

**UNIVERSITY OF EUROPEAN STUDIES FROM  
MOLDOVA**

**DOCTORAL SCHOOL OF LEGAL SCIENCES AND  
INTERNATIONAL RELATIONS**

With manuscript title

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**TRAFFICKING IN HUMAN BEINGS - THE  
TRANSPOSITION AND IMPLEMENTATION OF  
INTERNATIONAL AND EUROPEAN STANDARDS IN  
THE NATIONAL CRIMINAL LAW**

**Specialty 554.01. Criminal law and criminal enforcement**

Summary of the Doctor of Law thesis

**CHISINAU, 2024**

The thesis was developed within the Doctoral School of Legal Sciences and International Relations of the University of European Studies of Moldova.

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The public defense will take place on \_22.11.24\_ time \_10.00\_ in the meeting of the Committee for public defense of the doctoral thesis within the Doctoral School "Legal Sciences and International Relations" of the University of European Studies of Moldova, Chisinau municipality, Gh. Iablocikin 2/1, Republic of Moldova, room 200A.

The doctoral thesis and the summary can be consulted at the National Library of the Republic of Moldova, the Library of the University of European Studies in Moldova and on the website of the National Agency for Quality Assurance in Education and Research: (<http://cnaa.md>).

The abstract was sent to \_17.10.24\_

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## 1. CONCEPTUAL MARKINGS OF THE RESEARCH

Actuality and importance of the problem proposed for research. In this paper, we propose to analyze a phenomenon that concerns legal thinking since the end of the 19th century, namely - human trafficking, a concept that will be analyzed from a multi-aspect perspective, in the scientific, legal-criminal, transnational, criminological sense.

Arising from the related legal nature, the crime of human trafficking is a transnational crime whose criminalization in the criminal laws of European states is based on a common preventive criminal policy based on Euro-regional and international protocols that define unique criminal standards.

The state of crisis that the countries of the ex-Soviet space endured, pushed the society in front of practically unexpected, absolutely new problems, problems for which the solutions are not at all simple. Among these, the trafficking of human beings stands out not only by the scale and the ways of expansion, but also by the consequences deriving from a phenomenon with wide implications of criminal elements. In the case of the Republic of Moldova, a state that appeared 33 years ago on the political map of Europe, as a result of the breakup of the former USSR, the problem is exacerbated far beyond the capabilities of a country to act on its own social protection mechanisms.

In this context, it is necessary to establish that for its independent social, political and economic development, the Republic of Moldova has developed and implemented its criminal policy, especially when it concerns human rights issues, in accordance with the trends in the codification of international norms in the field.

The Criminal Code of the Republic of Moldova established for the first time criminal liability for human trafficking through the Law of April 9, 1997, Article 113/1 - sale and trafficking of children.

In June 2001, Article 113/2 was introduced, which established liability for human trafficking.

On June 12, 2003, the New Criminal Code of the Republic of Moldova, adopted by Law no. 985 of 18.04.2002 in Chapter III called "Crimes against freedom, honor and dignity of the person" the following crimes are regulated: human trafficking - art. 165, illegal deprivation of liberty - art. 166, slavery and conditions similar to slavery - art. 167 and forced labor - art. 168 and in Chapter VII "Crimes against the family and minors" the

trafficking of children is provided for - art. 206, illegal removal of children from the country - art. 207 and pimping in art. 220.

The statistics show that in 2018, in the Republic of Moldova, in the field of punishing human traffickers, especially referring to criminal prosecution, it was found that a total of 191 crimes related to the category of TFU were registered in the country, of which: human trafficking – 154 crimes; child trafficking – 37 crimes. Analyzing the crime detection activity related to the phenomenon of TFU for the period of 2018, there is an increase of about 20% in the cases of TFU (art. 165 of the Criminal Code of the Republic of Moldova) identified in the reporting period compared to the analogous period of 2017 and a decrease of approximately 31% in cases of child trafficking (art. 206 of the Criminal Code of the Republic of Moldova), a fact determined by the mobilization of the efforts made by the authorities of the Republic of Moldova, by the increase in the quality of investigations and procedural actions. At the same time, 83 criminal cases (a similar number to the previous year - 85) were completed with an indictment and sent to the courts for substantive examination, of which: 60 criminal cases refer to the crime of human trafficking and 23 criminal cases refers to the crime of child trafficking.

Having analyzed the judicial practice for the year 2018 with regard to the offenses of TFU and child trafficking, the following state of facts was found: in the reference period, the courts handed down a total of 59 sentences on cases in the TFU category, of which: 40 sentences regarding human trafficking cases regarding 56 defendants; 19 child trafficking sentences against 30 defendants.

Out of the total number of people sentenced, 34 people were convicted of the crime of human trafficking, and 25 people were convicted of the crime of child trafficking. 32 persons and 24 persons, respectively, were sentenced with deprivation of liberty.

With reference to the penalties applied for the commission of the crimes provided for by art. 165 of the Civil Code RM and art. 206 of the Civil Code RM, it was found that for the defendants sentenced to prison, the term of imprisonment was set from 3 years and 4 months to 20 years.

It should be noted that, in 2 cases, the persons accused of committing the crime of human trafficking (par. (1) art. 165 of the Criminal Code of the Republic of Moldova) and in one case of child trafficking (para. (1) art. 206 of the Criminal Code RM) were sentenced to prison with the suspension of the execution of the sentence. All these sentences were contested by the

prosecutor, who requested the application of harsher punishments to the defendants.

In order to ensure the continuity of the parallel financial investigations, simultaneously with the application of the punishment of the defendants, during the reporting period, the courts also ordered the confiscation under the terms of art. 106 and art. 1061 of the Civil Code Criminal Code of assets resulting from crimes or used to commit crimes in the category of human trafficking. Thus, in 8 criminal cases, the special confiscation of assets with an estimated value of over 1,350,000 lei (cars, computers, cash, etc.) was ordered.

Regarding the dynamics and trends of TFU, during 2018, 305 victims of human trafficking (adults) were identified at the national level (201 victims identified in 2017) and 60 victims of child trafficking (48 victims identified in 2017). Compared to 2017, there is an increase in the number of identified adult victims by 35% and the number of child victims by 20%, a fact determined by the mobilization of the efforts made by the national authorities in the process of preventing and identifying the victims of the phenomenon, strengthening the capacities of specialists in field, increasing the quality of investigations and procedural actions. Out of the total number of 365 traffic victims, 79 victims were assisted, of which 60 were adults and 19 were minors, which represents about 22% of the total number of victims. The main reason for the low number of assisted victims is the lack of interest on the part of the victims or even their refusal to receive the necessary assistance, also taking into account the gender dimension, men representing 55% of the total number of identified victims. Regarding external traffic, during the reporting period, the TFU phenomenon underwent some changes summarized in the appearance of new destinations, such as Slovakia, Spain, Ireland, Portugal and the disappearance of others. Thus, such destinations as Switzerland and Great Britain are no longer found.

The main form of exploitation of adult victims is exploitation for work purposes (78.7% of the total victims identified in 2018), of which: 80.4% - men, 19.6% - women. Exploitation of adult victims for sexual purposes has decreased by 10% compared to the previous year. Among minors, the main form of exploitation is for sexual purposes (68.3% of the total number of victims identified in 2018), of which: 92.7% - girls, 7.3% - boys. Exploitation of children for labor also increased by 29.4% compared to the previous year, being identified: 58.8% - girls, 41.2% - boys.

