



# PARLIAMENTARY GROUP FOR THE FIGHT AGAINST HUMAN TRAFFICKING

2017

Activity Report

Group for the Fight against  
Human Trafficking of  
the Romanian Parliament





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Chamber of Deputies**

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*Human trafficking represents a serious infringement of fundamental rights, a constantly evolving phenomenon worldwide, with multiple and irremediable effects on millions of victims and on the society alike.*

***Liviu DRAGNEA***

*President of the Chamber of Deputies*

Every year, Romanian nationals account for a significant share of the total number of victims of human trafficking identified in Europe. Current challenges posed to the European project may place Romanians, both living in Romania and abroad, in situations where either their rights are not observed, or they are subject to labour exploitation or forced to breach the law.

Human trafficking, and other related offences should receive firm and appropriate legal and law enforcement responses. This is why I encouraged and supported the activity of the Romanian Parliament's Group on Fighting Human Trafficking. The Group generates yearly a complex assessment of the activities undertaken to combat and prevent this phenomenon. The Parliamentary activity on this topic is more and more elaborate, more integrated, and the experience gained from one year to another contributes to the development of new methods and more concrete strategies.

I want to highlight the important role of the Parliament, an ally that society may rely on to prioritize the actions in the best interest of the citizen and in the fight to combat this calamity. Today, we have valuable experience which we should build upon to develop and improve the methods of action and to send citizens the message that we care.

I would also want to draw attention on the important role each citizen may play in the fight against human trafficking. The 2017 activity report of the Parliamentary Group on Fighting Human Trafficking highlights these risks, as well as the actions authorities, organisations and citizens may take, as their active role is important in fighting human trafficking.

In my capacity as President of the Chamber of Deputies, with this activity report I am sending my message not only to the Government, authorities or non-governmental organisations, but first and foremost to common people: anyone may become the victim of this phenomenon and, the better informed we are, the less vulnerable we become, and the plague of human trafficking will be more difficult to spread.



Romania, just like many other countries in Europe or worldwide, has not been spared of the effects of one of the most harmful calamities of the contemporary world: human trafficking.

Initially a country of origin, but currently a country of destination as well due to the migration route multiplication, at the beginning of the 2000s Romania could not stay passive in combating and preventing modern slavery.

In this context, starting from 2009, the Parliament of Romania set up the Group on Fighting Human Trafficking within the Chamber of Deputies, a group which, through its activities in time, contributed to tackling the phenomenon described in this report, from a parliamentary perspective.

Today we are among the few countries where the Parliament includes a number of MPs organised in a group, consisting in representatives of several parties, who dedicate their activity to improving the legislation, informing the public, holding hearings and debates within the Committee for European Affairs, organising international conferences, cooperating with other Parliaments and, last but not least, to developing a yearly report which aims at providing Romanians and other countries an overview of the efforts made by our country in fighting human trafficking and related offences.

I want to thank all MPs for their efforts, for their involvement in all the actions organised by our Group and for their contribution to this report.

At the same time, I want to highlight the availability demonstrated by public institutions, which participated in the hearings and provided the information we requested.

A special acknowledgement goes to Mr. Anthony Steen, who has been cooperating with us since 2009 and who contributed to the conclusions on the assistance provided to victims, presented by this report.

Last but not least, I appreciate the activity of Romanian NGOs and of their European partners, concerned with one of the most complex plights worldwide: human trafficking.

***Angel TÎLVĂR***

*Coordinator of the Group on Fighting Human Trafficking within the*

*Parliament of Romania*

## FOREWORD

This report for 2017 is the third report published by the Group on Fighting Human Trafficking within the Parliament of Romania.

The Group was created in 2009 within the Committee for European Affairs, as a flexible structure, to reflect the concern of the European Union for fighting human trafficking, and to ensure active participation in defining the national position and in the political dialogue with the European Commission on the EU proposals in the field.

The activity of the Group aims at reducing human trafficking, both in Romania, as a country of origin and transit, at enhancing the effects of the prevention actions, at increasing the number of criminal proceedings and convictions of traffickers, at improving the specific actions of law enforcement bodies, at strengthening the integrated border management systems, and ensuring actions to protect victims.

In cooperation with public institutions and with non-governmental organisations, the Group aimed at identifying the action lines to be implemented by the Government to prevent and combat the human trafficking in Romania, in the European Union and in the region.

The structure of the report is as follows: a brief **introduction**, the Group **history**, a presentation of the **goal and the role** of the Group, followed by a detailed description of the **activities** undertaken by the Group in 2017 and a presentation of data and information on the situation of **human trafficking** in 2017, made available to the Group by public institutions and authorities: National Agency against Human Trafficking; Directorate for Fighting Organised Crime; Directorate for Investigating Organised Crime and Terrorism; Ministry of Labour and Social Justice; Ministry of Foreign Affairs; Ministry of Justice.

## List of acronyms

ANA	National Anti-Drugs Agency
ANABI	National Agency for Management of Proceeds of Crime
ANITP	National Agency against Trafficking in Person
ANPDCA	National Authority for Protection of Children's Rights and Adoption
CIPC	Centre of Training of Consular Staff
DCCO	Directorate for Fighting Organized Crime
DIICOT	Directorate for Investigation of Organized Crime and Terrorism
DGASPC	General Directorate for Social Assistance and Child Protection
EJTN	European Judicial Training Network
EUROJUST	European Unit for Judicial Cooperation
EUROPOL	European Union Agency for Law Enforcement Cooperation
GRETA	Group of Experts on Action against Trafficking in Human Beings
HG	Government Decision
IGPR	Romanian Police General Inspectorate
INM	National Institute of Magistracy
Interpol	International Criminal Police Organization
ÎCCJ	High Court of Justice
MFA	Ministry of Foreign Affairs
MoIA	Ministry of Internal Affairs
MD/OC	diplomatic missions/consular posts
MJ	Ministry of Justice

MMJS	Ministry of Labour and Social Justice
MNIR	National Mechanism for Identification and Referral of Human Trafficking Victims
M.Of.	Romanian Official Journal, part I
OG	Government Ordinance
OIM	International Organization for Migration
ONG	Non-governmental organization
ONU	United Nations
OSCE	Organization for Security and Co-operation in Europe
OUG	Government Emergency Ordinance
PÎCCJ	Prosecutor's Office Attached to the High Court of Justice
SECS	Society for Family Planning and Sexual Education
SIMISC	IT System for Integrated Management of Services for Citizens
s.n.	emphasis added
TAIEX	Technical Assistance Information Exchange Office
TANGO	Tandem with NGOs initiative
TFEU	Treaty on the Functioning of the European Union
TIP	US State Department report
TIR	International Road Transports
EU	European Union
UNIFERO	International Union of Romanian Women
UNODC	UN Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime

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## INTRODUCTION

Human trafficking is undoubtedly one of the most serious criminal offences, for obvious reasons: the nature of the values targeted, the scope of the phenomenon, both in Romania and internationally, the cross-border dimension, the links with organised crime and, at human and moral levels, the effect of profound dehumanisation on the victims, the serious and irreparable violation of crucial values which are of the essence for the human condition.

The phenomenon of human trafficking is not just episodic, but it involves a large number of people and it triggers profound social and economic effects which demonstrate serious violation of fundamental rights and, consequently, become a problem which grows more and more serious.

Fighting human trafficking requires joint action of other authorities as well, besides the judiciary, to raise awareness among the potential vulnerable groups on the danger of becoming victims of this phenomenon.

In this context, it is imperative to define coherent policies on fighting and preventing human trafficking, which should consider certain particularities, such as the difficulty in determining the actual dimensions of the phenomenon, induced by the high mobility and by the intense movement across borders.

At national level, from a legislative perspective, sanctioning and fighting human trafficking have been a constant concern and have gained a full-fledged regulatory framework, initially by Law no. 678/2001<sup>1</sup>, as further amended - the most important amendments were brought by Law no. 230/2010<sup>2</sup>, to meet the international and EU criteria for preventing and fighting this phenomenon.

The Parliament of Romania is among the first Parliaments of EU Member States which initiated a procedure designed to shape the partnership and exchange of information between relevant actors within all public administration sectors and civil society, so as to enable efficient prevention and fighting against human trafficking. The Parliament of Romania created in 2009 the Group on Fighting Human Trafficking within the Parliament of Romania<sup>3</sup> (hereinafter called “the Group”), presenting now its third report.

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<sup>1</sup>Official Journal, nr. 203/31 March 2003.

<sup>2</sup>Official Journal, nr. 812/6 December 2010.

<sup>3</sup>The first report of the Group was submitted to the Standing Bureaus of the Chamber of Deputies and of the Senate on 8 December 2013; the report may be accessed at the meeting of the Joint Standing Bureaus of the Chamber of Deputies and of the Senate on 9 December 2013, 1 p.m., at [http://www.cdep.ro/bperm/2013/F943274668-Raport\\_trafic\\_2010.pdf](http://www.cdep.ro/bperm/2013/F943274668-Raport_trafic_2010.pdf). The second report, submitted to the Standing Bureau of the Chamber of Deputies on 22 June 2015 may be consulted accessed at the meeting of the Standing Bureau of 24 June 2015, 3 p.m., at <http://www.cdep.ro/bp/docs/F-1263241309/CAE%20trafic.pdf>.

“Human trafficking represents an infringement of human rights and an offence of human dignity and integrity, a threat on person’s security and on social and moral values.

[...] The crime of human trafficking continues to be one of the most profitable crimes for offenders, but harmful for victims and the entire society. The nature of exploitation activities dehumanizes the victims, subjecting them to inhuman treatments sometimes with irreversible effects on their personality and human development, especially as regards children.

The observance of this phenomenon tendencies allows the outline of future activities for countering and prevention human trafficking.”

**(The National Strategy against Trafficking of Human Beings for 2012 - 2016)**

The work of the Group on Fighting Human Trafficking is consistent and remarkable, mirroring the public concerns in this area. Through monitoring procedures, annual reports and adequate legislative proposals, the Group demonstrates that the Parliamentary involvement on this topic is extremely relevant.

Heightened attention has been given to assessing information included reports of European and international organisations.

The Group has been organising joint actions and exchanging information with entities and organisations of the civil society, focusing on the moral dimension of preventing human trafficking and on providing assistance to victims.

The cooperation between the Group and the National Agency against Human Trafficking (hereinafter referred to as “ANITP” or “The Agency”) strengthened, so that all the actions and requests for data on human trafficking or information on the organization and operation of the national system for fighting human trafficking received useful responses. The level of trust, substance of the exchange of information and good communication are at an optimal standard, such as to warrant the statement that this Group’s work provides a best practice model in inter-institutional cooperation.

The National Agency against Human Trafficking is widely appreciated at national and international level, its work placing Romania in the position of a strategic regional leader in Southeast Europe.

**The National Strategy against Trafficking of Human Beings for 2012 - 2016**

was developed at the initiative of the National Agency against Human Trafficking, following the implementation of the National Strategy against Trafficking in Persons for 2006-2010.

Public entities with responsibilities in the area of human trafficking and non-governmental organisations that carry out prevention work and provide assistance to victims of this crime participated in the development of the Strategy.

The entities that participated in the development of the Strategy were: the Ministry of Administration and Internal Affairs (National Agency against Human Trafficking, General Inspectorate of the Romanian Police – Directorate for Fighting Organised Crime, General Inspectorate of the Border Police, General Inspectorate for Immigration, (Public Policies Unit), Public Ministry (Directorate for Investigating Organized Crime and Terrorism), Ministry of Justice, Ministry of Foreign Affairs, Ministry of Labour, Family and Social Protection (Labour Inspectorate, Department for Child Protection, Department for Protection of Disabled Persons, National Employment Agency), Ministry of Education, Research, Youth and Sports (General Department for Lifelong Education and Learning) and the Ministry of Health (Public Health Authority, National Agency for Transplant).

The document was developed and finalised with the relevant contribution of the following non-governmental organisations: Organisation Save the Children Romania, Association for the Development of Alternative Reintegration and Education Practices, Association Caritas Bucharest, Ecumenic Association of Churches of Romania, Romanian Centre for Missing and Sexually Exploited Children, Foundation “Terre des Hommes”, Rațiu Centre for Democracy, International Organisation for Migration, “Human Trafficking Foundation” of Great Britain.

A significant novelty in the current Report – the third prepared by the Group on Fighting Human Trafficking – is the inclusion of conclusions of the “Human Trafficking Foundation” of Great Britain on the assistance provided to the victims of human trafficking.

## II. BACKGROUND

The decision to establish the Romanian Parliament's Group on Fighting Human Trafficking is part of the wider context of measure take to prevent and fight human trafficking. The initiative to set up a group for fighting human trafficking in the Romanian Parliament came following a proposal by Mr Anthony STEEN, former MP in Commons' Chamber (United Kingdom), submitted to Mr Ștefan Valeriu ZGONEA, at the time MP, Secretary of the Standing Bureau of the Chamber of Deputies and member of the Commission for European Affairs of the Romanian Parliament. The proposal was for the Parliament to participate in the establishment of a future European network for fighting human trafficking.

The Group was established as part of the Commission for Foreign Affairs of the Romanian Parliament, when in the Commission's meetings of 24 and 31 March 2009 it was decided to support this initiative, considering that the European Union was already taking substantial action towards the development and implementation of a policy on human trafficking<sup>4</sup>. The Commission's decision was then approved by the Standing Bureaus of the two Chambers of the Parliament, on the 27<sup>th</sup> of April 2009.

The Group's inclusion in the Commission for Foreign Affairs was also decided in consideration of the need to bring in line the national laws with the relevant EU laws as soon as possible, to participate substantially in formulating the national position and in the informal dialogue with the European Commission on Eu proposals in this matter, as well as to prepare the national institutional framework for suitably implementing the Union's programmes and action plans in areas where the national authorities do not have exclusive jurisdiction. Another consideration was that the main task of this Commission is to examine draft EU laws, including any proposals related to the Group's main scope of work, in the context of amplified concerns of the Union to regulate and promote non-legislative instruments in this area.

On the 14<sup>th</sup> of April 2010, Decision no. 18/2010 of the Parliament of Romania<sup>5</sup> was adopted, calling for the representatives of public authorities with responsibilities in this field to be heard by the Group on Fighting Human Trafficking in the period 1 May - 31 November 2010. The information collected in the hearings were to inform the first Report prepared by the Group – the first Parliamentary Report of this kind prepared in the European Union's Member States.

The 2014 Report was the second prepared by the Romanian Parliament's Group on Fighting Human Trafficking. Though the Group continued to remain a flexible structure, the busy parliamentary agenda led to a reduction in the number of actions undertaken, so that, in the period preceding the second Report, the work of the Group mainly focused on monitoring and analysis of data and information gathered, regular briefing the members and pointing out certain developments that required the intensification of the Parliamentary actions.

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<sup>4</sup> Art. 79 Para. (1) TFUE: „The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of *migration flows*, fair treatment of third-country nationals residing legally in Member States, and the *prevention of*, and enhanced measures to combat, *illegal immigration and trafficking in human beings*.” (emphasis added).

<sup>5</sup> Decision no. 18 of 14 April 2010 on the organization of hearings in the Group on Fighting the Human Trafficking of representatives of public entities with responsibilities in this field (M. Of., no. 239/15 April 2010).

