

CZU: 343.54

SECURING SOCIETY BY PREVENTING AND FIGHTING PROSTITUTION AND TRAFFICKING IN HUMAN BEINGS

Liliana CREANGĂ,
PhD, Associate Professor,
Chair of Public Law, Border Security, Migration And Asylum,
"Ştefan cel Mare" Academy of the Ministry of Internal Affairs,
Republic of Moldova
ORCID: 0000-0002- 7118-9715

Mariana GOLOVATII,
Master's Degree in Governance of Public Organizations,
Economic Campus of Ca'Foscari,
University of Venice, Italy
ORCID: 0009-0002-7459-5556

Summary

According to the Universal Declaration of Human Rights "All human beings are born free and equal in dignity and rights. Every human being can avail himself of all the rights and freedoms proclaimed in this Declaration without any distinction, such as, for example, race, color, sex, language, religion, political opinion or any other opinion, of national or social origin, wealth, birth or any other circumstances" [1]. An essential condition to reduce violence against women and other serious crimes and to ensure respect for women's rights is equality between women and men, or violence against women, human trafficking, prostitution, forced marriages, genital mutilation affect long-term health and psychological integrity of women [2, p.11].

Keywords: gender equality, pimping, human trafficking, crime, vulnerability.

Introduction. Trafficking in women is a phenomenon that has existed since ancient times. There are letters and police reports from other states, dated at the end of the 19th century, that indicate cases of kidnapping and selling children and girls from Jewish villages in Wales and from other parts of Central and Eastern Europe in brothels all over the world, especially in South America, as well as in Africa, East Asia, North America [3]. In Latin America and the Caribbean region, particularly Argentina and Brazil, data on such cases are recorded before the 1860s.

Over more than a century and a half, the factors of this phenomenon have remained practically the same. It is obvious that new causes have appeared due to the trends of industrialization, internationalization, globalization, etc. At this point we can highlight both external and internal causes [4].

As internal factors, we can mention [5]:

the poverty due to poor remuneration for work, the disfavour of jobs traditionally occupied by women or unemployment;

- the limited, conditional access to education;
- the domestic violence;
- the corruption of the authorities;
- the weak border control, the lack of a migration registration system;
- international development strategies;

– lack or inadequate, non-working legislative framework (regarding migration, combating the human trafficking, the protection of victims and witnesses);

– informational factors (the low level of information regarding the realities of the labor market or the standard of living abroad, the real possibilities of employment in the field of work abroad, as well as about the consequences of illegal work);

– the „advantageous” geographical location (being between Romania and Ukraine and having a small territory) traffic routes lead through all the Republic of Moldova, thus becoming a transit country.

Among the external factors, we can mention [6]:

– the borders opening and the widening possibilities for the citizens of the Republic of Moldova to travel to another country;

– the deepening of the divergence between rich and poor states;

– the internationalization of criminal groups;

– the high profits following the trafficking of women;

– armed conflicts.

Towards the beginning of the 20th century, the term trafficking usually referred to the “white slave trade”, which represented the movement across international borders of women and children for the purpose of prostitution. Only towards the end of the 1990s, trafficking was associated with prostitution and the sexual exploitation of women and children [7, p.8].

Discussions and results obtained. On 29 January 2020, the European Commission published the new work program under the fifth priority – “Promoting our European way of life”, where it announced its intention to launch a global strategy on this topic, which was planned to be adopted in the first quarter of 2021.

In its Security Union Strategy, adopted on 24 July 2020, the Commission mentioned the adopting a new comprehensive approach to human trafficking among its key actions to combat organized crime.

In their joint report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings, the Committees on Civil Liberties, Justice and Home Affairs (LIBE) and Women's Rights and Gender Equality (FEMM) of the European Parliament requested the Commission to adopt quickly a specific EU strategy to eradicate human trafficking. Parliament as a whole adopted the report on 10 February 2021.