The analysis of the statistical data presented above substantiates the actuality and necessity of advanced, multidisciplinary scientific research of the object of the scientific investigation - the crime of human trafficking in a new light - the dimension of the phenomenon that highlights the normative transformations following the implementation of regional and international legal norms that come to the aid the national legislator and in addition to the improvement of the internal normative framework, ultimately contributes to strengthening the capacity of the states in identifying the legal instruments to eradicate this dangerous scourge.

The purpose of the doctoral thesis consists in the evaluation of the legal-criminal framework regarding the legal-criminal prevention of human trafficking, the creation of the scientific foundation, corresponding to the current requirements of the rules that establish liability for the crime of human trafficking, as well as to make the practice of applying criminal law in the sphere of combating human trafficking. Throughout the work, the way in which the universal and regional standards in the matter of combating human trafficking are transposed and realized in the legal order of the Republic of Moldova is followed.

The stated goal determined the research directions, these being additionally conditioned by the following objectives:

- examination of the current stage of conceptualization of the crime of trafficking in human beings by analyzing the knowledge situation in the reference field in the Republic of Moldova and in Romania.
- the comparative and evolutionary analysis of the criminalization of human trafficking;
- the legal-criminal analysis of human trafficking and the evaluation of compatibility by elucidating the constitutive elements and sub-elements of the crime of human trafficking;
- the delimitation of the composition of the crime of trafficking in human beings from the composition of adjacent/related crimes;
- evaluation of the compatibility of the internal regulatory framework in the matter of criminalization and combating human trafficking with universal and regional standards in the field;
- the theoretical determination and solution of the problems aimed at combating human trafficking by means of criminal law, taking into account the specifics of the current period and the criminogenic situation in the Republic of Moldova;
- the elaboration, based on the scientific results, of the recommendations regarding the harmonization of the regulations related to the

qualification of human trafficking with the standards of the European Union.

In order to achieve the purpose and objectives of the paper, research methods characteristic of scientific investigations in the field of legal sciences were used as research methods. The investigations carried out are based on the study of doctrine, national and foreign legislation, international treaties and judicial practice in the analyzed field.

Therefore, the comprehensive research of the subject of this doctoral thesis was possible by applying the following research methods:

the method of historical analysis, used to research the evolution of formal, national and international sources of law in the matter of criminalization and prevention and trafficking in human beings; and in order to research the evolution of the concept "trafficking in human beings";

the method of logical analysis (deductive analysis, inductive analysis) used constantly throughout the work in order to formulate one's own vision on the notions, concepts analyzed in the thesis, for the deduction of the legal reasonings that guide the competent structures in qualifying the crime of human trafficking;

the comparative analysis method, used with maximum incidence in order to establish criminal liability for human trafficking in the Republic of Moldova and in Romania, but also in order to establish the compatibility of the normative framework of the Republic of Moldova with the standards provided by international treaties in the field of combating human trafficking;

the statistical method, used in order to elucidate the quantitative-qualitative nature of human trafficking on a national and global scale;

the prospective method applied in order to project trends in the research of the phenomenon of human trafficking, also used for the elaboration of the final recommendations.

Research hypothesis. The approach from a new perspective to the crime of trafficking in human beings in the local doctrine will offer the possibility:

- the application of criminal liability for human trafficking by taking into account the new forms of victim trafficking resulting from the social realities existing at the moment;

- the scientific substantiation of the degree of compatibility of the provisions of the legislation of the Republic of Moldova with the provisions of international treaties and the law of the European Union in the investigated field.

Although many international and regional standards have been implemented on the legislative level in the Republic of Moldova, the development of preventive measures with a criminal nature of human trafficking is one of the key priorities on which the preventive policy of transnational crime must be based. The perpetual streamlining of criminal legislation, so that the criminalizations are likely to cover new criminal trafficking activities, is a challenge for any European country, regardless of its degree of development.

It should be noted that since the implementation of the Criminal Code of the Republic of Moldova in 2002, several works have appeared that tried to address the issue of preventing human trafficking through legal and criminal means. The following are part of the category of these important reference works: Ștefănoaia M., Regulation of liability for human trafficking offenses in comparative law (doctoral thesis), Vidacu M., Dolea I., Combating human trafficking (substantive law and legal procedural), Ostavciuc D., Procedural-criminal aspects and forensic tactics regarding the investigation of child trafficking (doctoral thesis), a series of scientific articles signed by Brînză S., Tănase A., Stati V., Nastas A. et al. .

Each work from those mentioned analyzes from a legal-criminal perspective the crime of human trafficking, but also the ways to prevent and stop this crime, touching only tangentially the complex crime and the crimes related to the crime of human trafficking at the national and international level, with large perspectives and possibilities for deepening in a future work, a fact that constitutes a real necessity and an accentuated impetus in anticipation of a study in the field of reference.

Despite the numerous existing scientific works on human trafficking, we believe that it is necessary to re-evaluate the constitutive content of the crime criminalized in art. 165 CP of the Republic of Moldova, in order to solve the following problems:

- 1) the harmonization of the criminal legislation in the matter to EU standards, a fact that fits perfectly with the aspiration of European integration of the Republic of Moldova;

2) compatibility of the incriminating norm from art. 165 CP of the Republic of Moldova to the quality constitutional standards;

3) solving some practical problems regarding the legal framework of human trafficking;

4) identification of proposals for the improvement of art. 165 C.P so that the repressive-criminal policy to prevent this dangerous social scourge etc. is made more efficient. Above all, there is the question of harmonizing criminal legislation in response to new forms of trafficking determined by the development of informational means and the existing state of war in Ukraine, which had a substantial impact on the spread of the phenomenon.

The scientific novelty of the obtained results. This work is a multidimensional investigation of human trafficking, the scientific novelty of which consists in the substantiation of scientific results aimed at harmonizing the criminal legislation of the Republic of Moldova with universal and regional international standards, especially those of the European Union in the field of criminal prevention of human trafficking human. Among the elements of scientific novelty we mention the following:

1. Resulting from the related legal nature, the crime of human trafficking is a transnational crime whose criminalization in the criminal legislation of the European states, including the Republic of Moldova, is based on a common preventive criminal policy based on the Euro-regional and international protocols that define unique criminal standards.

2. The punitive criminal policy of the Republic of Moldova in the field of criminal prevention of human trafficking is rationalized on a clear differentiation of criminal responsibility and, implicitly, of the legal individualization of criminal penalties applicable for the crime of trafficking in adults.

3. The material element of the crime of trafficking in human beings has a complex character, being made up of alternative purpose actions and means actions, for the existence of the legal content of the crime and for the proof of the criminal activity, the factual establishment of a purpose action carried out by means of a middle actions, actions that in general reflect the element of exploitation of victims subjected to trafficking.

4. From a subjective point of view, the crime of trafficking in human beings is part of the category of crimes with alternative special purposes, inherent in the constitutive content, which nuances the exploitation of the person and

thereby the prejudicial degree of the crime, and their determination is mandatory for the legal classification of the act based on Art. 165 C.P RM.

5. At the basis of the delimitation of the crime of pimping from human trafficking is the element of coercion characteristic of the latter criminal phenomenon. This element emerges from two inherent signs of trafficking in human beings: the action as a means of committing the act and the purpose of commercial sexual exploitation or exploitation in prostitution.