### **III. SCOPE OF WORK AND RESPONSIBILITIES OF THE GROUP**

#### **III.1. PURPOSE**

The Group's goal is to reduce human trafficking, both in Romania (as country of origin and transit) and the European Union, enhance the impact of prevention actions, increase the number of cases investigated and convictions of traffickers, streamline the specific actions of law enforcement bodies, consolidate integrated border management systems, ensure measures to protect victims.

Working together with state bodies and non-governmental organisations active in this area, based on an analysis of achievements and failures, the Group has proposed identify those public policies whose implementation by the Government would result in preventing and fighting trafficking of persons in Romania as a country of origin and transit, in the European Union and in the region, as well as to provide the set of information required for substantiating national, European Union, member states and regional decisions.

The Group aims to foster a long-term vision in the Parliament, acting independently from the "party political policy", and be a partner to the Executive and civil society, with a view to identifying the best ways to create public policies and to implement related measures.

#### **III.2. RESPONSIBILITIES**

As an entity established on voluntary bases, the Group has defined its own responsibilities:

- Monitors the implementation of the provisions of the National Strategy against Trafficking in Persons and the National Action Plan for the implementation of the Strategy;
- Organises the exchange of information, consultations and joint activities with the organisations represented in the Inter-ministerial Working Group, to coordinate and evaluate the work aimed at preventing and fighting the human trafficking;
- Provides its members and other interested MPs a set of basic information to substantiate / explain national, EU and/or member state initiatives and decisions;
- Monitors the research in the features, size and trends in this crime;
- Cooperates in the Parliamentary initiation, evaluation and control of legislative or administrative proposals, including the Parliamentary evaluation and control of proposals from the European Union;
- Aims at establishing in Romania a hub for coordination in the matter of human trafficking with the Parliaments of the candidate states, potential candidate states, states with association and stabilisation agreements with the European Union, other states of origin, transit and destination;
- Supports the participation of civil society organisations and local authorities in the areas exposed to this crime;
  
- Looks to identify national and European best practices;

- Analyses the effectiveness of the prevention methods, law enforcement and assistance provided to victims and submits for review unconventional methods that might augment the effect of such actions;
- Prepares the list of relevant national and international institutions and organisations or expert bodies from other EU that may become partners of the Group;
- Prepares the list of relevant national, European and international regulations;
- Determines the objectives of its own activity and pursues their achievement;
- Exercises the Constitutional roles on the Parliamentary control over the activities of the national authorities with responsibilities in the area;
- Ensures a permanent flow of information, statistics, data and research documents between the Commission for European Affairs and the specialised bodies/units of the Chambers of the Parliament, the Government, ministries, other national authorities;
- Proposes the Standing Bureaus of the two Chambers the conclusion of cooperation agreements between the Romanian Parliament with organisations that are not subject to Parliamentary control;
- Coordinates the development of analyses, digests and comparative studies on the management of the matter of trafficking of women and children at national and European level, dynamics of the crime, tendencies in terms of legislative and implementation measures adopted at the level of the European Union or other member states;
- Using specific means of the Parliamentary institution, supports the efforts of the national authorities with responsibilities in fighting human trafficking;
- Takes action to disseminate information about the risks to victims, measures to fight, measures to protect the victims of human trafficking etc. to all walks of the Romanian society, and to bring this topic to the forefront of public debate;
- Cooperates with similar structures of the national parliaments of European Union's member states, based on interparliamentary or *ad-hoc* cooperation agreements;
- Participates in meetings initiated by national and international organisations or by organisations from other EU member states;
- Prepares an annual report on the progress of fighting human trafficking.

At international level, the Group's goals are to contribute to the good representation, correct information and fair perception of the national efforts aimed at fighting human trafficking.

## **IV. ACTIVITIES OF THE GROUP ON FIGHTING HUMAN TRAFFICKING IN 2017**

In 2017, the Romanian Parliament's Group on Fighting Human Trafficking carried out the following types of activities:

- Conferences (IV.1);
- International visits and meetings (IV.2).

### **IV.1. Conferences**

#### **IV.1.1. Preliminary issues**

As it has been doing since its establishment, in 2017 the Group on Fighting Human Trafficking continued to work towards extending the scope of action and joining efforts aimed at eradicating the trafficking of human beings in all its forms. To such effect, among others, the Group organised various actions, among which an international conference.

On the other hand, members of the Group participated in various conferences and meetings on subjacent topics to human trafficking.

#### **IV.1.2. International Conference on fighting human trafficking – 26 September 2017**



On **26 September 2017**, the Chamber of Deputies of the Parliament of Romania hosted the V<sup>th</sup> edition of the International Conference on fighting human trafficking, an event organised by the Romanian Parliament's Group on Fighting Human Trafficking.

The Conference benefitted from the attendance of numerous guests from Romania and abroad, members of the Government of Romania, Members of the Parliament, representatives of the diplomatic corps accredited to Bucharest, Churches and academia, experts and representatives of the civil society interested in stemming this phenomenon.

To open the Conference, Mr Florin Pâslaru, Group member, presented the speech of Mr Liviu Dragnea, President of the Chamber of Deputies, who, among others, emphasised that *“human trafficking is a catastrophe of our age, which affects tens of millions of persons. The figures advanced by international organisations are staggering and reflect the truly tragic destiny of those who fall prey to this type of abuse. [...] Romania is one of the countries interested in this occurrence, since it is at the same time a country of origin and destination for the human trafficking and labour exploitation. From this perspective, our efforts should equally focus on preventing and fighting these crimes. As a modern, democratic and European society, it is our obligation to use all the means at our disposal to remain a significant, vocal and engaged stakeholder in the fight against trafficking of human beings”* (emphasis added).

During the debates, Mr Angel Tîlvăr MP, as Coordinator of the Group, listed the means that Romania uses in its efforts to eradicate this crime: *“Public information and awareness, investigating and prosecuting the perpetrators and assisting the survivors of trafficking are all permanent actions undertaken by specialised organisations in partnership with non-governmental organisations active in the field, but also with foreign counterparts dedicated to these efforts. The outcomes of this commitment are visible in the significant reduction in the trafficking of persons. Thus, in 2016, the number of identified victims of trafficking decreased by 14 %, from 880 persons in 2015, to 756 in 2016”* (emphasis added).

The special attention that the Parliament of Romania pays to this issue was emphasised, as well as the opening that the members of the Legislative have to develop efficient policies and mechanisms in the fight against human trafficking and labour exploitation, in the context whereby our country is currently a model of good practices in this field, for Europe and the world. *“We are in a particular situation, since we are a country of origin of victims of this crime, but, following the increase of migration flows, we may also become a destination for the human trafficking. [...] Our commitment and vigilance should remain at a maximum level in all cases where the victims are Romanian citizens, wherever in the world they may live and work. Our intervention in such cases should be strong and concerted, based on well-defined mechanisms”*, underlined Mr Angel Tîlvăr.

One of the advanced proposals was for an independent authority to develop a national perspective over the issues confronting the victims of trafficking. This should be added to the current monitoring and annual reporting activities carried out by the Parliament, for the purpose of appending the existing relevant regulations.

The Conference debates provided the participants with the possibility to dialogue directly and effectively, to underscore specific aspects of their work and propose new forms of inter-institutional cooperation meant provide more coherence and efficiency to the fight against trafficking of human beings.

All the participants in the Conference emphasised the fact that human trafficking existed, exists and will probably continue to exist, depending on what will be done from now on to eradicate it.

## **IV.2. International visits and meetings**

### **IV.2.1. Preliminary issues**

The Group organised international meetings, visits to Romania of foreign partners and meetings with representatives of international organisations. In turn, the Group members attended international meetings.

### **IV.2.2. Workshop “Members of European Parliaments cooperate to fight against human trafficking in the Western Balkans”**



On the **18<sup>th</sup> of May 2017**, the Workshop “Members of European Parliaments cooperate to fight against human trafficking in the Western Balkans” was held at the National Assembly of the Republic of Serbia. Mr Angel Tîlvăr MP, Coordinator of the Group on Fighting Human Trafficking, participated in this event.

Trafficking in persons is one of the most severe scourges of the modern age, a violation of human rights with dramatic effects in the life of victims, and a social phenomenon that not only destroys persons, but also entire families or communities.

Every year, modern slavery claims tens of millions of victims all over the world. Unfortunately, this extremely serious occurrence also impacts on Romanian citizens who fall prey to the trafficking networks or unscrupulous individuals who are often also violent.

The Workshop showed how present this threat is on the agenda of the parliamentary bodies in Europe. The Workshop was attended by members of the Parliaments of Serbia, Romania, Bosnia-Herzegovina, Montenegro, representatives of the UN Office for Drugs and Criminality (UNODC), International Organisation for Migration (OIM), “Human Trafficking

Foundation” of Great Britain, EU Delegation and the Counsel of Europe in Serbia, as well as of non-governmental organisations active in the field.

With the support of data and figures resulting from the earth shattering realities of the human trafficking, the participants demonstrated how serious this threat is and what mechanisms are currently in place and used in the attempt to prevent and fight it.

Romania, impacted upon by the human trafficking, is one of the countries with the richest Parliamentary activity in this field. In the event, Mr Angel Tîlvăr MP presented both the current situation in our country, and the work of the Romanian Parliament’s Group on Fighting Human Trafficking, a Group that carries out yearly integrated assessments of this scourge crime. Starting from available statistics, the MP stated that it was critical for the Parliamentary activities in this field to continue with the same efficiency, in order to draw attention to the alarming development of the phenomenon and to create a discussion basis for the development of comprehensive and efficient national laws in this matter.

#### **IV.2.3. International Workshop “Members of European Parliaments involved in the fight against trafficking of human beings and modern slavery”**



Between **14-15 September 2017**, the International Workshop “Members of European Parliaments involved in the fight against trafficking of human beings and modern slavery” was organised in Rome, with the support of the Chamber of Deputies of the Italian Parliament and in cooperation with “Human Trafficking Foundation” of Great Britain, alongside MPs from other European countries, decision makers from relevant EU bodies, representatives of relevant non-governmental organisations and local authorities. The Romanian Parliament’s Group on Fighting Human Trafficking was represented by Mr Angel Tîlvăr and Mr Florin Pâslaru.

On this occasion, as Coordinator of the Romanian Parliament’s Group on Fighting Human Trafficking, Mr Angel Tîlvăr MP presented relevant data that illustrated the dimension of this

phenomenon in our country and listed the mechanisms established and actions taken by the Romanian State to prevent and fight this crime.

Between 2015-2016, the Romanian Authorities implemented 10 national campaigns to prevent the human trafficking, including online, concerning the main forms of exploitation. In total, more than 3,300 preventive activities were implemented, with some 600,000 direct beneficiaries and an estimated 2,500,000 tangential beneficiaries, the latter being persons who came into contact with anti-trafficking messages through leaflets, posters, video messages and online.

As a result of the activities implemented by the Romanian State with the aim of fighting the trafficking of human beings, through the cooperation between various national bodies with specific responsibilities and with foreign counterparts, the number of Romanian citizens that fell victims to trafficking was gradually reduced, from a total of 1,041 persons in 2012, to 756 persons in 2016.

The joint operations with partners from the main European countries of destination, namely Italy, Germany, Great Britain and Spain, as well as the development of partnerships between the authorities and non-governmental organisations were key factors for the success of the operations meant to prevent and fight human trafficking.

“Trafficking of human beings and modern slavery are topics that are found more frequently and with higher priority on the current agenda of European parliamentary meetings. The concern with these issues is natural, in the context whereby the two scourges impact upon an ever-increasing number of persons and are amplified by other grave occurrences, such as the large scale migration flows, humanitarian crises, conflicts and extreme poverty. In a world in which more than 20 million persons are trafficked or live as slaves, the involvement of the legislative bodies in countering these true social plagues at regional level becomes mandatory.”

Angel TÎLVĂR

## V. INVOLVEMENT OF ROMANIAN INSTITUTIONS IN THE FIGHT AGAINST HUMAN TRAFFICKING

### V.1. Preliminary issues

In discharging its duties, the Romanian Parliament's Group on Fighting Human Trafficking manages the information on the human trafficking in Romania from multiple perspectives: on the one hand, the Group organises the exchange of information (requesting and receiving information from public entities and authorities, as part of its Parliamentary control function), and on the other hand, provides the information it receives to MPs who can substantiate initiatives and decisions in the matter.

In 2017, the Group on Fighting Human Trafficking obtained information on the activities carried out by relevant public entities and authorities in the area of human trafficking.

The allocation of responsibilities in the overall institutional system dedicated to fighting human trafficking may be classified thus:

- Fighting: DCCO and DIICOT;
- Sanctioning: Ministry of Justice / courts of justice;
- Monitoring, prevention and referral: ANITP;
- Assistance: ANPDCA (through DGASPC) and NGOs.

In its V<sup>th</sup> Part, the Report presents information on the status of human trafficking in 2017, thus:

- The second section presents the statistical analysis of the situation of the victims of human trafficking identified in 2017 in Romania, an analysis produced by ANITP;
- The third section presents the status of DCCO within IGPR and provides information on the recent relevant activities of this Department;
- The fourth section presents statistics on the activities undertaken by DIICOT's in 2017 in the same matter;
- The fifth section reviews the activity of MMJS, through ANPDCA, in the field of protecting and advancing children's rights;
- The sixth section describes MAE's contribution to the achievement of the specific objectives of the National Action Plan 2012-2014 for the implementation of the National Strategy against Trafficking in Persons for 2012-2016;
- The seventh section presents the actions undertaken by the MJ to prosecute traffickers of human beings.

## V.2. National Agency against Human Trafficking (ANITP)<sup>6</sup>

### General aspects of the operation of ANITP

- **Place and role of ANITP**

ANITP is organised and operates as a specialised entity with juristic personality, subordinated to the Ministry of Internal Affairs, under HG 460/2011 on the organisation and operation of the National Agency against Human Trafficking.

- **ANITP's objectives**

General objective 1: Develop the institutional capacity to gain knowledge of human trafficking and to support its victims

Specific objectives:

- Improve the efficiency of the efforts to assess the issue of human trafficking at national level;
- Ensure the sustainability of the transnational referral of Romanian citizens victims of human trafficking, identified abroad.

General objective 2: Strengthen the efforts to prevent human trafficking, by the development of cooperation with relevant stakeholders

Specific objectives:

- Improve the information of the population on the risks and implications of human trafficking;
- Develop the cooperation with stakeholders involved in fighting human trafficking.

General objective 3: Strengthen the international relations component in the work of ANITP

The specific objectives are aimed at developing the international cooperation with counterpart foreign entities, EU / international organisations and bodies.

General objective 4: Ensure the good operation of ANITP

The specific objectives are aimed at improving the Agency's financial, human resources, logistics and procurement capacity.

### **Statistical analysis of the status of victims of human trafficking identified in 2017 in Romania**

According to the Integrated System for Monitoring and Evaluating the Victims of Trafficking in Persons (SIMEV – a complex database managed by ANITP, which allows experts to monitor and evaluate human trafficking from the perspective of victims), in 2017, Romania continues to have the profile of a country of origin for victims of human trafficking. At the same time, the internal trafficking remains the most widespread, with a significant number of the victims, mainly underage, having been exploited within Romania, 2017 (401).

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<sup>6</sup> This section presents information provided to the Group by ANITP.

In the reporting period, the human trafficking had dynamics whose main characteristics do not differ significantly from those of previous years. By and large, the criminal patterns and the social-demographic profile of traffickers remain virtually unchanged from previous years.