Five days later, on 15 February 2021, the European Commission published a roadmap for a communication on an EU strategy to fight organized crime (2021-2025) and a related communication on an EU strategy to fight human trafficking (2021-2025), with an opportunity to provide feedback until March 15, 2021. The Commission presented both strategies on 14 April 2021 [8].

Thus, the Strategy to combat human trafficking (2021-2025) focuses on crime prevention, bringing traffickers to justice, protecting and empowering victims. It builds on the EU's comprehensive legal and policy framework to tackle human trafficking, rooted in the Anti-Trafficking in Human Beings Directive.

In order to ensure the harmonization of national legislation to international legislation, the Parliament of the Republic of Moldova adopted a number of national normative acts regarding the fight against THB: On October 20, 2005, the Parliament of the Republic of Moldova adopted the Law on the Prevention and Combating of Trafficking in Human Beings [9], benefiting from the support of the international community and the active participation of civil society. The international experts of the Council of Europe gave assistance in the establishment of legal provisions in accordance with the provisions of international agreements. The law influenced the institutional structure of actions to combat THB in the country, the obligations of the agents involved, the main directives to combat and the rights of victims, etc.

Based on the normative framework for combating pimping and human trafficking, which is much larger than those presented above, we can identify several vulnerability factors that indicate the negative impact of pimping and human trafficking on society [10]:

The community (the residence in a poor region);

The relationship between the phenomenon of women's trafficking and poverty is directly proportional. This statement is explained by the fact that in regions with a precarious economic situation, young women are the most vulnerable to this phenomenon.

In turn, the negative influence of poverty is manifested through [11]:

- the reducing the possibilities to continue their studies;
- the reducing the number of jobs;
- reduced possibilities of material independence in relation to the family they come from;
- the abuse and the family dysfunction.

As I mentioned above, having a precarious economic situation, the young women are the most vulnerable to this phenomenon, and the vulnerability of young women to trafficking increases in abusive environments, when young women are victims of physical, mental, economic and sexual abuse and violence, such as and in neglectful environments, through the adult's refusal or inability to communicate adequately with the child [12].

People for whom the desire for material independence is at the forefront are more easily manipulated by traffickers than those for whom other values prevail.

A successful model of migration, for example knowing a case, the history of a person who had success abroad, has a decisive influence on the potential victim when making the decision to go abroad, respectively becoming easily manipulated by traffickers. For vulnerable young women, the existence of a model of success abroad contributes to increasing the willingness to go abroad, due to [13]:

- the people of the respective model as assurance that there is no failure abroad;
- the manifestation with greater intensity of the mirage of foreignness;
- the increasing trust in the recruiter and in his reports.

The studies on the origin of the victims of trafficking in women show that the whole country was affected by this scourge, at the same time the focal areas being considered the big cities – Chisinau, Balti, which represent both the point of origin of the victims and the first point of contact of the potential victim, non-original from the city with the recruiter, the rural localities in the south of the republic and those on the border with Romania and Ukraine [14].

The specific structure of the traffic crime consists in the connection between transportation, the use of means of coercion and deception and the purpose of exploitation. The methods of coercion and deception can only be demonstrated with the help of the victim's confession. That is why the judicial processes in the cases of trafficking depend to a great extent on the incriminating statements of the victim [15].

This fact increases the pressure exerted on the victim: well-paid defense lawyers succeed in distorting the victim's confessions and put her credibility in a dubious light. There is an imbalance in courtrooms between victims and criminals, because victims are often unaccompanied and do not receive legal assistance [16]. If adequate procedural measures are not offered or implemented to protect the dignity and safety of victims, repeated cases of humiliation and victimization may occur. Victims suffer from secondary victimization when they learn that investigative bodies or the judge question their testimony or treat them with disrespect.

In addition, victims do not possess extensive or detailed knowledge of the organizational structures or individuals involved in the trafficking process. This fact can lead to failed indicated trials, which would also present a high risk for victims and witnesses [17].

Therefore, victims have a lot to lose and little to gain when they submit a complaint or stand

as a witness.