The important scientific problem that was solved in the framework of this doctoral thesis consists in the scientific argumentation of the premises of harmonization and monitoring of the implementation process of international and European standards in the matter of prevention by means of criminal law of human trafficking, including knowledge and identifying the constitutive signs related to human trafficking, which will have the effect of increasing the quality of the criminal justice act in the Republic of Moldova.

The theoretical significance of the work. The present work embodies a new theoretical approach to human trafficking, based on scientifically argued opinions and theses by the author, which together with other scientific works are likely to strengthen the existing national criminal doctrine in the matter. The theoretical aspect is based on a rich and varied palette of existing doctrinal sources in the field of human trafficking, a fact that determined a multidimensional theoretical critical examination of the subject. The theoretical relevance lies in the development of some theoretical-practical solutions that can be applied in the process of preventing and combating human trafficking crimes.

The theoretical importance of the study consists in the fact that the paper presents a clearly systematized and documented study, offering theoretical-practical solutions for the legal qualification of the crime of human trafficking. At the same time, the thesis highlights some current and prospective problems that may appear in the practice of criminal law enforcement, but also the appropriate ways to solve them.

The applicative value of the work The research results and some theoretical conclusions that are used to improve the legislative framework in the field of criminal law. Other conclusions and recommendations presented and summarized in the paper could, under some aspects, constitute grounds for improving criminal legislation in the field. In the same way, it is considered that the study or the results of the scientific investigation could also be useful in the process of revising the curricula for the discipline of criminal

law, in the development of courses, university textbooks or other studies, scientific articles or monographs related to the subject of human trafficking.

Approval and implementation of scientific results The basic concepts and conclusions of the thesis were exposed and disseminated through the content of several scientific works, constituting, at the same time, the subject of papers presented at national and international scientific conferences, as well as at the meetings of the Department of Public Law of of the University of European Studies in Moldova, in the period 2020-2023, totaling a number of 25 scientific papers.

## 2. THESIS CONTENT

Chapter I "ANALYSIS OF THE SCIENTIFIC MATERIALS AND THE NORMATIVE FRAMEWORK IN THE REGULATION OF TRAFFICKING IN PERSONS" includes defining aspects regarding the concept analyzed in the paper. The phenomenon of human trafficking is analyzed in the context of doctrinal research signed by local authors, Romanian authors, international codifications, the primary and secondary law of the European Union, the legislation of the Republic of Moldova and that of Romania.

Trafficking in persons is a form of modern slavery, it seriously affects the dignity of the human being, and subsequently the fundamental rights and freedoms of the person. Therefore, the matter of preventing and combating human trafficking is a subject that interests both state institutions, but also non-state actors who together with the former manage to form viable partnerships throughout the process of opposing this dangerous phenomenon: from the elaboration of national legal norms/international standards, the realization/implementation of normative contents, up to the effective combating of non-compliant behavior through tools specially created in this sense.

Thus, in paragraph 1.1 "Analysis of scientific materials related to the crime of human trafficking" we found that the phenomenon of human trafficking through the increasingly pronounced impact on social, economic, political, national and international relations becomes a destabilizing and demoralizing factor of proportions. Due to its transnational nature, human trafficking requires the cooperation of states in order to strengthen the capacities of law enforcement bodies in order to ensure a prompt and adequate reaction to the challenges arising in this regard. International structures today develop common standards, but states have a certain margin in order to develop the national mechanism through which the efficiency of international standards will be increased. The adoption/adaptation of the traditional domestic normative framework is carried out with the extensive participation of the scientific environment that can provide the most suitable expertise in this regard.

Among the researchers who have tackled the issue of the crime of human trafficking, respectively human trafficking, which is the research topic of this thesis, we list the authors: V. Cușnir, X. Ulianovski, Al. Barbăneagra, Ghe. Alecu, T. Carпов, v. Moraru, I. Dolea, R. Cojocaru, O. Rotari, V. Berliba, Al. Mariț, T. Popovici, Ghe. Ulianovschi, S. Brânză, V. Stati, N. Ursu, A. Tănase, Nastas A., Ghe. Botnaru, V. Bujor, O. Bejan, I. Ciobanu, Vidaicu M., V. Volcinschi, V. Grosu, V. Budeci et al. (Republic of Moldova); M. Dobrinioiu, Ghe. Mateuț, V. Dobrinioiu, M. Gorunescu, I.

Pascu, I Chiş, C. Păun, N. Neagu, M. C. Sinescu, N. Ştefăroi, V. Petrescu, E. Onu, A. Dublea, S. Luca, D. Iovu, R. D. Tarniceriu, B.L. Gafta, C. Luca, R. A., M. A. Hotca, Al. Boroi (Romania).

Following the research of the way in which the doctrinaires in the field of criminal sciences from the Republic of Moldova, Romania approach the crime of human trafficking, we deduce, as a rule, the authors formulate general findings about the compatibility of international regulations with the internal ones of the states in the field of criminalizing human trafficking, either it is limited to refer to an international act without an exposition in concreto on how the supranational provisions were transposed and implemented in the internal legislation of the states.

In paragraph 1.2. "Analysis of the normative framework in the field of preventing and combating human trafficking" At the moment when the negotiations on the accession of the Republic of Moldova to the European Union started, in the conditions of the screening in the chapter "Justice, freedom and security" where increased attention is paid to the aspects regarding preventing and combating human trafficking in the Republic of Moldova, scientific substantiation of the Government's criminal policy is required in order to ensure the harmonization of the legal framework with the European Union regulations in the field. The originality of this investigation resides in the first in the national doctrine of a multidisciplinary scientific study, in depth of the compatibility of the criminal legislation of the Republic of Moldova with the provisions of international treaties, European directives in the matter of preventing and combating human trafficking.

Following the examination of the provisions of the international acts in the field of prevention and repression of human trafficking, we consider that in general it presents itself as consistent, presenting appropriate reactions to the challenges arising from the evolution trends of the analyzed phenomenon.

At the same time, as far as the national legislation of the Republic of Moldova is concerned, it is necessary to state that the legislator established his system of legal regulations inspired entirely by the provisions of the Protocol on the prevention, suppression and punishment of trafficking in persons, especially women and children, in addition to the Convention United Nations against transnational organized crime. This approach, absolutely justified for the beginning of the 2000s, is currently outdated and needs to be reviewed in the light of the initiated process of accession to the European Union.

**Chapter II "LEGAL-CRIMINAL CHARACTERIZATION OF HUMAN TRAFFICKING"** is dedicated to the legal-criminal analysis of the crime, the constitutive elements of the crime of human trafficking, the aggravating forms of the crime of human trafficking.

Thus, from paragraph 2.1. "Concepts regarding the trafficking of human beings" we deduce that the phenomenon of human trafficking is present in the history of human civilization starting from the slave period and over time it has taken on disguised forms, the essence, however, remaining unchanged and always constituting actions that bring serious harm human dignity.

Paragraph 2.2. "Elements and constitutive signs of human trafficking" contains a structured presentation of doctrinal controversies, normative regulations with reference to the legal object and material object of the crime of human trafficking, the objective side of human trafficking, the subjective side of the crime of human trafficking, the subject of the crime of human trafficking, the aggravating forms of the crime of human trafficking.