The statistics suggest a dynamic that maintains Romania among the European countries that succeed to investigate a significant number of persons involved in trafficking. Moreover, the population of identified victims continues to have the same characteristics, both in social-demographic terms and in overall size.

The analysis of national data allows for profiling the main features of the victims of human trafficking identified in 2017. Therefore, in statistical terms, in 2017, the number of victims went down by 12 %, from 756 victims identified in 2016, to 662, in 2017. Same as in the previous years, Romanian citizens are the majority, with only one person of a different nationality being identified.

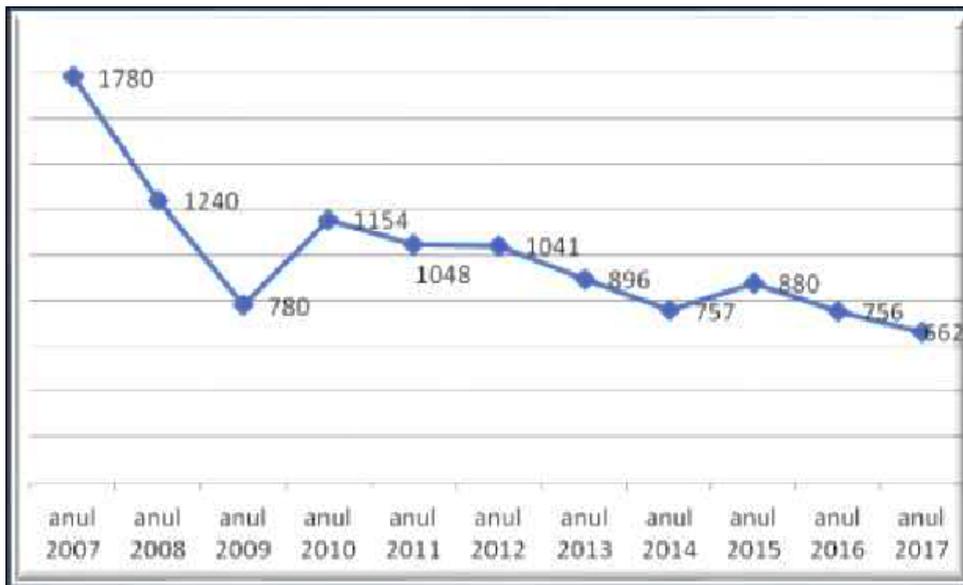
As in the past, in the case of cross-border trafficking, the first five countries of destination for exploitation of victims, in an order that differs from that of 2016, are Italy, France, Germany, Spain and Great Britain.

### **1) General characteristics – the profile of the victim of human trafficking from Romania**

- Women's vulnerability, in particular of the underaged, is reflected in their high ratio in the total number of identified victims.
- Most victims are adults (62 %), according to the 2016 statistics, but there has been an increase in the number of underage victims in 2017 (51.4 %).
- Most victims have social and educational deficiencies, alongside low levels of formal or informal education; the lack of physical and financial resources to meet their individual needs are determinants in them being selected by the traffickers.
- Low education levels – some 50 % of the victims have completed not more than lower secondary education.
- The exploitation by compelling into offering sexual services continues to have the highest incidence.

The Chart of the multiannual evolution of the population of identified victims for 2007-2017 shows that their overall trend is on the decrease, with two exceptions, in 2009 and 2014.

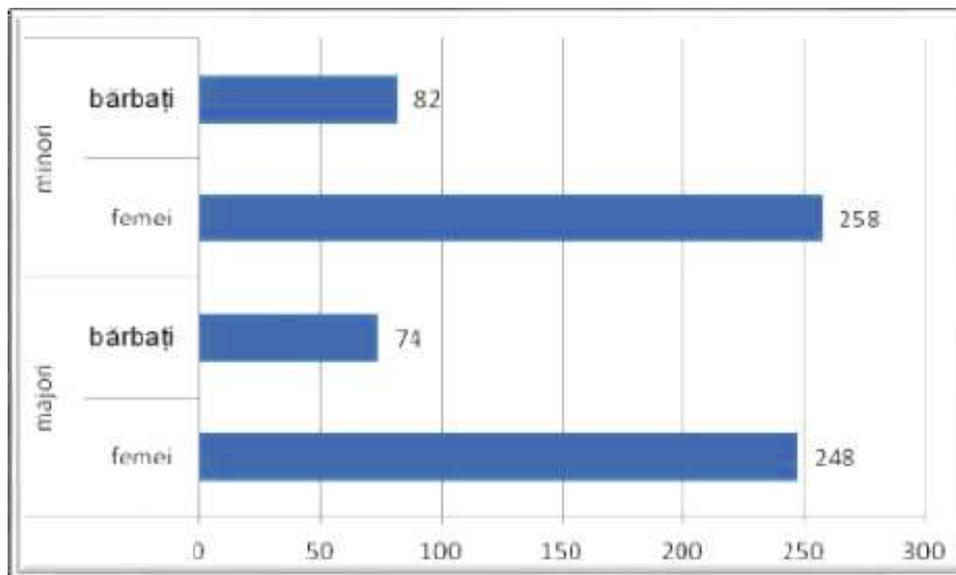
The female population, both of and under age, has a high share in the total number of identified victims, reaching 76.4 % of the total in the reporting period. Similarly, trafficking for sexual exploitation has a weight of about 68.8 % in the total.



*Annual dynamics of the population of victims in 2007-2017*

## 2) Age and gender

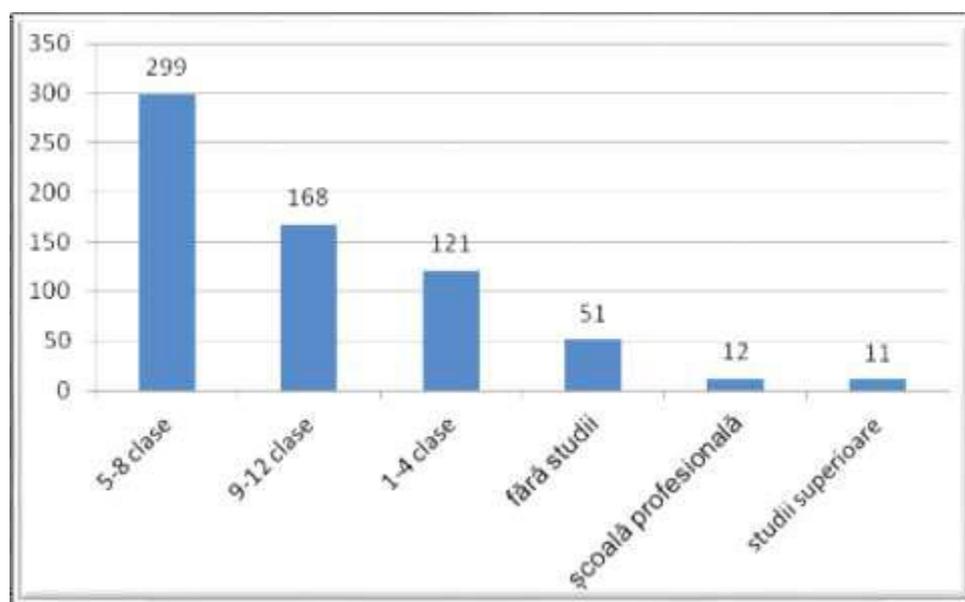
In 2017 too, women and girls remain the majority in the gender structure of the population of identified victims, these being 76.4 % of the total number of registered victims.



*Distribution of victims by gender and age*

### 3) Education

The low and very low levels of education among the identified victims remains constant, with 88 % of the victims having completed not more than lower secondary education at the time of being trafficked, whilst the uneducated victims reached 8 % of the total (compared to 9 % in 2016). In this context, it is not by chance that very many victims agreed to proposals or promises to engage into prostitution or begging; however, once arrived at the destination, the conditions agreed initially changed and took the shape of forced exploitation. Thus, we can but notice that the education received by the victims negatively conditions their adherence to offers received from traffickers.



*Education levels among identified victims in 2017*

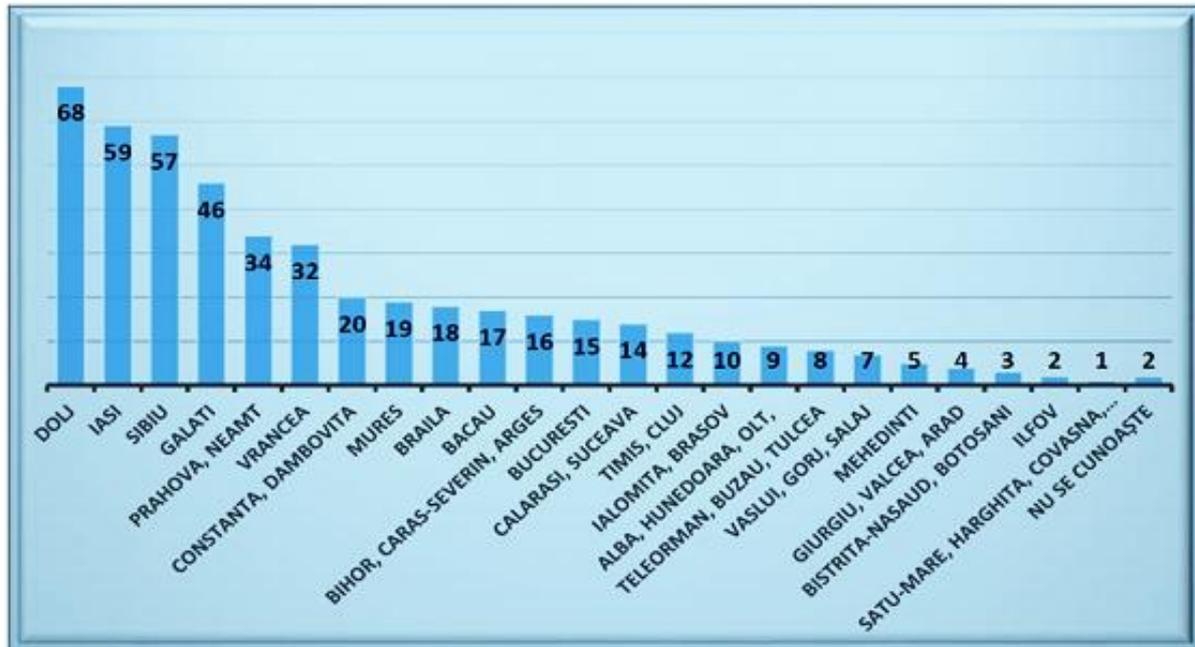
### 4) Urban/rural provenance

The same relative balance (as that of previous years) between the total number of victims from rural areas (51.3 %) and those from urban areas (46.9 %) is present. At the same time, 1.8% of the victims had their residence in the Capital at the time of their recruitment.

The hierarchy of the main counties of origin did not change significantly. The top counties of origin by the number of identified victims are Dolj, Iași, Sibiu, Galați, Prahova and Neamț, with a share 45.2 % of the total number of identified victims.

In particular, high levels of activity are noted in County Sibiu. In 2017, 57 victims from this County were identified, compared to 6 victims in 2016, but also with a significant decrease in the number of victims identified in County Bacau – from 41, in 2016, to 17, in 2017.

The data available to ANITP, show that the counties from the central area of Romania, Moldova and then border counties have been the main sources for human trafficking.



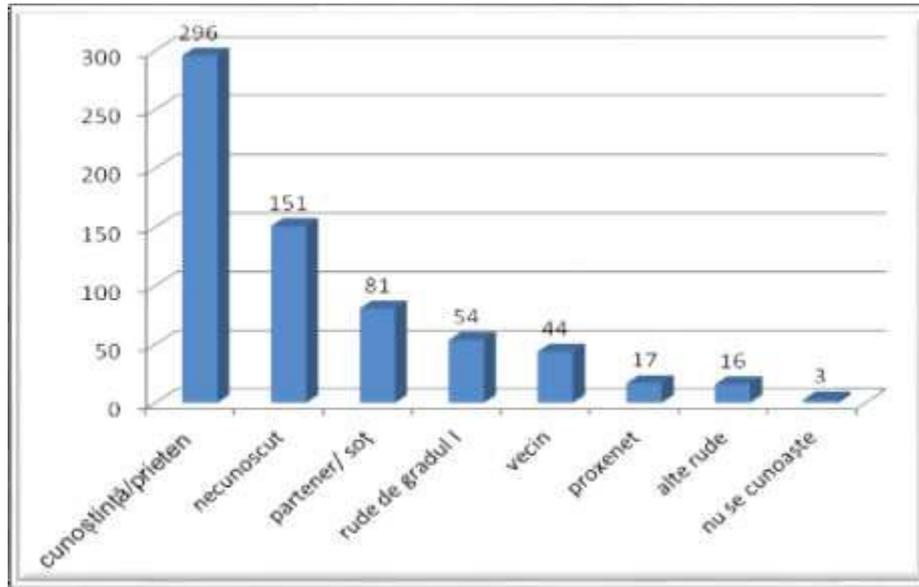
*Counties of provenance of victims identified in 2017*

### 5) Recruitment and relation with the recruiter

Criminal groups maintain their mobility and adaptability and tend to act concomitantly in several countries, in particular in such places where the demand on the sexual services' market and labour market is higher, as well as where favourable conditions exist for practicing begging, in particular by the underage.

Furthermore, it may be noted that the criminal groups are turning more to sexual exploitation of victims domestically, where underage victims who are easy to recruit and exploit are also preferred. In this context, the patterns in recruiting future victims of human trafficking speculate the entire life background of Romanians who become victims, be they already in the country of destination or still in Romania.

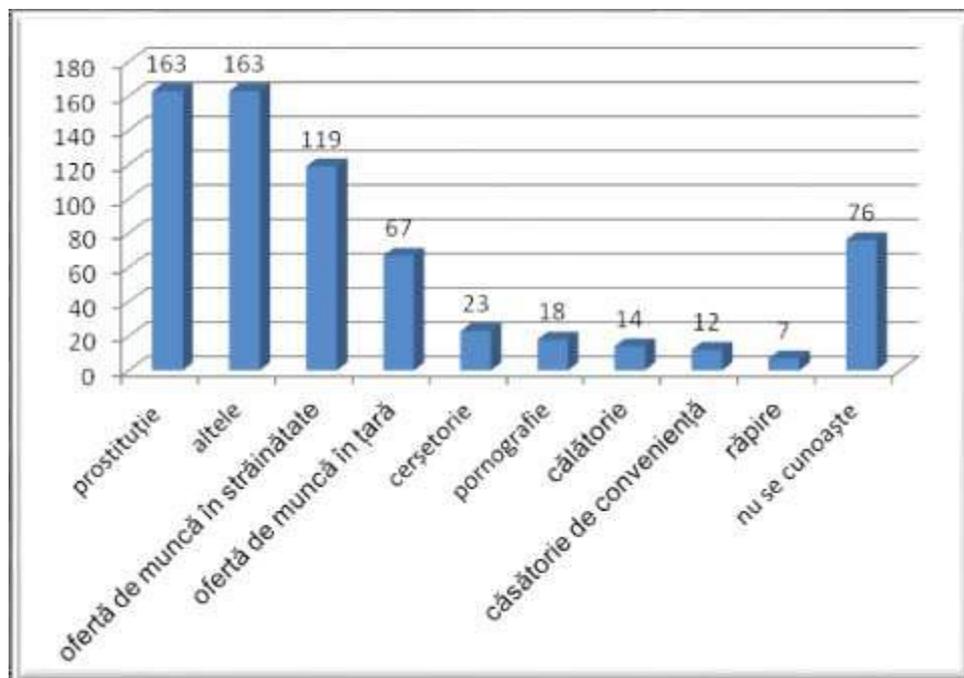
The relationship between the victim and trafficker or recruiter does not change significantly. The distribution of victims by the type of relationship shows an increased number of those who choose to trust the promises of persons from their social proximity (as shown in the Figure below, 45 % of victims are recruited by friends or acquaintances). This reaction is normal in sociological terms, since the future victims assess subjectively the legitimacy of the recruiters' offers, by a transfer of trust, depending on the nature of the interpersonal relationship existing between the two.



