation. Residence and work permit of 1 year, renewable for 1 year more.		State	Organic Law 13/2007 of 19 of November 2007, on the extra-territorial prosecution of the smuggling of migrants or clandestine immigration, amending LO 6/1985; Penal Code - Law 10/1995 of 23 November 1995 modified by LO 4/2000; LO 15/2003; LO 13/2007; Trafficking in Human Beings for Sexual Exploitation, Art. 318; Trafficking in Children, Art. 318 bis; Organic Law 2/2009, 11 December, reforming Organic Law 4/2000, 11 January, on the rights and liberties of aliens in Spain and their integration into society.
SWEDEN	30 days	In case of cooperation the victims obtain a temporary residence permit of 6 months renewable	6 months		The Criminal Code (2004:406) Chapter 6; Chap. 4, section 1 a Trafficking in Human Beings; Chap. 6, section 11, The Purchase of a sexual service; Chap. 6, section 9, The Purchase of a sexual act from a child; The Act Prohibiting the Purchase of Sexual Services (SFS 1998:408) The Act entered into force on 1 January 1999, but was revoked in April 2005, when the provision was

					made a part of the Penal ;Aliens Act (2005:716); The Act entered into force on 31 March 2006 Chap. 5, para. 15; Social Services Act (2001:453).
UNITED KINGDOM	45 days	In case of cooperation the victims obtain a temporary residence permit of 1 year	1 year		Asylum and Immigration Act of 2004 (Treatment of Claimants, etc.) - Section 4, Borders Citizenship and Immigration Act 2009 – Section 54, Gangmasters (Licensing) Act 2004, Gangmasters (Licensing) Act 2005 amendments, Immigration and Asylum Act, 1999, Immigration, Asylum and Nationality Act 2006, Proceeds of Crime Act 2002, Sexual Offences Act 2003 - Sections 57-59

Learning from the experience and bearing in mind the critical remarks advanced towards the 2002 Framework Decision and the 2004 Directive, the European Commission presented in 2009 a new proposal, which was then negotiated, but subsequently re-elaborated, further to the entry into force, on 1 December 2002, of the Lisbon Treaty.

The European Commission, in order to achieve its purpose to intensify the fight against human trafficking, presented on 29 March 2010 a new “Proposal for a Directive of the European Parliament and of the Council on Preventing and Combating Trafficking in Human Beings and Protecting Victims” (as well as a second “Proposal for a Directive on Combating Sexual Abuse, Sexual Exploitation of Children and Child Pornography”). This Directive, whose proposal has been approved by the European Parliament on 14 December 2010, is intended to repeal all the previous legislation, starting from the 2002 Framework Decision. It will finally be possible to monitor and sanction the bad implementation of the Directive, given that its adoption takes place in the frame of the Lisbon Treaty, according to which, in the field of Justice and Home Affairs, issues such as asylum and immigration, criminal law and police cooperation, will be decided by majority vote at the Council, and not any more by unanimity: one single nation will not be able to block a proposal advanced by the Commission, but could give up to the Court of Justice another member state not complying with the obligations deriving from the new Directive.

In particular, the new Directive on human trafficking (in some way a filiation of The 2000 Palermo Protocol and of the 2005 Council of Europe Convention), will allow to operate on different fronts, as for example:

- Criminal law (common definition of human trafficking, aggravating circumstances, sanctions, not punishability of victims for illegal activities as, e.g., the use of false documents imposed by traffickers)
- Criminal procedure (international jurisdiction and consequent possibility to pursue criminals in another member state for the commission of transnational crimes)
  - Protection of vulnerable victims with the aim to avoid the re-victimization
  - Victims’ support (fast identification, legal, medical, social assistance)
  - Prevention of human trafficking (awareness campaigns towards potential victims of trafficking and training provided to law enforcement and other public officials)
  - Monitoring of the phenomenon (institution in member states of specific bodies appointed to check the correct implementation of the anti-trafficking legislation)

It goes without saying that knowing the defects of the system will be useful in order to develop and improve all the initiatives which will be undertaken in the future.

### Conclusion

The phenomenon of trafficking Moldovan minors in Europe appears to be somehow resized and indeed from the report released by La Strada International, it is possible to infer how trafficking in Moldovans follows extra-European routes. Nevertheless, other two more explanations are possible: either Moldovan minors make use of the Romanian nationality, or the Italian system is, as it has been defined, the more effective in measuring the phenomenon.

The efforts put in place by organizations must be implemented in order to realize a deep evaluation and quantification of the phenomenon of trafficking in minors. Also, the necessity of harmonization of all the member states' national legislation in the field of trafficking in human beings has triggered a response at European level, in proposing new legislation with vertical effect.

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