Following the exposition of the analyzed scientific material and the comparative normative context, we have drawn conclusions that according to the Criminal Code of the Republic of Moldova and the Criminal Code of Romania, the sanctioning of human trafficking is a constant concern of the legislator which has materialized in a complex normative framework in accordance with the criteria for preventing and combating this phenomenon at the European and international level.

The Criminal Code of the Republic of Moldova regulates in art. 165 the crime under the name of trafficking in human beings unlike the Romanian Penal Code which names the crime as human trafficking in art. 210, s the first difference concerns the aspect of the marginal name.

All definitions of human trafficking essentially keep the same basic idea of the forced and abusive recruitment of a person for the purpose of forcing them to perform various activities or to be sold later.

Regarding the general legal object of the crime of human trafficking, taking into account the complex nature of the prejudicial act in the context of human trafficking, the special legal object of this crime is also complex, dividing into main special legal object, legal object secondary and material object. The crime of trafficking in human beings attacks the social relations that ensure the freedom of the individual and is not limited to physical freedom, but also implies the absence of any psychological influence aimed at changing the behavior of the person through illegal coercion.

Studying the object of the crime of trafficking in human beings allows the knowledge of the system of values protected by criminal law and

reveals the criminal policy regarding the defense of certain social values considered as fundamental values of the rule of law.

The freedom of the person is conceived as a social value protected by the criminal law inherent to the natural person, which in a civilized society cannot constitute the object of any business.

In the case of human trafficking, it is guilt in the form of direct intent. So the person, the trafficker, who committed the crime was aware of the fact that his action (inaction) was harmful, that he foresaw the harmful consequences and wanted them to occur.

The margin of appreciation that rests with the national authorities in fulfilling the positive obligations following the ratification of international treaties in the field of repression and punishment of human trafficking is essentially expressed through the actions taken by the Moldovan legislator in the continuous adaptation of the normative framework to ensure effective measures in the fight against this scourge dangerous. The recent completion of the provisions of art. 165 of the Criminal Code of the Republic of Moldova with the aggravating circumstance - the commission of the crime for reasons of prejudice is eloquent evidence in this sense.

**Chapter III "TRAFFICKING IN HUMAN BEINGS AND SIMILAR CRIMES"** contains a comparative analysis of trafficking crimes, migrant trafficking, pimping, prostitution both from the perspective of national normative prescriptions and in the light of international treaties in the field of preventing and combating human trafficking. The disparities between the crimes analyzed were clearly identified.

In paragraph 3.1. "Crimes related to human trafficking. Defining Approaches" we established that the term "human trafficking" is frequently confused with migrant trafficking and also human trafficking for the purpose of sexual exploitation is confused with prostitution. It is considered necessary to make a clear distinction between the three concepts for a better understanding of the phenomenon.

Paragraph 3.2. "Trafficking in human beings and trafficking in migrants (organization of illegal migration)" allows the deduction of the thesis that despite the fact that the organization of illegal migration and trafficking in human beings share similar causes, characteristics and patterns, they are differentiated by precise legal distinctions.

On the one hand, the crime of migrant smuggling, also known as the organization of illegal migration, is a crime that violates national laws and international legal norms related to the border. On the other hand,

human trafficking is a crime against the person because it violates basic human rights.

In paragraph 3.3. "Trafficking in human beings and prostitution" we found that the distinction between the crime of human trafficking for the purpose of sexual exploitation or the practice of prostitution and that of pimping is expressed in the different generic legal objects of the two crimes, in other words being affected by different social values , namely, when human trafficking is committed, the defense of the person's right to freedom of will and action is compromised, and in the case of pimping, good morals are affected in the relationships of social coexistence and legitimate means of livelihood.

Paragraph 3.4. "Delimitation of the crime of trafficking in human beings and pimping" and the analysis contained in this content unit allowed the conclusion that between the crime of human trafficking on the one hand, and the crimes of pimping, prostitution, there are many similarities, but also many differences, which led, especially in jurisprudence, to a series of interpretations, thus creating a non-unitary judicial practice in this matter.

The analysis of the differences that exist between human trafficking and the other crimes we have referred to are aspects that will help us to correctly establish the legal classification of an act in one of the mentioned crimes, so that the criminal law is applied uniformly.

**Chapter IV "COMPATIBILITY OF THE PROVISIONS OF INTERNATIONAL COOPERATION IN PREVENTING AND COMBATING THE PHENOMENON OF TRAFFICKING IN HUMAN BEINGS"** contains an analysis of the attributions of universal and regional international structures having attributions in the field. In the same way, the programs and actions carried out in the matter of combating human trafficking on a European supranational scale are analyzed.

Paragraph 4.1. "Aspects and references of current Euro-regional and international protocols on combating traffic crime"

Human trafficking statistics continue to be alarming. The causes that contribute to the development of human trafficking are multiple, and the forms of realization of this dangerous phenomenon are continuously diversifying. In response, international society offers multiple institutionalized, non-institutionalized, universal and regional, permanent and temporary remedies to remedy the dangerous phenomenon.

On a global scale, consistent actions are being taken to eradicate this dangerous scourge. Under the auspices of the United Nations, a series of initiatives were carried out with the aim of adopting/adapting the international normative framework in the field of preventing and combating

human trafficking. Likewise, an institutional framework capable of promptly reacting to threats in this field was created: specialized commissions, the meeting of international conferences, the initiation of special procedures, the creation of the International Criminal Police Organization (INTERPOL).

In this context, it is observed that the initiatives undertaken at the universal level are received, developed and implemented on a European regional scale at the same time by intergovernmental organizations: the Council of Europe, the European Union, the Organization for Security and Cooperation in Europe, the Budapest Process.

For the Republic of Moldova, a state that appeared on the political map of Europe about 30 years ago, it is imperative to strengthen the capacity of law enforcement bodies in the fight against human trafficking by diversifying participation in international cooperation programs in the field.

The current national legislative framework is generally sufficient for the activity of the competent bodies in this field, but starting from our country's aspirations to integrate into the European Union, it is necessary to fully transpose Directive 2011/36/EU of the European Parliament into the internal legal order and of the Council of April 5, 2011 on preventing and combating human trafficking and protecting its victims, as well as replacing the Council's Framework Decision 2002/629/JAI. In this way, the objective of approximating national criminal legislation in the field of preventing and combating human trafficking will be ensured already at the pre-accession stage.

4.2. Content of paragraph 4.2. "European judicial cooperation in the matter of preventing and combating human trafficking" allows the deduction of "good practices" in order to standardize the elaboration and application of legislation in the investigated field.

We considered it opportune to insist on the normative framework of the European Union in order to establish standards in addressing the substantive and procedural law aspects of the crime of human trafficking. Or, in an institutionalized form of interstate cooperation, based on the values of respect for human dignity, freedom, democracy, equality, the rule of law, as well as respect for human rights, including the rights of persons belonging to minorities, such as the European Union, is imperative the creation of adequate and effective legal instruments in order to achieve the objectives set by the organization's constituent documents.

In order to achieve the objectives of the European Union fixed in the constitutive acts of the organization, Directive 2011/36/EU of the European Parliament and of the Council of April 5, 2011 on preventing and

combating human trafficking and protecting its victims was also adopted, as well as replacing the Decision - framework 2002/629/JAI of the Council.