*Victims' relationship with the recruiter*

### 6) Conditions and promises at the time of recruitment

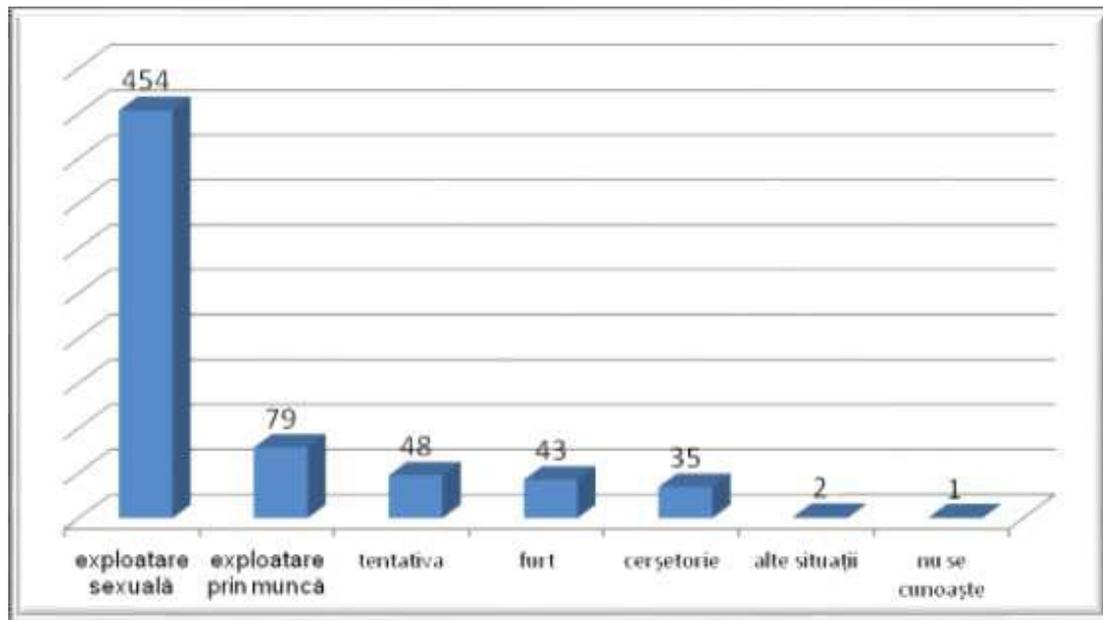
As shown in the Figure below, many victims agreed to offers to go into prostitution or begging, but once arrived at the destination, the terms agreed initially changed and took the shape of forced exploitation. Promises of jobs abroad or even in the country continue to be used pretexts and hooks for approaching future victims.



*Conditions for recruitment of victims*

## 7) Methods of exploitation and exploitation targets

Sexual exploitation remains the most widespread form of exploitation, with a share of 69% of the total number of victims identified in 2017. Sexual exploitation of identified victims prevails, irrespective of the destination – domestic or foreign. The Chart below shows the forms of exploitation of the victims identified in 2017. An increase is noticeable in the number of victims exploited by being forced to steal from 4, in 2016, to 43, in 2017.

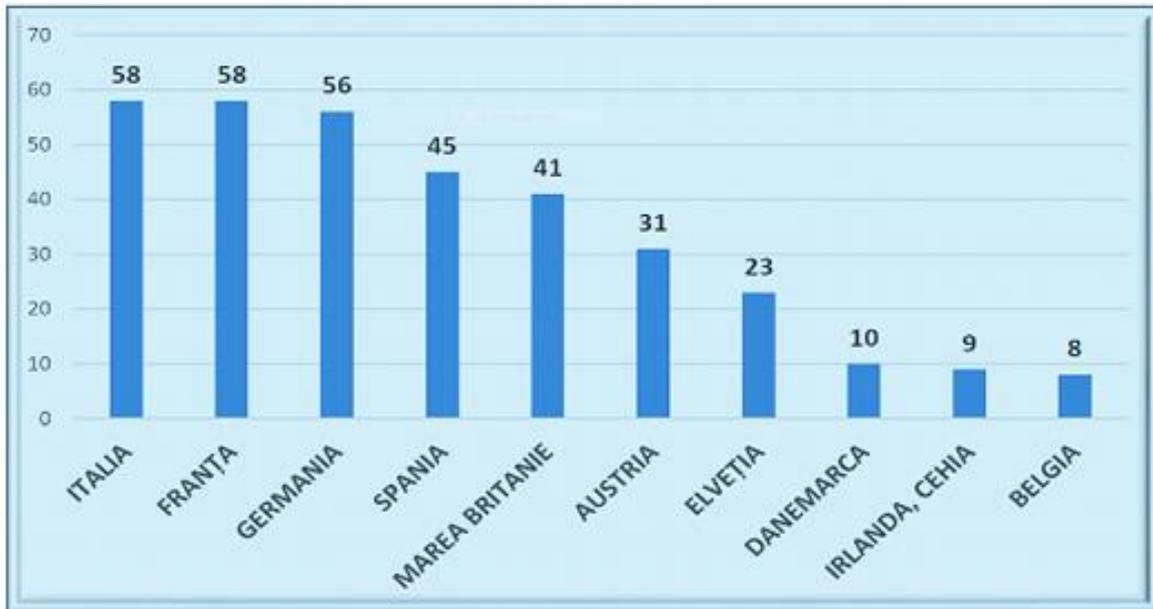


*Forms of exploitation of victims identified in 2017*

Domestic trafficking remains preponderant, with a significant share of the victims, mainly underage, being exploited in Romania, in 2017.

Regarding the cases where victims were exploited outside the country, the Chart below shows the ranking of the top 10 countries of destination for victims identified in 2017, by the number of victims.

In this case, it is noticeable that the countries of destination where most of the victims were exploited in 2017 are those with the larger communities of Romanians (Italy, France, Germany, Spain and Great Britain – the top five in the hierarchy shown below):



*Main countries of destination for exploitation of victims identified in 2017*

## 8) Various forms of exploitation

### Sexual tourism

Sexual tourism is not a widespread occurrence in Romania. The cases of persons travelling to Romania for sex with children are very rare, and when identified, perpetrators are prosecuted for crimes against the freedom and sexual integrity of the underage and child pornography.

## 9) Generic profile of victims

The generic profile of the victims of trafficking identified in the reporting period is thus:

- **Gender:** 506 females (76.4 %)
  - 156 males (23.6 %)
- **By age group:**
  - Underage: 340 (51.4 %) of whom
    - 82 males (12.39 %)
    - 258 females (38.97 %)
  - Adults: 322 (48.6 %) of whom
    - 74 males (11.18 %)
    - 248 females (37.46 %)
- **Citizenship:** 661 Romanians (1 victim with double citizenship Romanian/Turkish)
  - 1 foreign citizen (Portugal)

### **V.3. Directorate for Fighting Organised Crime (DCCO)<sup>7</sup>**

#### **The status of the Unit for Fighting Trafficking in Persons within the Directorate for Fighting Organised Crime**

The Romanian Police plays an essential role in law enforcement, in the overall institutional system dedicated to fighting human trafficking. More specifically, within the scope of their jurisdiction, alongside the other partners in the judicial system, the investigation units of the judicial police carry out criminal investigations to gather evidence of crimes, identify perpetrators and determine their criminal liability.

In the General Inspectorate of the Romanian Police, the fighting of human trafficking is a task of the Department for Fighting Organised Crime, through its units specialised in fighting the human trafficking. Thus, at the central level, the Central Unit for Fighting Trafficking in Persons is established within the DCCO. At the territorial level, within the 15 Brigades for Fighting Organised Crime, there are 15 Territorial Units for Fighting Trafficking in Persons, with 27 Compartments within the said Territorial Units.

These structures dedicated to fighting the human trafficking are staffed with judicial police officers specialising in this field of police work.

Given the complex and mainly cross-border character of the trafficking in human beings, DCCO, together with its territorial units, and in cooperation with the national anti-trafficking entities and international bodies, has been and is actively involved in the fight against the human trafficking, pursuing the defined goal of reducing the size of the phenomenon of human trafficking and eliminating the negative impacts it has on the members of the society.

#### **The place of human trafficking in the hierarchy of crimes investigated by DCCO, from the perspective of its danger to the society**

Trafficking of human beings is one of the most profitable organised crime activities. It is a serious crime against persons, but also an abuse of human rights, many a time perpetrated against some of the most vulnerable individuals, such as the underage.

It is not possible to rank organised crime, since all such crimes pose high levels of danger to the society in terms of the social values they harm, the manner of commission etc. IN this context, it is difficult to measure the degree of danger that human trafficking poses to the society. Nevertheless, as a consequence of its features as an organised crime, its volitional-emotional implications on the victims and the huge profits it renders (comparable to those from trafficking drugs and armament), human trafficking ranks among the top in a potential hierarchy of crimes by their seriousness, in terms of the danger it poses to the society.

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<sup>7</sup> This Section presents information provided by DCCO, on request of the Romanian Parliament's Group for Fighting Human Trafficking.

## **Assessment of the performance of the tasks allocated to DCCO by the Action Plan for the implementation of the National Strategy against Trafficking in Persons for 2012-2016**

With a view to implementing the National Strategy for 2012-2016, two medium-term action plans were developed, one for 2012-2014 and another for 2015-2016, which established specific activities, responsible entities and deadlines for completion.

Monitoring the National Strategy was a task of the National Agency against Human Trafficking, as per its main responsibilities set forth in HG no. 460/2011 on the organisation and operation of ANITP<sup>8</sup> and the monitoring and evaluation procedures provided for in the Strategy.

In the area of fighting human trafficking (where DCCO has been assigned tasks), the overall proposed objective was to develop the institutional capacity of criminal investigation bodies to investigate trafficking of human beings, with a focus on trafficking of underage persons, as well as monitoring the criminal profile of perpetrators, an objective that has been achieved. Several specific objectives and activities, responsible entities and deadlines for completion were determined with a view to the achievement of this general objective.

Beyond reviewing the achievements and weaknesses of the Romanian authorities with respect to implementing this public policy document throughout the 5 years, one should also notice that human trafficking appears as a social and criminal phenomenon of a highly international nature, within a demand-offer type of equation which needs to be approached by doubling Romania's and destination countries' joined efforts to limit the effects of this phenomenon.

This idea appears necessary given that, in the past years, Romania was, in principle, a country of origin for the victims of human trafficking, with increased vulnerability among segments of the population in search of opportunities for a better life. To the same extent, European countries have continued to maintain their status as destination countries for the Romanian citizens drawn into cases of trafficking and exploitation. The demand coming from consumers of sexual services, from employers seeking for cheap and "contract-based" labour outside or at the edge of legal conditions, has encouraged a supply to the "market" in some European countries with certain victims, rendered vulnerable by precarious living conditions or by conducts and prejudice that have put people in highly risky situations, involved in various circumstances of traffic and exploitation of their skills and abilities, more or less qualified (exploitation through forced labour, providing sexual services, beggary, being coerced into the thefts, exploitation by identity theft<sup>9</sup> etc.).

Within the MoIA, fighting human trafficking is a priority, the DCCO being in charge of combating such crimes, while the ANITP deals with prevention, monitoring and assessment of the human trafficking phenomenon, so as to ensure a unitary approach to the issue at hand.

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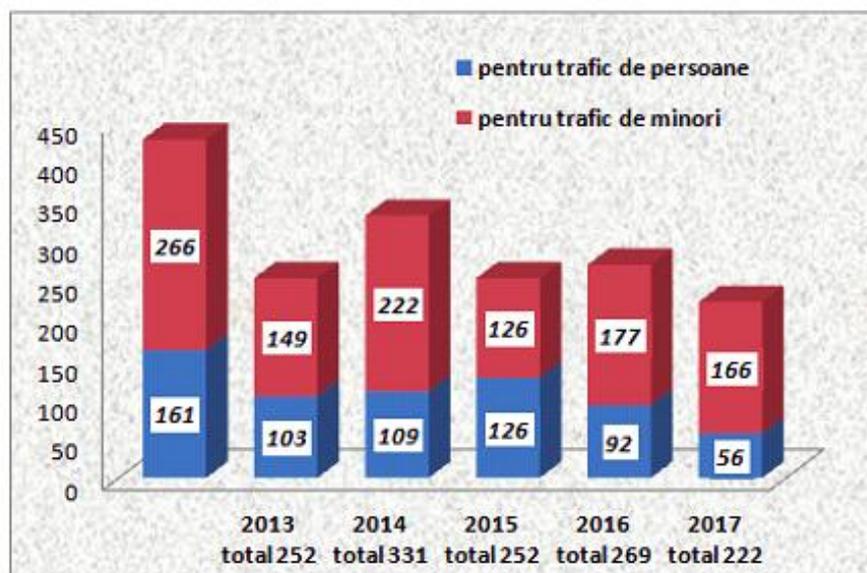
<sup>8</sup> M. Of., no. 331/12 May 2011, subsequently amended.

<sup>9</sup> Since 2013, 30 Romanian citizens were recruited and taken to Denmark, under the promise of a job. Once they reached Denmark, their real identity was used to fraud the Danish tax system, banks, credit institutions and Danish companies. The case was known as the "Hornets' Nest".

Thus, the ANITP has managed to be the link between the victim of human trafficking and the enforcement agencies, as well as between the said and the public institutions and NGOs in the country providing assistance in this field; the ANITP has the legal duty to monitor the activities of granting assistance to victims of human trafficking, not to assist them directly.

Due to the interlink between the two structures and the efforts made to know the quantitative nature of the human trafficking phenomenon, to store and identify reliable, specific and unitary data about this phenomenon, human trafficking in Romania has maintained its descending trend, statistically speaking.

Due to cooperation, the adamant and continuous activity of judicial institutions, the high level of definite convictions was maintained for crimes under this jurisdiction, so that in 2017 222 individuals received a final judgment for human trafficking and child trafficking.



**Blue: trafficking in persons**

**Red: trafficking in minors**

Significant progress was seen in the international cooperation activity for cross-border investigations. Internal and international cooperation activities with anti-trafficking partners consisted both in direct operations in the field and in projects and dissemination of know-how and experience in fighting against human trafficking.

As a result of the partnership with domestic and foreign anti-trafficking authorities, in 2017 the Romanian Police carried out activities for implementing projects focusing on combating human trafficking. Throughout 2017, two national conferences were organized in the field of human trafficking, 100 vehicles were purchased and significant other logistic procurements were made.

### Methods to identify traffickers and victims

Identifying traffickers and victims consists in specific activities, namely by gathering intelligence and running investigations.

The reactive investigation is led by the victim and relies on their statement and direct testimony in the trial.

The proactive investigation relies on intelligence gathered, i.e. investigating, arresting and successfully prosecuting traffickers, without resorting (completely) to the victims' testimony.