There are other reasons that prevent a person from filing a complaint or playing the role of a victim [18]:

1. The victim is afraid of being subjected to a criminal investigation, in which her presence is equivalent to the recognition of the fact that she lived and worked illegally in the country of destination and of being prosecuted in her country for the practice of prostitution;

2. The victim knows about or fears corruption and the relationships between official bodies and traffickers;

3. The victim is threatened with possible revenge from the trafficker, and the legal authorities are unable or unwilling to offer her protection;

4. The victim is ashamed and traumatized by the work or services she had to provide and does not want her relatives and acquaintances to find out what she went through;

5. The victim fears that her complaint will not have the desired effect because of prejudices, such as prejudices about prostitution.

In **conclusion**, we note that trafficking often includes complex cases of crossing the border involving traffickers of different nationalities and a multitude of places where the crime is committed, and therefore this process exceeds the action capacities of national criminal prosecution bodies. In particular, people who organize crimes and at the same time remain in the shadows are subject to minimal risk.

In addition, due to the enormous profitability of trafficking, the very low number of successful prosecutions has an almost non-existent impact on the trafficking business as a whole. Any trafficker arrested, any criminal structure that is destroyed, any trafficked person that is released, will soon be replaced by other people.

With certainty, the fight against proxenetism and human trafficking suppose a political activity and initiative on the part of the power bodies both at the national and international level, requiring the development of appropriate methods for the opposition and limitation of the sex-services market.

Bibliographical references

1. Declarația Universală a Drepturilor Omului adoptată la 10 decembrie 1948.
2. Teleucă Veronica, Vozian Natalia, Andrieș Svetlana. Egalitatea de gen în Moldova. Ghid pe înțelesul tuturor. Tipografia „Pictografic”, Chișinău, 2019, 108 p.
3. https://ibn.idsi.md/vizualizare_articol/151560, (Accesat: 05.03.2024).
4. Corneliu Liviu Popescu. Protecția internațională a drepturilor omului. Curs universitar. Editura All Beck, București, 2000, pag. 132.
5. Chiriță Oleg. Revista „ANTI-TRAFFIC”, Nr. 2 (5) din 2002. nr. 9 din 2003.
6. Vîzdoagă Ion, Buletin informativ al Centrului de Prevenire a Traficului de Femei, Nr.24, decembrie, 2003.
7. Vidaicu Mihaela, Dolea Igor., coord. principal: Elena Muraru, Combaterea traficului de ființe umane (Drept material și Drept procesual), Chișinău 2009, 192 p.
8. <https://www.europarl.europa.eu/legislative-train/theme-promoting-our-european-way-of-life/file-eradication-of-trafficking-in-human-beings>. (Accesat: 04.03.2024).
9. Legea Republicii Moldova Nr. 241-XVI privind prevenirea și combaterea traficului de ființe umane din 20 octombrie 2005 (Monitorul Oficial al Republicii Moldova, 2005, Nr. 164 -167 din 09.12.2005).
10. Traficul de ființe umane: implicații pentru OSCE. Raport de la Conferința OSCE, Chișinău, septembrie, 1999.

11. Tomozei T, Traficul de femei: fenomen și crimă. Chișinău, 2001.
12. https://lastrada.md/publicatii/ebook/var_rom_fo, (Accesat: 05.03.2024).
13. https://www.ueb.ro/drept/master/disp/DISP_P..., (Accesat: 05.03.2024).
14. <https://cdn4.libris.ro/userdocs/pdf/1004/Prote...>, (Accesat: 05.03.2024).
15. https://drept.unibuc.ro/documente/dyn_doc/p..., (Accesat: 06.03.2024).
16. <https://www.ueb.ro/drept/ebiblioteca/old/sinte...>, (Accesat: 06.03.2024).
17. Buletin informativ al Centrului pentru combaterea traficului de persoane, ianuarie, 2008.
18. Boșteanu C., Cușnir V., Grati V., Dogotari I. Drept polițienesc. Chișinău, 2006.