Being a mandatory act, the Directive creates positive obligations for the member states of the European Union, including in the matter of the national regulation of the crime of human trafficking. In this vein, the Directive provides that the exploitation of begging activities, including the use of a dependent trafficked person for begging, falls within the definition of human trafficking only when all the elements that characterize forced labor or service are met. In light of the relevant case law in the field, the validity of any possible consent of the person to provide such work or service should be assessed on a case-by-case basis. However, when it comes to a child, no possible consent of the child should ever be considered valid. .

### 3. GENERAL CONCLUSIONS AND RECOMMENDATIONS

In the context of the great geopolitical, economic and social changes that the international community is currently facing, crime has acquired new values, expanding its scope and scope of activity to alarming levels, a cause for concern for most of the world's states, and in particular those whose economies are in transition, given the vulnerability of legislative systems and the fragility of democratic institutions.

In the framework of this doctoral thesis, as a result of the research carried out, the following scientific results were substantiated, congruent with the goals and tasks outlined in the introduction of the paper:

- 1) clarification and characterization of the objective and subjective sub-elements of human trafficking;
- 2) harmonizing national criminal provisions related to human trafficking with international standards;
- 3) identifying the delimiting features between human trafficking and related crimes;
- 4) the formulation of some legislative proposals likely to perfect the criminalization of human trafficking.

Among the most important general conclusions resulting from the present study, we mention the following:

1. Both in the specialized literature in Romania and in the Republic of Moldova, special attention has been paid to the issue of human trafficking, respectively human trafficking, and the scientific materials published on the subject of this study are multiple and eloquent.

2. The study and research of scientific materials regarding the trafficking of human beings, respectively the trafficking of persons, puts a special emphasis on the regulation of the crimes referred to in the criminal legislation of the Republic of Moldova and Romania in the sense of art. 165 CP RM and art. 210 CP of Romania

3. The punitive criminal policy of the Republic of Moldova in the field of criminal prevention of human trafficking is rationalized on a clear differentiation of criminal liability and, implicitly, of the legal individualization of criminal penalties applicable for the crime of trafficking in adult persons (trafficking in human beings - art. . 165 CP RM) and that of child trafficking (art. 206 CP RM).

4. The legal-penal analysis of the constitutive elements of the crimes of human trafficking in the criminal legislation of the Republic of Moldova and of human trafficking in the Romanian legislation demonstrates a close approach to criminal legislation, following the ratification of the Protocol on the Prevention, Suppression and Punishment

of Human Trafficking , especially of women and children, in addition to the United Nations Convention against Transnational Organized Crime.

5. The crime of trafficking in human beings affects the social relations that ensure the freedom of the individual and is not limited to physical freedom, but also implies the absence of any psychological influence aimed at changing human behavior through illegal coercion, therefore both in Romania and in the Republic of Moldova , the sanctioning of human trafficking is a constant concern of the legislator, which has materialized in a complete normative framework consistent with that at the European and international level.

Both the special criminal legislation of Romania through the law no. 678/2001, as well as the criminal codes of the two states criminalize and sanction crimes related to human trafficking and human trafficking respectively.

6. The study of the special legal object of the crime of trafficking in human beings allows the knowledge of the system of values protected by the criminal law and reveals the criminal policy regarding the defense of certain social values considered as fundamental values of the rule of law.

The freedom of the person is conceived as a social value protected by the criminal law inherent to the natural person, which in a civilized society cannot constitute the object of any business.

7. The objective side of the crime of trafficking in human beings has a complex character, the material element being made up of purpose actions and alternative means actions, for the existence of the legal content of the crime and for proving the criminal activity, the factual establishment of a purpose action committed by by means of an intermediate action, actions that in sum reflect the element of exploitation of victims subjected to trafficking.

8. From the subjective aspect, the crime of trafficking in human beings is part of the category of crimes with alternative special purposes, inherent in the constitutive content, which nuances the exploitation of the person and thereby the prejudicial degree of the crime, and their determination is mandatory for the legal classification of the act in the basis of art. 165 C. pen.

In the case of human trafficking, it is guilt in the form of direct intent. So the intention can be defined that the crime is considered to have been committed with intention if the person who committed it realized the harmful nature of his action or inaction, foresaw its harmful consequences, wanted them or consciously admitted the occurrence of these consequences.

9. The term "trafficking in human beings" is often confused with "organization of illegal migration" and also trafficking in human beings for

the purpose of sexual exploitation is confused with prostitution. It is considered necessary that for a better understanding of the phenomenon, it is essential to make a clear distinction between the three concepts.

Although organized illegal migration and human trafficking share similar causes, characteristics and patterns, they are differentiated by precise legal distinctions.

On the one hand, the crime of migrant smuggling, also known as facilitating illegal immigration, is a crime that violates national and international border-related laws.

On the other hand, human trafficking is a crime against the person because it violates basic human rights.

10. The analysis of the differences that exist between human trafficking and the other crimes that we have referred to are aspects that will help us to correctly establish the legal classification of an act in one of the mentioned crimes, so that the criminal law is applied uniformly.

In this context, the basis of the delimitation of the crime of pimping from human trafficking is the element of coercion characteristic of the latter criminal phenomenon. This element emerges from two inherent signs of trafficking in human beings: the action as a means of committing the act and the purpose of commercial sexual exploitation or exploitation in prostitution.

11. Under international standards, the victim of human trafficking is not only exempt from liability or criminal punishment, but is also to be protected from detention, indictment or prosecution for acts committed in this capacity. As a result, it is proposed to amend the provisions of art. 165 para. (4) C. pen. of the Republic of Moldova, in the sense of dosing the protection of the victim against the exercise of punitive actions of the state for the acts committed in connection with this procedural quality.

12. The study conducted on the compatibility of national regulations on human trafficking with international standards in the field demonstrates the full transposition of the provisions of the Protocol of 11-15-2000 on the prevention, suppression and punishment of human trafficking, especially of women and children, in addition to United Nations Convention against Transnational Crime. However, the deficiencies that accompany the process of realizing the provisions of the international treaty are pointed out.

In connection with the investigations undertaken in the present work, we come up with the following recommendations that can be taken into consideration when improving the legislation, especially the criminal legislation:

- a) for the legislation of the Republic of Moldova:

1. In the Criminal Code of the Republic of Moldova from 2002, there is no rule similar to art. 216 "Using the services of an exploited person" from the Criminal Code of Romania from 2009, for which we propose that the new article criminalizes: "the act of subjecting to the execution of work or the performance of services, by force; keeping in a state of slavery or other similar procedures of deprivation of freedom or enslavement; forcing a person to practice prostitution or other forms of sexual exploitation, as well as taking organs, tissues or cells of human origin knowing that he is a victim of trafficking of human beings".

2. It is opportune to amend Law no. 105 of May 16, 2008 regarding the protection of witnesses and other participants in the criminal process of the Republic of Moldova, as well as the development and implementation of a viable mechanism for its application, since the institutions that officially deal with the protection of witnesses are either unreformed, or are operating with difficulty when it comes to the application of these legal provisions, everything is blocked, but the most serious problem of law enforcement bodies in the Republic of Moldova is the leakage of information.

3. Thus: "The disclosure of information about the protected person, about the real identity or other data about it, as well as its manipulation or intimidation, constitute a crime".

4. It is necessary to make changes in the provisions of some articles of the Criminal Code, which regulate crimes related to those related to human trafficking (art. 220 "Pimping", art. 302 "Organization of illegal begging"), in order to limit the possibility of workers legal authorities to erroneously interpret and qualify the criminal acts of human trafficking as acts of pimping or organizing illegal begging.