In documenting cases of human trafficking, in order to identify traffickers, police officers use special investigation techniques to fight organised crime, suggested by the prosecutor and authorized by the judge, in some cases to be used as evidence.

Furthermore, in order to identify all the group members active on the territory of other states, international cooperation is crucial.

The process of identifying the victims is based on an institutional approach which involves various players:

- the Romanian Police,
- the Border Police,
- customs officials,
- labour inspectors,
- support, nongovernmental and governmental institutions etc.

Ways of identification:

- by a victim that managed to break free and seek assistance from enforcement bodies;
- by a victim that was discovered or identified by law enforcement officers during a monitoring operation unrelated to trafficking or during an intervention, investigation or raid;
- by a victim that was released or identified by law enforcement officers during a specific proactive anti-trafficking investigation;
- as a result of a reactive investigation, initiated by a complaint made by the victim's next of kin;
- by a victim under the attention of law enforcement officers through a "third party", institution or individual, such as another victim of trafficking or work colleagues; another law enforcement institution or intelligence structure; a social service department;
  
- from an international organisation - NGO active in assisting victims accommodated in shelters or somewhere else.

In addition, one needs to consider that by means of the Joint Order no. 335/2007<sup>10</sup>, Romania benefits from a National Victim Identification and Referral Mechanism (NVIRM).

The activities regarding the identification of victims have as reference the responsibilities resulting from the NVIRM:

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<sup>10</sup> The Official Gazette, no. 849/17<sup>th</sup> of December 2008.

- ways of identification of victims of human trafficking, from a double perspective: of the law (defining human trafficking - formal identification) and of victimology (circumstances, specificities of each case and consequences of abuse suffered as a result of human trafficking, provide clues for the information identification)

The most efficient way of identifying a victim is the detailed hearing of the person - an alleged victim of human trafficking.

- indicators to identify victims of human trafficking

Identification entails establishing a first contact with the alleged victim of human trafficking, reviewing the indicators which may help the institution/organisation that came into contact with the person to determine the existence of a human trafficking case and conducting a first interview only by a specialized personnel who is able to determine the presence of elements of human trafficking.

- principles and ways of interviewing victims of human trafficking

The interview for identifying elements of human trafficking and planning for assistance is conducted only by specialised personnel or by the representatives of institutions and/or organisations with direct responsibilities in the field of fighting human trafficking and assistance to victims. If the intelligence obtained from the interview can be used to serve other duties by other partner institutions/organisations, it will be exchanged/transferred so as to avoid repeatedly interviewing the victim when the provisions of similar data categories is requested.

#### **V.4. Activity of the Directorate for Investigation of Organized Crime and Terrorism (DIICOT)<sup>11</sup>**

##### **General comments**

The legal changes from November 2016<sup>12</sup>, generated by the entry into force of GEO no. 78/2016, as well as organisational changes set in motion by the entry into force of the new Rules of Organisation and Functioning of the Directorate for Investigating Organized Crime and Terrorism<sup>13</sup> prepared the new special legal framework based on which DIICOT performed its activity during 2017, i.e. the Office for Preventing and Fighting Organised Crime within the central structure which investigates crimes of human trafficking.

In 2017, the activity of fighting human trafficking and migrant trafficking crimes was the main component of the activities carried out by the specialised prosecutors within the Office for Preventing and Fighting Organised Crime within the central structure, but also of the other prosecutors in the field units.

Compared to the previous years, in 2017 the directorate officials exercised more intensely their representation function, with 186 trips abroad to a significant number of events, meetings, workshops and international conferences, organised by UNODC, OSCE, TAIEX, EJTN, the Council of Europe, the National Institute of Magistracy etc., in their capacity as participants or experts, in the field of international judicial cooperation, fighting cybercrime, human and migrant trafficking, drug trafficking and terrorism.

##### **Trends of Trafficking in Persons**

Having analysed the criminal prosecution activity carried out by the prosecutors, we conclude that there were no significant changes compared to the previous year regarding the structure, the type of organisation, the end purpose or the criminal activity areas as regards organised crime groups in 2017.

The criminal prosecution in solved cases showed the activity of groups strictly focused on the national territory and the activity of transnational groups, on the other hand, most often toward the states in the European Union.

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<sup>11</sup>The information in this section is taken from DIICOT's annual report for 2017, published on the 30<sup>th</sup> of January 2018, available at:

[http://www.diicot.ro/images/documents/rapoarte\\_activitate/raport.2017.pdf](http://www.diicot.ro/images/documents/rapoarte_activitate/raport.2017.pdf).

<sup>12</sup>GEO no. 78/2016 dated the 16<sup>th</sup> of November 2016 for the organisation and functioning of the Directorate for Investigating Organized Crime and Terrorism, as well as the amendment and completion of certain laws (the Off. Gaz. no. 938/22<sup>nd</sup> of November 2016).

<sup>13</sup> Order of the Minister of Justice no. 4682/C/2016 dated the 21<sup>st</sup> of December 2016 (the Off. Gaz., no. 1060/29<sup>th</sup> of December 2016) repealing the Rules for the organisation and functioning of the Directorate for Investigating Organized Crime and Terrorism, the Orders of the Directorate Chief Prosecutor no. 413/2016, no. 414/2016 and no. 416/2016.

A significant weight in organised crime groups continues to be held by groups specialised in human trafficking and child trafficking, especially for sexual exploitation, less through forced labour, with destination countries in Western Europe.

This type of crimes continues to rely on the fantasy of a better life outside Romanian borders, using both the “lover boy” method, and the classical recruitment methods in which victims easily accept shady and risky job offers in various sectors, only to end up, as a result of various methods and types of control, to be forced to work, to sell their bodies for sexual favours or to beg to the benefit of traffickers.

Romanian continues to be a source country for human trafficking. Victims of human trafficking continue to be taken from those with precarious living conditions, from broken homes or single parent families, they have a low level of education, they do not have access to information, they are naive in conduct and judgment or they want to escape an abusive or negligent environment.

With respect to trends of human trafficking, the following conclusions were drawn:

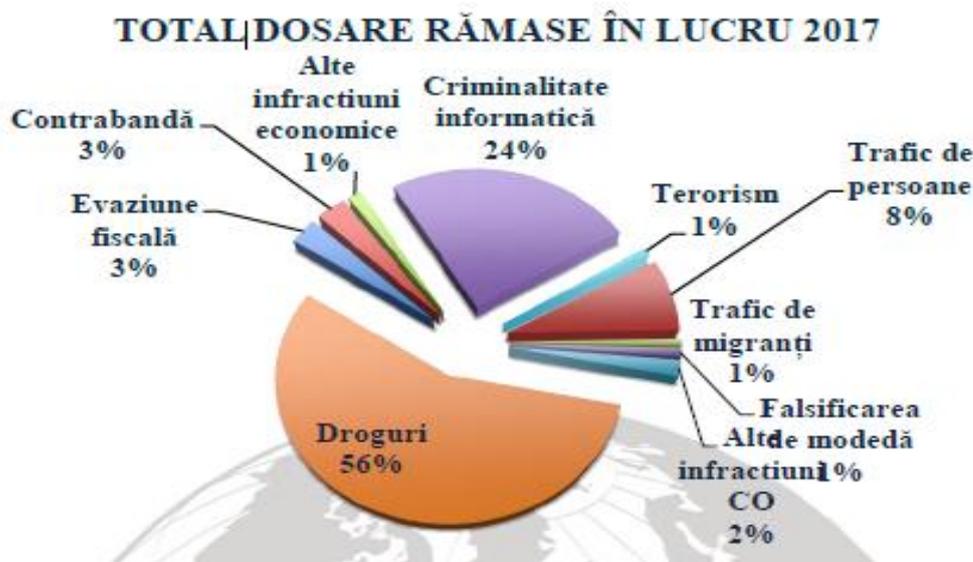
- criminal groups continue to have a specific irregular structure in the sense that a large part of them are based on family, kinship or ethnicity relations, so that each stage of trafficking can be handled by either one of them;
- the proceeds of criminal activities are concentrated under the ownership of a small group of people/families/relatives;
- the proceeds of crime in the hands of these groups gives them economic power, but also a certain fame and major influence on public perception, affecting the trust in justice and in the judicial authorities, thus deepening even more the threat that these organisations pose to society in general;
- all organised crime groups have a common general feature, their main engine not being the “leader” that conceives and initiates the crimes, but the money - more specifically, the proceeds of crime that they generate, which can bring back to life a network which was at some point dismantled by the judicial bodies;
- the income that traffickers generate from the criminal activity was invested in real estate (lands, houses, apartments etc.), movable assets (luxury vehicles, gold jewellery, high end clothes, electronics etc.), setting up businesses, but last and not least in living extravagantly;
- as regards the type of exploitation through labour from the perspective of human trafficking, victims are recruited from the rural environment in general, on the basis of a poor financial income and means of certain categories of individuals;
- traffickers strengthen their focus on technical training and endowment, communicating less through GSM networks and using more online means of data transmission.

## Statistical figures on the DIICOT activity in 2017

During 2017, of the 1 766 cases to solve with the object of human trafficking, of which 738 new cases registered during the reference period, 532 cases were solved compared to 552 cases in 2016, which is a decrease by 3.62 %.

Of these, 132 cases were solved by indictment and deals with the admission of guilt compared to 136 cases (a decrease by 2.94%), with 451 defendants indicted compared to 352 defendants in 2016 (an increase by 28.12%), of which 249 defendants remained in custody and indicted, compared to 208 individuals remained in 2016 (an increase by 19.71%).

Of the total pending files, the weight of unsolved cases of human trafficking in 2017 is 8%.



### TOTAL PENDING CASES IN 2017

Drugs: 56%

Tax evasion: 3%

Smuggling: 3%

Other financial crimes: 1%

IT crimes: 24%

Terrorism: 1%

Trafficking in persons: 8%

Trafficking in migrants: 1%

Forgery of currency: 1%

Other offences: 2%

The number of victims trafficked for exploitation in 2017 was 609 compared to 483 in 2016 (an increase by 26.08%), of which 225 minors, compared to 2016 when 245 minors were identified as victims (decrease by 8.16%).

### **Migrant trafficking in 2017**

Migrant trafficking continues to be a significant threat to developed countries, with risks associated to this negative phenomenon of an economic (tax evasion, money laundering, smuggling), social (document forgery) nature and, not at all less important, security related.

Since Romania is on the North-Balkan migrant route and south of the main Eastern migration route, we notice an increase in the phenomenon of illegal migration.

The illegal migration phenomenon has two main components, namely:

- illegal entry into Romania;
- fraudulent egress from the country.

As regards the component of illegal entry into Romania, it focuses on activities of organised crime groups aiming to commit migrant trafficking crimes, which recruit, transport, harbour foreign citizens, mostly from countries with a migrating and terrorist potential, foreign citizens eager to reach illegally the European Union states.

The members of these organised crime groups contribute to this illegal activity through various forms of criminal participation, through alternative ways of guidance, transportation, transfer of migrants with the purpose of fraudulently crossing Romania's state border in view of making a direct or indirect profit.

As regards the second component, the illegal egress from the country, this focuses on fraudulently taking migrants outside the country, an activity mostly present in the western part of Romania, since migrants wish to reach mainly Schengen states.

The traffickers' *modi operandi* for this purpose are mainly the same as those used to enter the country, namely to hide absconders in the means of transport, guiding migrants to cross illegally green areas around the state border, using forged or counterfeit identity documents etc.

Thus, the border with Hungary is the border most visited by the criminal groups that run migrant trafficking related activities, because Hungary is a Schengen state and, therefore, absconders may travel freely the Hungarian territory onto destination countries.

However, the methods included by a single *modus operandi* are extremely diverse; for means of transport, absconders are hidden in heavy trucks, buses, utility cars, in the trunks of passenger cars, in train flooring, in freight train cars of any kind etc. In only one case, traffickers may use up to 4 different types of operation and fraud, to an equal extent, several border segments successively.

An example of illegal entry and transit of Romania and leaving it fraudulently, having as destination Western Europe, is the case of two citizens, one Pakistani and one Romanian, as leaders, who founded and established on the Romanian territory since March 2017 until the end of June 2017, along with another Romanian citizen, as enforcer, an organised criminal group supported on the Romanian territory by at least another 15 individuals (Romanian nationals).

The organised criminal group guided, transported, transferred and harboured in the range of counties Timis and Arad at least 111 individuals - foreign nationals (mostly, that had previously entered Romania illegally, as asylum seekers), with the purpose of fraudulently crossing Romania's state border and make a profit. A driver of a tractor unit and trailer pulled into the Nadlac II border crossing point and submitted transport documents with the intention to cross Romania's state border. The checks made inside the trailer by the Border Police led to the conclusion that the merchandise indicated in the transport documents did not exist, but 111 foreign nationals were found inside the trailer, adults and minors (various nationalities, among which Iraqi, Syrians, Afghani, Indians and Pakistani).

The investigations showed that the group members acted in a coordinated manner to transport migrants on the route Bulgaria/Serbia/Cyprus - Romania - Hungary - Austria - Germany/Italy/Slovenia.

Considering the size of this phenomenon, inter-institutional and international cooperation is highly important.

A Joint Investigation Team was set up to dismantle the organised crime group, consisting of judicial authorities in Romania, Austria and Slovenia. The activities were coordinated within a command centre at the level of Eurojust, with logistical support and financing for the team from Eurojust.

The investigative actions received the support of Europol and took place with further support from the Special Operations Directorate, as well as the General Inspectorate of the Border Police and the General Anticorruption Directorate.

During 2017, of the 168 cases to solve with the object of migrant trafficking, of which 95 new cases registered during the reference period, 28 cases were solved, the same number as in 2016. Of these, 8 cases were solved by indictment and deals with the admission of guilt compared to 3 cases in 2016 (an increase by 166.67%), with 53 defendants indicted compared to 15 defendants indicted in 2016 (an increase by 253.33%), of which 34 defendants remanded in custody compared to 13 individuals remanded in 2016 (an increase by 161.54%).

## V.5. Ministry of Labour and Social Justice (MMJS)

### V.5.1. The activity of the National Authority for Child Protection and Adoption (ANPCDA)<sup>14</sup>

Established based on the provisions of GD no. 299/2014 on the organisation and functioning of the National Authority for Child Protection and Adoption<sup>15</sup>, the ANPDCA is a specialised body of the central public administration, with legal personality, subordinated to the Ministry of Labour and Social Justice.

In its capacity as central authority in the field of protecting and promoting children's rights, ANPDCA monitors the observance of the principles and rights set in the legislation in force and in the UN Convention on the Rights of the Child, as well as the coordination and control of the activity to protect and promote children's rights.

Through its duties vested by the law in the field of protecting and promoting children's rights, the ANPDCA also fulfils the following specific duties:

1. drafts bills on protecting and promoting children's rights;
2. monitors and ensures the unitary enforcement of the legislation on protecting and promoting children's rights;
3. identifies the training needs of the personnel involved in protecting and promoting children's rights and works together with public and private institutions, other organisations to substantiate and elaborate programs that meet these needs;
4. keeps national records with all associations, foundations and federations active in its line of work, as well as of all services that they provide; proposes to the Government the recognition thereof as publicly useful, as per the law;
5. takes the necessary measures or, as applicable, proposes to competent authorities or institutions that the necessary measures be taken to prevent or, as applicable, remove the effects of any actions that breach the principles and standards of international treaties in the field of children's rights that Romania is party to;
6. initiates, negotiates and concludes, with the approval of the Minister of Labour, Family, Social Protection and the Elderly and by empowering the Government, international cooperation documents in the field of protecting and promoting children's rights.

