

STRENGTHENING LAWYERS LEGAL KNOWLEDGE AND COOPERATION WITH PROSECUTORS AND JUDGES, TO PROTECT VICTIMS OF HUMAN TRAFFICKING RIGHTS IN THE JUDICIAL PROCEEDINGS



Financed by the Justice Programme of the European Union

**MOSNEAGU ALINA
JUDGE APPEAL COURT BUCHAREST**

**TRAINING BUCHAREST ROMANIA
10-12 MAY 2017**

This publication has been produced with the financial support of the Justice Programme of the European Union. The contents of this publication are the sole responsibility of the author and can in no way be taken to reflect the views of the European Commission

Financial Compensation for Victims of Human Trafficking

- Promoting civil action in criminal proceedings
- Formulating a separate civil action
- Obtaining financial compensation from the state

Financial Compensation for Victims of Human Trafficking

Promoting civil action in the criminal trial

- Art. 19-26 C.p.p.
- Legal Object – Civil Liability of Individuals Responsible under Civil Law for a prejudice committed as result of the act which is the object of the criminal action.
- Exemption from stamp duty
- Insuring measures to repair the damage caused by the offense (art. 249 C.p.p.)– Mandatory when the injured person is deprived of his or her exercise capacity or has limited exercise capacity
- *Let the civil action unresolved*

Financial Compensation for Victims of Human Trafficking

- ***Settlement of civil action by the civil court***
- Art. 27-28 C.p.p.
- the person does not constitute herself as civil party in the criminal trial
- the case of non-solving the civil action by the penal court.
- the case of suspension of the criminal trial
- the case of a non-full coverage of the prejudice

Financial Compensation for Victims of Human Trafficking

Granting financial compensation by the state

- detailed regulation on Law no 211/2004
- ***Categories of victims that can receive financial compensation*** – art. 21:
- The persons who have been subject of human trafficking offence and trafficking of minors
- The husband, children and persons who were supported by the deceased persons as results of the offences mentioned at paragraph 1

Financial Compensation for Victims of Human Trafficking

Acordarea de către stat a compensațiilor financiare

- Categories of ***damages***– ***art. 27 from Law***
- **1.in the case of the person on who the offence was committed**
- hospital expenses and other medical expenses incurred by the victim;
- the material damages resulting from the destruction, degradation or rendering unprofitable the goods of the victim or from her dispossession, by committing the offense;
- the winnings of which the victim is deprived as result of the offense;



Financial Compensation for Victims of Human Trafficking

- **Granting financial compensation by the state**
- **2. In the case of the husband, children and persons who were supported by the deceased persons as results of the offences:**
 - funeral expenses;
 - the maintenance of which the victim is deprived as result of the offense

Financial Compensation for Victims of Human Trafficking

Granting financial compensation by the state

- It has to be requested in the legal terms established by the law – article 24 from the law;
- It is conditioned by the notification of the criminal judicial authorities in 60 days from the moment in which the offence was committed – exception minor victims;
- It can be granted in the limit of the equivalent of **10 gross minimum wages** /country
- The victim can obtain an **advance** from the financial compensation;
- It is settled by special commissions set up at the level of the tribunals - consisting of judges



Financial Compensation for Victims of Human Trafficking

- **Cross-border situations**
- Directive 2004/80/EC — relating to compensation to crime victims
- Chapter 5¹ from Law no 211/2004, and the Order of the Ministry of Justice no. 1319/C/2008

Thank You for Attention!



Alina Petronela Moşneagu
Judge – Appeal Court Bucharest, Criminal Section II
alina.mosneagu@just.ro