5. In order to achieve the objective of harmonizing national legislation with the acquis of the European Union as a condition for the accession of the Republic of Moldova to the European Union, it is recommended to fully transpose into the national legal order Directive 2011/36/EU of the European Parliament and of the Council of April 5, 2011 on preventing and combating human trafficking and protecting its victims, as well as replacing the Council's Framework Decision 2002/629/JAI.

b) for Romanian legislation:

1. Completion of art. 210 C.p. Romanian from 2009 with paragraph (3) having the following content: "The victim of trafficking is absolved of criminal liability for crimes involving the use of false documents or for crimes provided for by legislation on prostitution or immigration, committed by her in connection with this procedural capacity. This provision does not refer to crimes that the victim of trafficking has committed or voluntarily participated in". We recommend a similar addition

for paragraph. (4) art. 211 C.p. Romanian from 2009 and for para. (2) art. 16 of the Romanian Law no. 678/2001.

2. Modification of the provision from para. (2) art. 210 and from par. (3) art. 211 C.p. Romanian law from 2009, so that the phrase "the consent of the victim of trafficking does not constitute justifiable cause" is replaced by the phrase "the consent or knowledge of the victim or the person who has control over the victim for the victim to be trafficked or exploited does not constitute justifiable cause". We recommend a similar change for art. 16 of the Romanian Law no. 678/2001, amendment to find its place in a separate paragraph - paragraph (1).

3. Modification of the provision from letter e) art. 182 C.p. Romanian from 2009, so that instead of the phrase "harvesting organs illegally" the phrase "harvesting organs, tissues or cells" is included. We recommend a similar change for letter d) paragraph 2 art. 2 of the Romanian Law no. 678/2001.

4. It is necessary to establish by law that the victim is the one who has the final right to decide whether or not to be a witness in a criminal trial; in making this decision the victim must be assisted by an independent and qualified person (NGO representatives, social workers/workers, etc.), without pressure and with an initial risk assessment.

The solved scientific problem consists in the fact that, based on the study and analysis of a large amount of scientific material, it was possible to outline and propose an optimal method of legal-criminal exposure of the crimes of trafficking in human beings/trafficking in persons, as well as proposing some recommendations in order to improve the legislation penalties in force. Through the conducted study, the scientific argumentation of the premises for harmonizing the national criminal legislation with the EU standards in the matter of the criminal prevention of human trafficking was carried out, including the raising of the quality standards for the formulation of constitutive signs related to human trafficking, a fact that will raise the performance of the criminal justice act in the Republic of Moldova.

The perspective scientific research plan includes the following aspects:

1. Studying other aspects of the judicial practice in Romania and the Republic of Moldova in the crimes of human trafficking.

2. The deepening of the research having as its object the criminal doctrine from Romania and the Republic of Moldova regarding the trafficking of human beings.

#### 4. SELECTIVE BIBLIOGRAPHY

1. Airapetean A., Corsei A., International Legal Framework Regarding Human Trafficking. In: Acta Universitatis Danubius Vol. 18, No. 3/2022, ISSN: 1844-8062, pp. 124-136.
2. Bejan O., Butnaru Gh., "Trafficking in human beings", Ed. "Pontos", Chisinau, 2002, p. 38.
3. Bejan, O. Corruption: concept, prevention and counteraction. Chisinau: AŞM, 2007. 136 p.
4. Brînza S., Stati V., Criminal law. The special part. Vol. I. Chisinau: Editorial-Printing Firm "Tipografia centrală". 2011. 1062 pp. pp. 39-58
5. Corsei A., The Problem of Human Trafficking Continues in the 21st Century. In: Acta Universitatis Danubius. Vol. 18, No. 1/2022. ISSN 1844-8062 pp. 160-172.
6. Cuşnir V., Trafficking in human beings: terms and definitions for use. In: Preventing and combating transnational crimes: Theoretical and practical problems (Trafficking in human beings, terrorism, money laundering, illicit drug and weapons trafficking), Materials of the International Scientific-Practical Conference, 6-7 Oct. 2005, pp. 17-22. . 18
7. Dobrinoiu V., Hotca M. A., Gorunescu M., Dobrinoiu M., Pascu I., Chiş I., Păun C., Neagu N., Sinescu M. C., New Criminal Code commented. The special part. Second edition, revised and added. Bucharest: Legal Universe. 2014.
8. Kartusch A. Reference guide for Anti-Trafficking Legislative Review with Particular Emphasis on South Eastern, Warsaw: OSCE, page 3, 2000, p. 57
9. King, L. (2009) International Law and Human Trafficking,, Human Rights & Human Welfare: Vol. 9: Iss. 1, Article 32. <https://digitalcommons.du.edu/hrhw/vol9/iss1/32>
10. Lascu I. Crimes regarding human trafficking. In: Journal of Criminal Law no. 3/2002, p. 65.
11. Nastas, A. Specifics of Human Trafficking Crime Investigation. ADJURIS – International Academic Publisher, Bucharest, Paris 2023.104 p. ISBN 13:978-606-95862-4-2 p. 6.

12. Nastas, A. Demarcation of human trafficking from some related crimes (Practice and legislation of the Republic of Moldova). In: *Universul Juridic* magazine no. 5, May 2022, pp. 122-134.
13. Ostaveciuc D. Procedural-criminal aspects and forensic tactics regarding the investigation of child trafficking. Doctoral thesis. Chisinau. 2015.
14. Ragar, N, Du bon usage de la traite des êtres humains. Controversies autour d'un problème social et d'une juridique qualification. *Genesis*, 2007/1 n° 66, p.69-89. DOI: 10.3917/gen.066.0069. URL: <https://shs.cairn.info/revue-geneses-2007-1-page-69?lang=fr>.
15. Rotari, O. Criminology. Chisinau: ULIM. 2011, p. 890.
16. Roux S., Lutter contre la traite des êtres humains : une analyse comparative de l'action publique de la France et des Pays-Bas. Doctoral theses. Bodeaux, 12/04/2023 <https://theses.fr/2023BORD0100>
17. Spînu (Dumneanu), L., Ștefănoaia, M. Case study of human trafficking. In: *Integration through research and innovation.: Legal Sciences*, Ed. Vol.1, September 28-29, 2016, Chisinau. Chisinau, Republic of Moldova: Editorial-Polygraphic Center of USM, 2016, Vol.1, SJ, pp. 80-83. ISBN 978-9975-71-815-8, p. 308.
18. Tănase, A. The delimitation of human trafficking from some adjacent crimes. In: *Scientific journal of the State University of Moldova*, 2011, no. 3(43). pp. 221-236.
19. Tănase, A. The crime of human trafficking (art. 165 Penal Code of the Republic of Moldova): the legal object, the material object, the victim. In: *National Law Review*, No. 9-10, 2010 p. 54.
20. Udriou M., Constantinescu V. The New Criminal Code. The previous criminal code. Comparative presentation. Observations. Bucharest: Hamangiu, 2014, p. 541.
21. Ulianovschi, Gh., Curmei, I., The subject and the subjective side of the crime of coercion to make statements. In: *National Law Review* No. 2, 2016 p. 28.
22. Vidaicu M., Dolea I., Combating human trafficking (Substantive Law and Procedural Law). Nova Imprim. Chisinau, 2009. ISBN 978-9975-9792-4-5 187 p. p. 8