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<sup>14</sup>This section takes over information made available by ANPCDA at the request of the Group for combating trafficking in persons in the Parliament of Romania.

<sup>15</sup> The Official Gazette, no. 289/18th of April 2014.

The issue of minors as victims of human trafficking is covered by the ANPDCA activity through the special legislation that regulates the protection and promotion of children's rights; in general, the ANPDCA cooperates constantly both with national authorities that manage this issue centrally (ANITP, structures of the MoIA or other similar authorities), and with foreign authorities under the competence of which Romanian minors also find themselves at some time.

Investigating these cases focuses, mainly, on facilitating and supporting the fulfilment of general procedures that ensure the return to the country of origin of unaccompanied or distressed Romanian minors identified on the territory of another state.

With respect to this obligation of the Romanian authorities, it needs mentioning that the national legislation sets as mandatory the request to return the unaccompanied Romanian minors identified abroad, whose families are resident on the Romanian territory.

If the cases reported to the central authority also include information on the possible existence of elements bestowing onto these children that were brought back into the country the capacity of victims of human trafficking, the authorities competent to check and sanction possible criminal actions which led to their receiving this capacity as victims are notified accordingly.

With respect to the actual investigation of each individual case, it needs mentioning that this is managed by the General Directorates for Social Assistance and Child Protection (DGASPC), in their capacity as main local providers of social services, under whose jurisdiction falls to ensure protection and care for the children at risk or temporarily or definitely separated from their families. The DGASPC monitors, quarterly, the evolution of the child for which a special protective action was set in place.

Regarding the minors returned to the country, DGASPC monitors their evolution for at least 6 months after being brought back, drafting reports every two months which are sent to the National Authority for Child Protection and Adoption and to foreign authorities if they so request.

From a statistical perspective, internally, the number of minors that are victims of human trafficking, registered by the DGAPSC, is the following:

**Cases of abuse, neglect and exploitation (total calculated starting from 1 January 2017 to 30 September 2017)**

Type of cases:	Total cases	Urban	Rural	Number of children allowed to stay in their families (provided with services)	Number of children in relation to whom the DGASPC Director ordered emergency child placement (and for services to be provided)	Number of children in relation to whom the court ordered emergency child placement, through Order of the Court President, and for whom DGASPC are providing services
a) Physical abuse	931	396	535	783	128	11
b) Emotional abuse	1367	728	639	1211	148	6
c) Sexual abuse	583	206	377	495	82	5
d) Neglect	8149	3510	4639	6339	1582	163
e) Exploitation through forced labour	284	128	156	269	9	6
f) Sexual exploitation	47	27	20	38	9	0
g) Exploitation in order to commit crimes	95	40	55	87	8	0
<b>Total</b>	<b>11456</b>	<b>5035</b>	<b>6421</b>	<b>9222</b>	<b>1966</b>	<b>191</b>

**Which took place in:**

Type of cases:	Family	AMP	Residential services	Educational units	Other institutions
a) Physical abuse	779	5	35	31	2
b) Emotional abuse	1271	1	7	36	1
c) Sexual abuse	315	1	4	7	2
d) Neglect	8021	1	2	6	17
e) Exploitation through forced labour	124	0	0	0	37
f) Sexual exploitation	21	0	0	0	0
g) Exploitation in order to commit crimes	56	0	0	1	0
<b>Total</b>	<b>10587</b>	<b>8</b>	<b>48</b>	<b>81</b>	<b>59</b>

As regards the number of minors returned from other countries to Romania, who were deemed as victims of human trafficking by the foreign authorities in the countries where they had been identified, 11 minors were found victims of this phenomenon.

As regards the needs identified during the processing of such cases by the local authorities with jurisdiction over these matters, the need to strengthen DGASPC capacity to manage the more difficult cases is clear, as such cases involve the provision of complex services in terms of protection and reintegration of some minors who were victims of human trafficking networks.

Based on the current experience of DGASPC, the need for a greater involvement of the other authorities tasked to deal with such issues (ANITP, ANA etc.) was identified, as they are able to provide services supporting effective protection and assistance for the underage victims, beyond the current needs to prevent and fight this phenomenon, which normally target raising awareness and information level among the general public in relation to the risks and serious nature of this scourge.

Continuous training of experts working with this category of children, as well as involvement of other specialists from other authorities tasked to deal with this matters, may contribute to an improvement in the solutions provided for protection and care of such children, in a safer environment, able to provide them also with the proper protection of their needs, as well as reintegration and the ability to overcome potential trauma resulted from the trafficking operations that they had been subjected to at a certain moment in time.

## **V.6. Ministry of Foreign Affairs (MAE)<sup>16</sup>**

### **The place and role that the MAE plays in the institutional setup dedicated to combat human trafficking**

The MAE duties in the field of human trafficking are focused on the assistance and support provided to the presumed or confirmed victims and are fulfilled through the activity of diplomatic missions/consular posts (MD/OC) abroad, but also on the side of prevention, by running public awareness campaigns with respect to the risks of human trafficking. They work closely together with authorities in the field from the states where they carry out their activity, as well as with specialised NGOs. Missions also worked together with NGOs to ensure material support for repatriation.

With respect to the repatriation rights and procedures of Romanian citizens victims of human trafficking, MAE sends specific instructions to MD/OC on their duties and competence on the matter, including the procedure for granting consular assistance to Romanian nationals in such special situations. The procedure is constantly updated, depending on the needs, requests, challenges and dynamic of the consular activity, each case being handled with the utmost speed and care.

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<sup>16</sup>This section takes over information made available by MAE at the request of the Group for combating trafficking in persons.

Beyond duties on the consular assistance granted to Romanian nationals, victims of human trafficking, their repatriation and issuing identity documents, the MD/OC have an important role in disseminating accurate information so as to limit cases in which Romanian citizens are misled and exploited due to now knowing their rights as European citizens.

### **Duties of the Ministry of Foreign Affairs in the field of preventing and combating human trafficking**

As per the provisions of GD no.299/2003 on approving the Regulation for implementing the provisions of Law 678/2001 on preventing and combating human trafficking<sup>17</sup>, MAE has the following duties in this respect:

“Article 19 - As per Article 5(1) in Law no. 678/2001, the Ministry of Foreign Affairs has the competence to prepare a list with the states with high potential regarding human trafficking and to send it to the Inter-ministerial Group and, upon demand, to interested institutions.

Article 20 - The Ministry of Foreign Affairs and the Ministry of Internal Affairs will take the necessary measures, based on the Government Emergency Ordinance no. 194/2002 on the procedures for foreigners in Romania, to prevent access on the Romanian territory of foreign nationals in relation to whom there are substantiated indications that they might be involved in human trafficking.

Article 21 - The diplomatic missions and consular posts of Romania grant assistance, upon demand, to Romanian national victims of human trafficking on the territory of the country where said missions or posts operate.

Article 22 - (1) The Ministry of Foreign Affairs ensures the distribution to the interested individuals, through Romania’s diplomatic missions and consular posts abroad, of informative materials on the rights of individuals victims of human trafficking, according to the Romanian legislation and to the legislation of the state of residence.

(2) Romania’s diplomatic missions and consular posts abroad inform foreign judicial bodies on Romanian regulations on this matter.

(3) Romania’s diplomatic missions and consular posts abroad ensure the publication, including through their own electronic means, of information about the national legislation and the legislation of the foreign state on this matter, as well as of the addresses of centres for the assistance and protection of victims of human trafficking or equated therewith.”

### **MAE objectives in the field of human trafficking**

MAE objectives in the field of human trafficking fall into two categories: consular assistance to victims of human trafficking and prevention of this phenomenon.

<sup>17</sup> The Official Gazette, no. 206/31st of March 2003.

As regards the consular assistance provided to Romanian citizens, presumed or confirmed victims of trafficking, it mainly consists in issuing documents for repatriation to Romania (including free of charge in special cases, when individuals do not have the financial means), as well as in granting support to organise the repatriation of the victims as per the provisions of HG no. 299/2003.

### **The contribution of the Ministry of Foreign Affairs (MFA) to achieving the specific objectives of the National Action Plan 2012-2014 for the implementation of the National Strategy against Human Trafficking for 2012-2016**

According to the National Action Plan 2012-2014, MFA participates in the achievement of the following specific objectives:

1. To improve the capacity of early victim identification and referral to special services

In order to achieve this specific objective, MFA has the role of support institution for the following activities: standardisation of assisted repatriation procedures for victims of human trafficking and amendment of the national mechanism for the identification and referral of victims of human trafficking, according to the standards developed in this context.

We mention that the Methodology for the repatriation of Romanian citizens victims of human trafficking provided by GD no. 299/2003, more specifically the payment of repatriation expenses by the family and, in case the family cannot afford it, by the local councils, does not work in practice<sup>18</sup>. Thus, the victims of human trafficking are repatriated according to the procedures provided by GD no. 780/1995 on the manner and conditions under which diplomatic and consular missions can provide assistance to Romanian citizens abroad who are in special circumstances<sup>19</sup> and by Law no. 198/2008 on consular services for which fees are levied as well as the level of consular fees levied at the diplomatic missions and consular posts of Romania abroad<sup>20</sup>, as further amended and supplemented.

As regards the training of MFA personnel, the Consular Personnel Training Centre (CPTC) organises regular training sessions tackling the issue of human trafficking, among others. Mention should be made that all MFA employees who leave for a DM/CM as consuls have the obligation to participate in these training sessions. The most recent training session took place on 7-25 May 2018, and the course was delivered by a representative of the National Agency Fighting Human Trafficking.

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<sup>18</sup>Chapter III - "Methodology for the repatriation of Romanian citizens victims of human trafficking"

"Art. 43 (1) Romanian diplomatic and consular missions abroad shall cooperate with local authorities to provide for the accommodation and sustenance of victims of human trafficking, until their repatriation, and for their travel expenses.

(2) If free accommodation of persons provided by para. (1) is not possible in the country of residence, their parents or close relatives shall be notified to transfer to the diplomatic mission or consular missions or pay at the cashier of the Ministry of Foreign Affairs the payment for the accommodation, travel expenses and sustenance until repatriation date.

(3) If the person to be repatriated pursuant to this methodology or his/her family cannot afford to pay for the accommodation, sustenance and travel expenses, the respective amount shall be transferred by the local council in their locality of residence in the account of the Ministry of Foreign Affairs.

(4) After the money transfer, the diplomatic or consular mission, based on instructions received from the Ministry of Foreign Affairs, shall pay the costs for the repatriation and sustenance of that person.

<sup>19</sup>Official Journal, nr. 233/10 October 1995.

<sup>20</sup>Official Journal, nr. 728/28 October 2008.

With the training programmes provided by CPTC, MFA intends to ensure the training of consular personnel, both at MFA central level and especially for the personnel acting within DM/CM on human trafficking, as well as continuing training of consular personnel.

Also, the Consular Department, through the training programmes provided by CPTC, makes available information on human trafficking (legislation, duties, statistics, risk areas, states with specific features etc.) for the consular personnel which will assume, on temporary or permanent basis, positions within DM/CM.

2. To develop strategic partnerships with EU Member States in the region and with third countries so as Romania may promote and assume the role of regional leader in the field of preventing and fighting human trafficking

MFA included the initiative of developing strategic partnerships in the agenda of bilateral discussions with the countries in the region.

As regards cooperation agreements/protocols between the competent institutions in this field, MFA provides procedural support to the competent institutions in the field of human trafficking, according to the legislation on concluding agreements and treaties.

### **MFA actions to prevent human trafficking**

MFA, through the Consular Department, participates on regular basis, together with the national institutions involved, in the development of national action plans, in the implementation of national strategies and in the achievement of the objectives set forth by these documents.

The partnership agreement between MFA and the National Agency against Human Trafficking was signed in 2017 for the implementation of the project “Reducing the scope of human trafficking by better citizen information”, at national level, for a 36-month period. The goal of the project is to enhance the level of information and awareness among the general population and the risk groups on the implications of human trafficking.

Law no. 1/2017 entered into force on 1 February 2017<sup>21</sup> and, among others, it eliminated substantially all fees for consular services delivered by DM/CM, therefore, Romanian citizens abroad (including the victims of human trafficking) benefit for free consular services related to the issuance of travel documents or any other type of documents.

As regards the protection of Romanian citizens working abroad, potential victims of human trafficking, we mention that a very important action undertaken by MFA was the involvement in the process of developing a draft law amending and supplementing Law no. 156/2000 on the protection of Romania citizens working abroad<sup>22</sup>, together with the Ministry of Labour and Social Justice. Thus, Law no. 232/2017 was published in the Official Journal nr. 961 of 5 December 2017.

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<sup>21</sup>Law no. 1 of 6 January 2017 eliminating tariffs and non-tax charges and amending and supplementing certain laws (Official Journal no. 15/6 January 2017).

<sup>22</sup>Official Journal nr. 364/4 August 2000, as further amended and supplemented, and republished in 2009.

## **Information campaigns on human trafficking**

MFA, through the Consular Department, in its capacity as partner to the information campaigns, distributes to DM/CM various documents for information purposes, in electronic format, to be disseminated among Romanian citizens having their residence abroad.

As a good practice example on information and prevention, MFA launched the “Information Guide on Human Trafficking”, which may be accessed both on the MFA website and on the DM/CM websites. The Guide, developed in cooperation with the National Agency against Human Trafficking, is a very useful information tool both for Romania citizens who travel abroad and for Romanian citizens who have their residence in other countries. Also, the Guide may be made available by the diplomatic or consular missions in paper format, at the headquarters of the missions, and it is open for dissemination among local communities and Romania publications in the countries of residence.

MFA organised information campaigns among Romanian communities in the countries of residence, through its network abroad (DM/CM), especially under the campaign “Dialogue with Diaspora”.

Thus, MFA makes available for Romanian citizens useful information on accommodation and assistance centres in the countries of residence, as well as contact data of international or local non-governmental organisations for the purposes of providing temporary accommodation and financial support to victims of human trafficking etc.

Prevention campaigns targeting the risk groups identified, developed in cooperation with NATP, are part of the process of enhancing prevention activities and participation of civil society in such activities.

## **Consular assistance provided to Romanian citizens, presumed/confirmed victims of human trafficking who approach DM/CM**

Cross-border human trafficking and other types of abuse whose victims are Romanian citizens are among the major concerns of MFA in the field of consular assistance and protection provided through Romania’s DM/CM for the benefit of Romanian citizens abroad.

As regards the rights of Romanian citizens victims of human trafficking and the repatriation procedures for such citizens, MFA submits regularly to DM/CM precise instructions on their duties and competence in the field, including on the procedure for providing consular assistance to Romanian citizens placed in such special circumstances.

The procedure is constantly updated, according to the needs, requirements, challenges and dynamics of the consular activity, and each case is treated with outmost promptness and attention. The heads of DM/CM appoint a diplomat in charge with the implementation of the methodology for the repatriation of Romanian citizens, victims of human trafficking.

Consular assistance provided to Romanian citizens, potential victims of human trafficking, is reflected mainly in: accommodation, food, travel to Romania, issuance of documents for repatriation purposes (including for free in special cases, when those persons do not have the necessary financial resources), local cooperation with various travel agencies to ensure travel

to the country of origin, useful information on local accommodation and assistance centres, as well as cooperation with various local non-governmental organisations to ensure temporary accommodation and financial support to the victims of human trafficking.

For such purposes, the legislation in force includes GD no. 780/1995 on the manner and conditions under which diplomatic and consular missions can provide assistance to Romanian citizens abroad who are in special circumstances and Law no. 198/2008 on consular services for which fees are levied as well as the level of consular fees levied at the diplomatic missions and consular posts of Romania abroad, as further amended and supplemented, and the legislation on human trafficking.

Moreover, as part of consular assistance, MFA, through the Consular Department, implemented the IT System for the Integrated Management of Citizen Services (SIMISC), whose objective is to enhance the efficiency, effectiveness and quality of services provided. DM/CM have the obligation to introduce in the system all data on Romanian citizens victims of human trafficking located in the country of residence. We mention that 14 such cases were registered in this system in 2017.

In all cases identified, according to the legislation in force, consular assistance consisted in the issuance of travel documents needed for the return to Romania, ensuring travel to Romania, temporary accommodation and other services, useful information on accommodation centres, contact data and details of NGOs.

MFA, through DM/CM, cooperates permanently with local authorities and with non-governmental or international organisations in the country of residence (such cooperation targets, in most of the cases, the provision of financial support to purchase travel tickets for repatriation purposes, as there is no specific budget allocation for this).

### **Partnerships/cooperation with structures abroad which contribute to achieving MFA objectives**

MFA provides support and advice in the procedures for the negotiation and signing of agreements between institutions specialised on human trafficking, according to the provisions of Law no. 590/2003 on treaties<sup>23</sup>, as further amended and supplemented.

## **V.7. Ministry of Justice (MJ)<sup>24</sup>**

### **MJ's position and role in the institutional setting for fighting human trafficking**

As regards the development of criminal legislation, the new Criminal Code includes the offences of human trafficking, and child trafficking, previously provided by Law no. 678/2001 on preventing and fighting human trafficking. Also, following the ratification by Romania of the Council of Europe Convention on the fight against trafficking in human beings (by Law no. 300/2006<sup>25</sup>), the Romanian criminal legislation incriminates the use of services which are the object of exploitation of a trafficked person (according to Art. 19 of

<sup>23</sup>Official Journal, nr. 23/12 January 2004.

<sup>24</sup>This section presents information made available by MJ upon request by the Group on Fighting Human Trafficking.

<sup>25</sup>Official Journal, nr. 622/19 January 2006.

the Convention) - currently under Art. 216 of the new Criminal Code (“Use of services of an exploited person”).

For example, the text shall be applicable in case of persons who accept to have an organ transplanted, while knowing it was illegally harvested from a victim of human trafficking, or persons who accept to use forced labour imposed to these victims or who benefit from the services of a person forced to practice prostitution, in case they are aware that such persons are victims of human trafficking.

In terms of international cooperation, the Ministry of Justice, together with MIA/National Agency against Human Trafficking (NATP) and DIICOT ensure Romania’s representation in the working groups of the United Nations Convention against transnational organised crime (UNTOC). There is a working group on the Protocol to prevent, suppress and punish human trafficking, especially women and children<sup>26</sup>.

Mention should be made that at UNTOC level there are negotiations on the future mechanism for monitoring the implementation of the Convention and its additional Protocols, considering that currently the contracting states are only under the obligation to report on the implementation status by using questionnaires filled in by the Ministry of Justice when requested.

The first meeting of the intergovernmental group mandated to finalise the procedures for creating an UNTOC review mechanism took place in Vienna on 24-26 April 2017, and the outcomes of this working group were quite polarised, as the discussions focused on the working document drafted by the Secretariat and entitled “Mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: draft procedures and rules for the functioning of the mechanism” CTOC/COP/W.G.9/2017/2<sup>27</sup>.

MJ still supports and participates actively in the negotiations to finalise and approve the mechanism for the review of the implementation of UNTOC and the Protocols thereto.

### **Aspects related to the interpretation of the relevant legislation by the courts - pandering and human trafficking offences**

As regards the previous legislation before the new Criminal Code entered into force, there were appeals in the interest of law which clarified the distinction between human trafficking and other offences.

Thus, by Decision no. XVI din 19 March 2007<sup>28</sup>, the High Court of Cassation and Justice (HCCJ) admitted an appeal in the interest of law on the distinction between the offence of human trafficking provided by Art. 12 and by Art. 13 of Law no. 678/2001 (currently, this offence is regulated by Art. 210 of the new Criminal Code) and the offence of pandering provided by Art. 329 (1) of the Criminal Code (Art. 213 of the new Criminal Code).

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<sup>26</sup>MJ has been involved since 2009-2010 in the process of negotiating the mechanism for monitoring the implementation of UNTOC and its additional Protocols and participated in a pilot project together with countries like Serbia and Mexico, whereby Romania and Mexico evaluate compliance with certain provisions of the Convention in Serbia, in 2009-2010.

<sup>28</sup>M. Of., no. 542/17 January 2008.

The judgement ruled by HCCJ on matters of law is binding for courts, according to Art. 474 (4) of the Criminal Proceedings Code, therefore, from the date of its publication in the Official Journal (in 2008), the courts have sufficient elements available so as not to misinterpret.

Another matter solved by HCCJ following an appeal in the interest of law, brought by the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice, was related to the enforcement of Art. 189 (1-3) of the Criminal Code on illegal restraint, through kidnapping (Art. 205 (2) of the new Criminal Code) and of Art. 12 (1) and Art. 13 (2) of Law no. 678/2001 on preventing and fighting human trafficking (HCCJ Decision no. 1/2008<sup>29</sup>).

**Regulations included in the new Criminal Code in the field of human trafficking and pandering**

Art. 210 – “Trafficking in human beings”

“(1) Recruitment, transportation, transfer, harbouring or receipt of persons for exploitation purposes:

- a) by means of coercion, abduction, deception, or abuse of authority;
- b) by taking advantage of the inability of a person to defend themselves or to express their will or of their blatant state of vulnerability;
- c) by offering, giving and receiving payments or other benefits in exchange for the consent of an individual having authority over such person,

shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(2) Trafficking in human beings committed by a public servant while exercising their professional duties and prerogatives shall be punishable by no less than 5 and no more than 12 years of imprisonment.”

(3) The consent expressed by an individual who is a victim of trafficking does not represent an acceptable defence.”

Art. 211 – “Trafficking in underage persons”

“(1) Recruitment, transportation, transfer, harbouring or receipt of a juvenile for the purpose of their exploitation shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(2) The offence shall be punishable by no less than 5 and no more than 12 years of imprisonment and a ban on the exercise of certain rights when:

- a) the offence was committed according to the terms stipulated by art. 201 para. (1);
- b) the offence was committed by a public servant while exercising their professional duties and prerogatives;
- c) the offence endangered the life of the underage person;
- d) the offence was committed by a family member of the underage person;

<sup>29</sup> M. Of., no. 817/5 December 2008.

e) the offence was committed by a person in whose care, protection, education, guardianship or treatment is the underage person placed under or by a person who abused their recognized position of trust or authority over the underage person.

(3) The consent expressed by an individual who is a victim of trafficking does not represent an acceptable defence.”

Art. 213 – “Pandering”

“(1) The causing or facilitation of the practice of prostitution or the obtaining of financial benefits from the practice of prostitution by one or more individuals shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(2) In the event that a person was determined to engage in or continue the practice of prostitution through coercion, the penalty shall be no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(3) If such acts are committed against an underage person, the special limits of the penalty shall be increased by one-half.

(4) Practicing prostitution means having sexual intercourse with various individuals for the purpose of obtaining financial benefits for oneself or for others.”

Based on the comparative review of the two criminal offences provided for by the Criminal Code in force, the following clarifications are required, to differentiate between them:

- Trafficking of human beings committed by two or more persons together does not imply the existence of an aggravated form of the criminal offence provided for at Article 210 of the Criminal Code, but the commission of the same criminal offence by three or more persons together entails the incidence of the aggravating circumstance provided for in article 77(1)a) of the new Criminal Code – namely “the criminal offence was committed by three or more persons together “;
- The wording of Article 213(1) sentence II – “the obtaining of financial benefits from the practice of prostitution by one or more individuals” – leads to the following conclusions:
  - a) The acts committed at various time intervals by several persons obtaining financial benefits from the practice of prostitution, with the same criminal intent, constitutes a single criminal offence of pandering committed on an ongoing basis, under Article 35(1) of the new Criminal Code;
  - b) The plurality of passive subjects does not imply a plurality of criminal offences, the obtaining by several persons of financial benefits from the practice of prostitution being a single criminal offence of pandering.

Also, the following distinctions may be identified between pandering, in its new wording, and the criminal offences of trafficking in human beings and minors:

- The causing or facilitation of the practice of prostitution, if the prostitution is willingly practiced by a person of age, meets the requirements of Article 213 (1) of the new Criminal Code (pandering);

- The causing or facilitation of the practice of prostitution, if the prostitution is willingly practiced by an underage person, meets the requirements of Article 213 (1) and (3) (aggravated pandering);
- Determining a person of age to engage in or continue the practice of prostitution through coercion meets the requirements of Article 213 (2) of the new Criminal Code (aggravated pandering), only where no action was undertaken to recruit that person;
- Determining an underage person to engage in or continue the practice of prostitution through coercion meets the requirements of Article 213 (2) and (3) of the new Criminal Code (aggravated pandering), only where no action was undertaken to recruit that underage person;
- For the purpose of avoiding overlaps with the criminal offence of trafficking in human beings and the criminal offence of trafficking in underage persons, the new Criminal Code did not keep the aggravated forms of the criminal offence of pandering provided for at Article 329 (2) sentences I and II of the previous Criminal Code anterior, namely “recruiting a persons into prostitution” and “trafficking of persons for this purpose”;
- Moreover, the new Criminal Code did not keep the aggravated form of pandering provided for at Article 329 (3) sentence II of the previous Criminal Code – the act of pandering that has serous character (inaccurate wording defining the aggravated criminal offence).

It should be mentioned that the MoJ received proposals to amend the provisions on the criminal offences of trafficking in human beings and pandering covered in the Criminal Code, thus:

DIICOT and PÎCCJ consider that ten provisions of Articles 210, 211 and 213 of the Criminal Code should be redefined, since, in their current wording, they are susceptible to generating confusion and inconsistent case law, for the following reasons:

- A clear differentiation is required between trafficking in human beings and trafficking in underage persons, on the one hand, and pandering, on the other hand, in terms of the prohibited action; thus, the action of recruiting by coercion, provided for in Article 210 (1) of the Criminal Code, is similar with the action of determining by coercion, provided for at Article 213 (1) and (2) of the Criminal Code; the actions of transportation and harbouring by means of coercion, provided for at Article 210 (1) of the Criminal Code, may constitute the criminal offences of facilitating the practicing of prostitution, provided for at Article 213 (1) and (2) of the Criminal Code; recruitment, provided for at Article 211 (1) of the Criminal Code, is similar with the action of determining (causing), provided for at Article 213 (1) and (3) of the Criminal Code; the actions of transporting and harbouring, provided for at Article 211 (1) of the Criminal Code, may constitute the criminal offence of facilitating the practicing of prostitution, provided for at Article 213 (1) and (3) of the Criminal Code;
- The overlapping of the methods used for committing trafficking in human beings and trafficking in underage persons, on the one hand, and pandering, on the other hand, as well as their separate criminalisation in two different legal acts, advocates in favour of

finding two concurrent criminal offences (at least in the situation where the same perpetrator commits, besides the recruitment, transportation and harbouring of the victim of trafficking in human beings/underage persons, also facilitates the practicing of prostitution by the same victim and the obtaining of financial benefits from the practicing of prostitution by the same perpetrator, where the two latter actions may only fall under the provisions of Article 213 of the Criminal Code), making it possible to have excessive sentences passed for similar criminal offences that should be seen as modalities of committing the same criminal offence.

PÎCCJ deems that, in the matter of sentencing, the punishments provided for by the Criminal Code for certain criminal offences, such as the creation of an organized crime group, trafficking in human beings and trafficking in underage persons, are very lenient and do not reflect the importance of the protected social values, nor the objective reality of the criminal activity in this matter.

Regarding the illegal harvesting of tissues or organs (Article 384 of the Criminal Code<sup>30</sup> and Article 154<sup>31</sup> and 157<sup>32</sup> of Law no. 95/2006 on healthcare reform), the National Working Group against Trafficking in Human Beings and Migrants, supported by the Association “The European Centre for Legal Education and Research”, the Europe Office of the International Foundation “Doctors Against Forced Harvesting of Organs”, and the German Foundation “Friedrich Ebert Stiftung” proposed the following:

- Illegal harvesting or transplanting of human organs, tissue or cells from living donors is a criminal offence punishable by imprisonment from 3 to 10 years and a ban on the exercise of certain rights;
- Illegal harvesting or transplanting of human organs, tissue or cells from a corpse is a criminal offence and is punishable by imprisonment from 2 to 7 years and a ban on the exercise of certain rights;
- Soliciting, brokering, organising or carrying out illegal harvesting of human organs, tissue or cells for the purpose of obtaining a financial benefit for oneself or for others is a criminal offence is punishable by imprisonment from 3 to 10 years a ban on the exercise of certain rights;
- The same punishment provided for at (1) shall apply for illegally preparing, receiving, transporting or transferring human organs, tissue or cells or for buying such for

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<sup>30</sup> Article 384 of the Criminal Code: “Unlawful harvesting of tissues or organs from a corpse shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.”

<sup>31</sup> Article 154 of Law no. 95/2006: “(1) Harvesting or transplantation of human organs, tissue or cells from living donors without their consent given as required by law is a criminal offence and is punishable by imprisonment from 2 to 7 years and the and a ban on the exercise of certain rights. (2) Attempt shall be punished.”

<sup>32</sup> Article 157 of Law no. 95/2006: “(1) Organising or carrying out the harvesting of human organs, tissue or cells for transplantation, for the purpose of obtaining financial benefits for the donor or the organiser, is a criminal offence and is punishable by imprisonment from 2 to 7 years a ban on the exercise of certain rights.

(2) The same punishment provided for at (1) shall apply for the buying of human organs, tissue or cells for resale.

(3) Attempt shall be punished.”

transplantation, selling or obtaining financial benefits for oneself or others;

- Trafficking in organs committed by a civil servant in the exercise of his/her office and punishable by imprisonment from 5 to 12 years;
- The consent obtained in breach of the legal requirements is not a justification;
- The term “tourism for illegal transplant” means the procurement of the resources (organs/donors, receivers, experts, transplant centres and equipment) required for transplanting foreign patients, carried out illegally or by undermining Romania’s capability to provide transplant services to its population;
- The tourism for illegal transplant is punishable by imprisonment from 2 to 7 years and a ban on the exercise of certain rights;
- Promoting, encouraging, facilitating, brokering or advertising the procurement of human organs, tissue or cells or illegal transplant of such is punishable by imprisonment from 3 to 10 years, in the case of a vital organ, and from 2 to 7 years in the case of other organs, tissues or cells.

The National Institute “Mina Minovici” proposed a new paragraph (2) to be introduced under Article 384 of the Criminal Code (“Illegal harvesting of tissues or organs”):

“(2) If the criminal offence under (1) compromises a forensic autopsy required by law, the punishment is imprisonment from 2 to 5 years”.

### **Relevant training programmes for judges and prosecutors**

The National Institute for Magistracy (INM) is delivering continuing training programmes for judges and prosecutors. In 2017, the continuing training programme included two courses in the matter of trafficking in human beings, attended by 20 judges and prosecutors, alongside other representatives of the legal profession.