### 2.3. în reviste din Registrul Național al revistelor de profil (cu indicarea categoriei)

8. CORSEI, Andreea, BĂLOI, Florentina-Cristina. *Analiza practicii naționale și a CEDO pe cauzele privind violența în familie și măsuri, strategii naționale și internaționale de prevenire a victimizării minorilor*. In: Vector European. 2022, nr. 1, pp. 11-18. ISSN 2345-1106.10.52507/2345-1106.2022-1.02

### 3. Articole în lucrările conferințelor și altor manifestări științifice

#### 3.2. în lucrările manifestărilor științifice incluse în alte baze de date acceptate de către ANACEC

1. CORSEI Andreea, „*International Judicial Cooperation in Criminal Matters – General Aspects*” – articol la International Conference European Integration – Realities and Perspectives, 18 th edition, 19-20 may 2023, Galați, pp. 32-38, ISSN 2069-9344
2. CORSEI, Andreea *Colaborarea făptuitorului cu organele de urmărire penală în descoperirea întregii rețele criminale în Republica Moldova* În volumul CONFERINȚEI INTERNAȚIONALE A DOCTORANZILOR ÎN DREPT, Ediția a 13-a, TIMOȘOARA 2021 Dreptul crizei.Crizele dreptului/the law of crisis.Crises in law, Editura UNIVERSUL JURIDIC, ISSN:2066-6403
3. Airapetean Artur, CORSEI Andreea, *The methodology of the investigation and the particularities of the criminal investigation actions regarding the investigation of the trafficking of human beings* LITERARY DISCOURSE TODAY. DIALOGUE AND MULTICULTURALISM Section: Social Sciences, : "Arhipelag XXI" Press, Tîrgu Mureș, 2022, : „DIMITRIE CANTEMIR” University : 10-11 December 2022, Tîrgu Mureș, pag 90-99 ISBN: 978-606-8624-02-0

#### 3.3. În lucrările manifestărilor științifice incluse în Registrul materialelor publicate în baza manifestărilor științifice organizate din Republica Moldova

4. CORSEI, Andreea, BULANCEA, Vadim. *Măsurile de profilaxie și de prevenție a delinvenței juvenile la nivel național*. In: Promotion of Social and Economic Values in the Context of European Integration 4th International Conference. Vol.2, 3-4 decembrie 2021, Chișinău. Chișinău, Republica Moldova: 2021, pp. 82-88. ISBN 978-9975-3527-2-7.
5. CORSEI, Andreea, *Particularitățile audierii martorilor privind cercetarea traficului de ființe umane*. "Economic and legal aspects of digitalization in the context of globalization", international scientific symposium the 2nd edition, March 4-5 2022, Chisinau, Vol. 1. – 2022, pag 186-192. ISBN 978-9975-3527-4-1 (PDF).

AUTOR:

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(semnătura)

## 6. ADNOTARE

**CORSEI Andreea** „*Traficul de ființe umane – transpunerea și implementarea standardelor internaționale și europene în normativul penal național*”. Teză de doctor în drept. Școala doctorală Științe Juridice și Relații Internaționale, Universitatea de Studii Europene din Moldova. Chișinău, 2024.

**Structura tezei:** introducere, analiza materialelor științifice referitoare la traficul de ființe umane, 4 capitole, concluzii generale și recomandări, bibliografia compusă din 204 titluri, 148 pagini text de bază, 6 anexe. Rezultatele obținute sunt publicate în 25 de lucrări științifice și o carte de specialitate.

**Cuvinte-cheie:** traficul de ființe umane, fenomenul migrației ilegale, instituții regionale internaționale, tratate internaționale, legislație europeană.

**Specialitatea științifică:** 554.01 - Drept penal și execuțional penal.

**Scopul tezei** constă în evaluarea bazei juridice penale în materia traficului de ființe umane, crearea fundamentului științific, corespunzător exigențelor actuale ale normelor ce stabilesc răspunderea pentru infracțiunea de trafic de ființe umane, precum și spre eficientizarea practicii de aplicare a dreptului penal în sfera de combatere a traficului de ființe umane. Pe tot parcursul lucrării se urmărește modul în care standardele universale și cele regionale în materia combaterii traficului de ființe umane sunt transpuse și realizate în ordinea juridică a Republicii Moldova.

**Obiectivele lucrării:** examinarea stadiului actual de conceptualizare a infracțiunii traficului de ființelor umane prin analiza situației de cunoaștere în domeniul de referință în Republica Moldova și în România; analiza comparativă și evolutivă a incriminării traficului de ființe umane; analiza juridico-penală a traficului de ființe umane și evaluarea compatibilității prin elucidarea elementelor și subelementelor constitutive ale infracțiunii traficului de ființelor umane; delimitarea componenței infracțiunii de trafic de ființe umane de componențele de infracțiuni adiacente/conexe; evaluarea compatibilității cadrului normativ intern în materia incriminării și combaterii traficului de ființe umane cu standardele universale și regionale în domeniu; determinarea și soluționarea teoretică a problemelor ce vizează combaterea traficului de ființe umane prin mijloacele dreptului penal, ținând cont de specificul perioadei actuale și de situația criminogenă din Republica Moldova; elaborarea, în baza rezultatelor științifice, a recomandărilor privind armonizarea reglementărilor ce țin de calificarea traficului de ființe umane cu standardele Uniunii Europene.

**Noutatea și originalitatea științifică** a tezei de doctor rezidă în modul de abordare a instituției juridice analizate. Lucrarea conține o cercetare multidimensională a traficului de ființe umane, noutatea științifică a căreia constă în fundamentarea unor rezultate științifice destinate armonizării și reliefării soluțiilor în vederea asigurării compatibilității legislației penale a Republicii Moldova cu standardele internaționale universale și regionale, în special cele ale Uniunii Europene în domeniul prevenirii penale a traficului de ființe umane.

**Semnificația teoretică și valoarea aplicativă a lucrării.** Teza întruchipează o nouă abordare teoretică a traficului de ființe umane, bazată pe opinii și teze argumentate științific de către autor, care împreună cu alte lucrări științifice sunt susceptibile de a consolida doctrina penală națională existentă în materie. Relevanța teoretică mai rezidă în elaborarea unor soluții teoretico-practice ce pot fi aplicate în procesul prevenirii și combaterii infracțiunilor de trafic de ființe umane. Lucrarea conține soluții teoretico-practice de calificare juridică a infracțiunii de trafic de ființe umane. Totodată, teza scoate în evidență unele probleme curente și de perspectivă care pot apărea în practica de aplicare a legii penale, dar și a căilor de soluționare adecvată ale acestora.

**Valoarea aplicativă.** Concluziile și recomandările prezentate și sintetizate în lucrare ar putea constitui, sub unele aspecte, temeuri de inițiere a revizuirii a legislației penale în domeniu în lumina angajamentelor asumate prin ratificarea tratatelor internaționale în domeniul combaterii traficului de ființe umane. Tot astfel, se consideră că studiul sau rezultatele investigației științifice ar putea fi utile și pentru modernizarea curriculumului la disciplina dreptului penal, în elaborarea cursurilor, manualelor universitare sau ale altor studii, articole științifice sau monografiilor la subiectul traficului de ființe umane.

## ANNOTATION

**CORSEI Andreea** "*Human Trafficking – Transposition and Implementation of International and European Standards in the National Criminal Law Framework*". PhD thesis in Law. Doctoral School of Legal Sciences and International Relations, European Studies University of Moldova. Chişinău, 2024.

**The structure of the thesis:** introduction, analysis of scientific materials related to human trafficking, 4 chapters, general conclusions and recommendations, bibliography comprising 204 titles, 148 pages of main text, 6 annexes. The results obtained are published in 25 scientific papers and a specialized book.

**Keywords:** human trafficking, illegal migration phenomenon, international regional institutions, international treaties, European legislation.

**Scientific specialty:** 554.01 - Criminal Law and Penal Execution.

**The purpose of the thesis** is to evaluate the criminal legal basis regarding human trafficking, to create a scientific foundation that meets current requirements of norms establishing liability for the crime of human trafficking, and to enhance the practice of applying criminal law in the field of combating human trafficking. Throughout the work, the focus is on how universal and regional standards in the field of combating human trafficking are transposed and implemented in the legal order of the Republic of Moldova.

**Objectives of the thesis:** examination of the current stage of conceptualization of the crime of human trafficking by analyzing the state of knowledge in the field both in the Republic of Moldova, in Romania; comparative and evolutionary analysis of the criminalization of human trafficking; legal-criminal analysis of human trafficking and evaluation of compatibility by elucidating the constituent elements and sub-elements of the crime of human trafficking; delimitation of the offense of human trafficking from adjacent/related offenses; evaluation of the compatibility of the internal normative framework regarding the criminalization and combating of human trafficking with universal and regional standards in the field; determination and theoretical resolution of issues related to combating human trafficking through criminal law, considering the specificities of the current period and the criminogenic situation in the Republic of Moldova; development, based on scientific results, of recommendations regarding the harmonization of regulations concerning the qualification of human trafficking with European Union standards.

**The novelty and scientific originality of the doctoral thesis** lie in the approach to the analyzed legal institution. The work contains a multidimensional research of human trafficking, whose scientific novelty consists in substantiating scientific results aimed at harmonizing and highlighting solutions to ensure the compatibility of the criminal legislation of the Republic of Moldova with universal and regional international standards, particularly those of the European Union in the field of criminal prevention of human trafficking.

**The theoretical significance and practical value of the work:** The thesis embodies a new theoretical approach to human trafficking, based on scientifically argued opinions and theses by the author, which, together with other scientific works, are likely to consolidate the existing national criminal doctrine in the field. The theoretical relevance also lies in the development of theoretical-practical solutions that can be applied in the process of preventing and combating human trafficking crimes. The work contains theoretical-practical solutions for the legal qualification of the crime of human trafficking. At the same time, the thesis highlights current and future problems that may arise in the practice of applying criminal law, as well as appropriate solutions to these problems.

**The practical value:** The conclusions and recommendations presented and synthesized in the work could, in some respects, form the basis for initiating the revision of criminal legislation in the field in light of the commitments made by ratifying international treaties in the field of combating human trafficking. Likewise, it is considered that the study or the results of the scientific investigation could be useful for modernizing the curriculum in criminal law, in the development of courses, university textbooks, or other studies, scientific articles, or monographs on the subject of human trafficking.

## АННОТАЦИЯ

**Корсей Андрея "Торговля людьми – транспозиция и имплементация международных и европейских стандартов в национальной уголовно-правовой нормативной базе". Диссертация на соискание ученой степени доктора права. Докторальная школа Юридических Наук и Международных Отношений, Европейский Университет Молдовы. Кишинёв, 2024.**

**Структура диссертации:** введение, анализ научных материалов, связанных с торговлей людьми, 4 главы, общие выводы и рекомендации, библиография, включающая 204 наименований, 148 страниц основного текста, 6 приложений. Полученные результаты опубликованы в 25 научных статьях и одной книге.

**Ключевые слова:** торговля людьми, феномен нелегальной миграции, международные региональные институты, международные договоры, европейское законодательство.

**Научная специальность:** 554.01 - Уголовное право и уголовно-исполнительное право.

**Цель диссертации** заключается в оценке уголовно-правовой базы в области торговли людьми, создании научного фундамента, соответствующего современным требованиям норм, устанавливающих ответственность за преступление торговли людьми, а также в повышении эффективности применения уголовного права в сфере борьбы с торговлей людьми. В работе акцентируется внимание на том, как универсальные и региональные стандарты в области борьбы с торговлей людьми транспонируются и реализуются в правопорядке Республики Молдова.

**Задачи работы:** изучение текущего состояния концептуализации преступления торговли людьми путем анализа состояния знаний в данной области как в Республике Молдова, в Румынии; сравнительный и эволюционный анализ криминализации торговли людьми; юридико-уголовный анализ торговли людьми и оценка совместимости путем разъяснения составных элементов преступления торговли людьми; разграничение состава преступления торговли людьми от смежных преступлений; оценка совместимости внутренней нормативной базы по криминализации и борьбе с торговлей людьми с универсальными и региональными стандартами в этой области; определение и теоретическое решение проблем, касающихся борьбы с торговлей людьми средствами уголовного права, с учетом специфики текущего периода и криминогенной ситуации в Республике Молдова; разработка, на основе научных результатов, рекомендаций по гармонизации регулирования квалификации торговли людьми с стандартами Европейского Союза.

**Новизна и научная оригинальность докторской диссертации** заключаются в подходе к анализируемой правовой институции. Работа содержит многомерное исследование торговли людьми, научная новизна которого состоит в обосновании научных результатов, направленных на гармонизацию и выделение решений для обеспечения совместимости уголовного законодательства Республики Молдова с универсальными и региональными международными стандартами, в частности стандартами Европейского Союза в области уголовной профилактики торговли людьми.

**Теоретическое значение:** Диссертация воплощает новый теоретический подход к торговле людьми, основанный на научно аргументированных мнениях и тезисах автора, которые, вместе с другими научными работами, способны укрепить существующую национальную уголовную доктрину в данной области. Теоретическое значение также заключается в разработке теоретико-практических решений, которые могут быть применены в процессе предупреждения и борьбы с преступлениями торговли людьми. Работа содержит теоретико-практические решения для юридической квалификации преступления торговли людьми. В то же время, диссертация подчеркивает текущие и перспективные проблемы, которые могут возникнуть на практике применения уголовного права, а также адекватные пути их решения.

**Практическая ценность:** Выводы и рекомендации, представленные и обобщенные в работе, могут, в некоторых аспектах, послужить основой для инициирования пересмотра уголовного законодательства в данной области в свете обязательств, принятых путем ратификации международных договоров в области борьбы с торговлей людьми. Также считается, что исследование или результаты научного исследования могут быть полезны для модернизации учебных программ по уголовному праву, при разработке курсов, университетских учебников или других исследований, научных статей или монографий по теме торговли людьми.

**CORSEI Andreea**

**TRAFFICKING IN HUMAN BEINGS - THE  
TRANSPOSITION AND IMPLEMENTATION OF  
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**SPECIALTY 554.01 CRIMINAL LAW AND  
CRIMINAL EXECUTION**

Summary of the doctoral thesis in law

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| Approved for printing: _____   | Paper size 60x84 1/16 |
| Offset paper. Offset printing. | Circulation 30 ex.    |
| Pattern sheets: 1.8            | Order no. 7/24        |

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municipality, Republic of Moldova