### **Partnerships and cooperation with foreign entities**

In 2017, the National Agency for Administration of Seized Property (ANABI) received 37 of a total of 185 requests from other states to identify the proceeds of the crime of trafficking in human beings.

The analysis of the data available to ANABI shows that trafficking in human is the fourth in terms of occurrence (11% of the total number of requests received), after money laundering (22 %), participation in an organised crime group (18 %), fraud against the EU’s financial interests (17 %). Most of such requests came from the United Kingdom (11), France (10), The Netherlands (6) and Sweden (4).

## Damages awarded to victims of trafficking in human beings

Regarding the damages awarded to victims of trafficking in human beings under Law no. 211/2004 on certain measures to ensure the protection of victims of crime<sup>33</sup>, MJ has the following statistics, given that the financial compensations are awarded from the state budget, via the budget of the MJ:

<b>Amount of compensation awarded to victims of trafficking in human beings</b>			
<b>Court</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Court of Appeal Alba	3,763.00	2,850.00	6,613.00
Court of Appeal Pitești	42,000.00	10,500.00	52,500.00
Court of Appeal Bacău	0.00	0.00	0.00
Court of Appeal Oradea	0.00	5,800.00	5,800.00
Court of Appeal Suceava	0.00	0.00	0.00
Court of Appeal Brașov	0.00	0.00	0.00
Court of Appeal Cluj	0.00	0.00	0.00
Court of Appeal București	18,760.00	13,701.00	32,461.00
Court of Appeal Constanța	0.00	0.00	0.00
Court of Appeal Craiova	0.00	69,802.00	69,802.00
Court of Appeal Galați	0.00	0.00	0.00
Court of Appeal Iași	21,646.00	0.00	21,646.00
Court of Appeal Tg. Mureș	0.00	0.00	0.00
Court of Appeal Ploiești	0.00	0.00	0.00
Court of Appeal Timișoara	0.00	0.00	0.00
<b>Total</b>	<b>86,169.00</b>	<b>102,653.00</b>	<b>188,822.00</b>

We should point out that, in 2017, 22 cases were filed with the courts for “awarding financial compensations to victims, on the grounds of Law no. 211/2004”, of which 19 have already been settled.

## The national integrated electronic system of criminal assets

The existing system used for collecting data from the courts does not allow the sorting of data by category of crime. The commissioning of the national integrated electronic system of criminal assets will allow data to be organised based on such criteria.

ANABI has started the implementation of the national integrated electronic system of criminal assets as a single system for monitoring property seized, confiscated and disposed of in criminal proceedings.

<sup>33</sup> M. Of., no. 505/4 June 2004.

The national integrated electronic system of criminal assets will include data on:

- a) freezing orders issued in the criminal proceedings, management, disposal or return of assets subject to such measures;
- b) the assurance measure of confiscation and disposal of confiscated assets, both in special and extended confiscation;
- c) confiscation of the bond, provided for in Article 217 (5) of Law no. 135/2010, as subsequently amended and supplemented;
- d) enforcement of seizure orders issued by a different state;
- e) enforcement of confiscation orders issued by another state;
- f) disposal of confiscated assets, under Article 265 of Law no. 302/2004, republished, as subsequently amended and supplemented, or agreements that provide for the sharing of confiscated assets;
- g) compensations awarded to the State, public authorities or entities to repair the damage caused by the commission of the criminal offence and enforcement of the judgments thereof;
- h) fines applied as main punishment and its enforcement by the methods provided for by law.

#### **Statistics for 2016-2017 o the number of cases of trafficking in human beings resolved by indictment or plea bargains (recognition of guilt)**

In 2016, of the 1,727 pending cases of trafficking in human beings, of which 853 new cases registered in the reporting period, 552 were settled.

Of these, 136 cases were resolved by indictment and plea bargains, with 352 persons put on indicted and put on trial, of which 208 accused in detention prosecuted and sent to trial.

The number of victims trafficked for exploitation was of 483, of which 245 underage.

In 2017, of the 1,766 pending cases of trafficking in human beings, of which 738 new cases registered in the reporting period, 532 were settled.

132 cases were settled through an indictment and guilty pleas, with 451 indicated and among these 249 defendants in pre-trial arrest.

The number of victims trafficked for exploitation purposes in 2017 was 609, among whom 225 minors<sup>34</sup>.

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<sup>34</sup> Data are to be found in the CIICOT activity reports for 2016 and 2017.

**Current state of play for persons that had been convicted through final judgments by Romanian courts in 2016-2017, for having committed the offence of human trafficking (art. 201 of the New Criminal Code).**

Reference year	Name of the offence	Total number with final convictions	Natural persons			
			Total	Men	Among whom minors	
					Total	Men
2016	Human trafficking (art. 210 NCP)	80	80	63	0	0
2017		44	44	34	0	0

## **VI. THE UNITED KINGDOM "HUMAN TRAFFICKING FOUNDATION" PERSPECTIVE ON THE ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING IN ROMANIA**

### **VI.1. Background**

"Human Trafficking Foundation" from the United Kingdom grew out of the all-party parliamentary group on human trafficking, its board of directors being composed of current or former MPs. The Foundation works both in the British Parliament and within the national NGO network. For almost a decade, Romanian and British MPs have worked closely together, trying to combat this type of crime more effectively. In the collaboration between Angel Tilvar and Anthony Steen (British conservative MPs for 30 years and now president of the Foundation), it was agreed that the Foundation would send a team to Romania to investigate what happens to the victims when they return to Romania from other European countries.

The Foundation's team visited the "Nightingales Children's Project" in Cernavoda, a British charity, which also organizes an "afterschool" for adolescents, providing individual counselling, support for homework preparation and work opportunities in social enterprises.

The Foundation had meetings with 3 organizations providing housing, medical/psychological assistance, legal counselling and employment especially for the adult victims - ADPARE (Association for the Development of Alternative Practices for Reintegration and Education) and "Ușa Deschisă" - Open Door (Bucharest) and "Micu Bogdan" Foundation (Brașov). ADPARE provides support to victims in order to make them able to deal on their own in a specific environment of "rehabilitation centres" or, where appropriate, together with their relatives. Both ADPARE and the "Micu Bogdan" Foundation are beneficiaries of a repatriation program funded by the Swiss government, known as "Tandem with NGOs" (TANGO), in collaboration with the International Organization for Migration (IOM), the

National Agency Against Human Trafficking (ANITP) and People to People Foundation. "Ușa Deschisă" provides complete assistance services in a family-type environment through a protected shelter that provides support to victims for an average period of 18 months, but gets the necessary funds on its own.

The Foundation team also travelled to "Reaching Out", which has 2 shelters, one in Pitesti and one in Cluj, mostly for adolescents who are victims of human trafficking, some of them being only 13 years old. The NGO builds a new centre for those who are severely traumatized psychologically and creates a lavender farm near Craiova to provide future jobs for those in its care.

The Foundation also discussed with the IOM office in Romania. It was significantly supported by Professor Silvia Tabusca, an expert on human trafficking at the Romanian-American University in Bucharest and the European Centre for Legal Education and Research; by Professor Nicolae Radu, a specialist in organized crime and corruption; by Mihai Cazacu, a former police officer, who was detached to the Metropolitan Police Unit in London and by Mr. Leo Kenny, who worked for the UN and IOM (Geneva). The Foundation also communicated with "Pro Refugiu" Association, "Cross Sector Solutions" in Western Romania, "Associazione Donne Romene" in Italy, UNIFERO based in the USA, and the Society of Contraceptive and Sexual Education (SECS).

## **VI.2. "Human Trafficking Foundation" Conclusions**

### **1. Data**

According to government data, in 2017, in the UK, 259 Romanians were identified as victims of human trafficking.

Following the signing of the Palermo Protocol in 2001, Romania took the first steps to establish a legislative and institutional framework to address this issue and was one of the first countries to transpose the EU Trafficking in Human Beings Directive. The US Department of State's 2017 Human Trafficking Report noted that although "the Government of Romania does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so" and placed Romania in the "Tier 2" category.

Romania recruited 200 police officers specialized in organized crime and human trafficking. With 864 new trafficking case files opened in 2016, Romania is the most active source country involved in joint investigation teams (JIT) to combat trafficking in human beings, participating in 30 joint investigation teams - including 17 with the United Kingdom, 3 with Spain and one with the Czech Republic. The conviction rate is impressively high compared to most EU countries, Romanian courts of law sentencing 472 traffickers in 2016, 78% of the sentenced traffickers being imprisoned. In 2016, the courts levied approximately 200,000 lei (about 40,000 pounds) against traffickers, compared with none in 2015.

The reports of the US Department of State and the Council of Europe's Expert Group on Human Trafficking (GRETA) however highlight general concerns about assistance provided to victims. The first report notes that "Government assistance to victims remained limited, as most of the times victims are left unprotected [...] and vulnerable to re-trafficking."

## **2. The determining factors for trafficking in human beings**

### **Economy and poverty**

Romania is a rapidly growing economy and has recently exceeded Greece's GDP, becoming the largest economy in the region. However, one of the main drivers of trafficking and retraining is poverty, accompanied by a lack of information and education: Romania is the second poor country in the EU and over 1/3 of the Romanian population (37.4%) is affected by poverty or social exclusion. Romania has also made tremendous progress in integrating its most vulnerable members into society, with a 6.8% drop in the share of people affected by poverty or social exclusion.

The National Authority for Child Protection and Adoption (ANPDCA) showed that in 2017, over 18,000 Romanian children had both parents working abroad and almost 100,000 children had at least one parent abroad, circumstances that are a clear factor risk for child trafficking.

The Foundation was told that some parts of Romania offer a multitude of possibilities. However, about 70% of the population in rural areas left the country, leaving only the elderly. Young people underestimate, however, the danger of abuse, exploitation and violence they may face, and the difficulty of getting out of the traffic network once they have taken this step.

It is worth noting that EU funding in Romania through 9 national programs for fighting poverty is over 31 billion, funds that could have a direct impact on the potential victims of trafficking or those at risk to be (re) trafficked. The information process could be improved.

### **Education**

The solution for preventing trafficking in human beings is the change of the education system, given that 42% of the Romanian 15-year-olds are functionally illiterate and that Romania has a dropout rate of 19%.

It is necessary to examine options to improve the education of people at risk of trafficking in human beings, but a standard school curriculum may not provide good results, as specialized curricula might be needed for people with learning disabilities in order to reduce the dropout rate.

### **Sexual abuse over children**

There is evidence of an increase in child sexual exploitation, with NGOs providing assistance to survivors initially exploited as minors. At the age of 18, they are trafficked abroad. It was found that there was a decrease in the number of survivors of trafficking who managed to be "saved", many returning to the exploiter.

A quoted reason for which victims were re-trafficked was more and more often the sexual abuse of victims of child trafficking, which incited victims to a distorted conception of their choices because of the victim's self-distorted image and of a lack of education and information. The "lover-boy" recruitment method is a phenomenon in Romania, and victims do not even realize they are trafficked.

It is unclear whether these issues are related to an increase in the number of parents working abroad, alongside with the increasing isolation of poor rural areas. There is concern that sexual abuse is largely uncovered, including many occurring in orphanages, but also in many

families, and that law enforcement and legislation itself is not fully effective. In 2016, the European Court of Human Rights found that Romanian legislation and practice did not offer effective protection to children against rape and sexual abuse.

### **Discrimination**

A repeated concern was that women are more vulnerable to re-trafficking, which is aggravated even further by the level of stigmatization associated with victims of trafficking for the purpose of sexual exploitation, despite the Romanian legal framework on gender equality. Women are less likely to find a job, and if they find a job, it is paid less than in the case of men. The figures of the World Economic Forum on Gender Equality placed Romania on the last place in the European Union and on the 72<sup>nd</sup> place in the worldwide ranking.

The Foundation has found that there is discrimination (and a lack of specialized services), for example for those young people with physical or mental disabilities who have not been institutionalized because of the lack of employment public policies. For these people, it is almost impossible for them to survive with the small financial aid granted by the state, which makes them an easy victim for traffickers.

### **3. Prevention**

ANITP carries out significant prevention activities, for example, deploying 3 national wide-scale prevention campaigns, a separate awareness raising campaign addressed to the Romanian community in the UK, and several other preventive educational campaigns and projects. There is also a telephone line and efforts have been made to reduce the demand for forced labour and paid sexual intercourse.

The Foundation has recommended ANITP to focus more on "dangerous areas" where there is a high risk of trafficking, such as those in the south and south-east, and to undertake preventive activities, which do not refer to printing posters and the development of awareness campaigns, but to the direct encouragement of local services to provide training opportunities for vulnerable people who may become potential victims.

### **4. The judiciary**

#### **Conviction rate**

DIICOT within the Prosecutor's Office is the main investigative and prosecution body of organized crime, including trafficking in human beings, and it carries out the entire investigation, along with the DCCO department of the police. With the help of this specialized know-how, Romania has one of the most impressive levels of traffickers' conviction - in 2016 the Romanian authorities opened 864 new trafficking case files and obtained 472 convictions of traffickers. The financial investigation and seizure are, however, very limited, as DIICOT does not have a structure of financial investigators. The new amendments to the DIICOT legislation allowed the creation of such positions but, in order to have real effects on the phenomenon of trafficking in Romania, it should be implemented as soon as possible.

#### **Collaboration of victims**

In 2016, 923 victims contributed to the criminal investigations. A major concern is, however, the delay in solving cases by the courts, numerous trials involving adult victims lasting many years. The effect of these delays was that witnesses or defendants died or disappeared in the meantime, while prosecutors changed, and many of the victims – a little less under 50% - lost their confidence in the system.

### **Victims' experience in the court**

Another recurring difficulty in the implementation of justice appears to be represented by the courts that create a new traumatising of the victim. Attorneys and in some cases even judges used depreciative words against the victims, which leads to the idea that the main battle in court would be "fighting against the mentality of the judge", so that the perception that the defendants would have more rights and would be treated with more respect than the victims.

The Foundation recommended stepping up specialized professional training for judges, lawyers and prosecutors to address this stigma and increase the understanding of trafficking in human beings. The Bars organize training courses annually, but they should focus more on trafficking and include NGOs in the process.

The US Department of State report for 2017 found that "observers reported courtrooms were sometimes hostile environments in which traffickers and their supporters in the audience took photos of those pressing charges and verbalized death threats". Although the law allows victims to testify in a separate room, the Foundation has been told that this provision is very difficult to implement, the reluctance being caused by the judges' lack of understanding of the trauma experienced by victims, their preference for the testimony in the courtroom, the lack of ex officio lawyers' experience, as well as a preconception on the victims, especially those exploited in prostitution.

### **Compensations offered by the state**

Victims of certain serious crimes, including trafficking in human beings, may request financial compensation from the state.

The GRETA report of 2016 showed that any assets seized from criminals may theoretically be used to compensate victims, but in practice the goods went to the state, and in the period 2011-2016, only 65 victims could claim compensation from the state, the persons receiving only the maximum equivalent of 10 wages per month in a single payment. Thus, it is unlikely that the amount of EUR 3,000 is exceeded, although the victim may never be paid.

### **Compensations offered by the traffickers**

Victims can take part in criminal proceedings as injured parties and bring a civil action in the criminal proceeding, claiming compensations from the perpetrator for moral, physical and psychological damages, and related damages. A court may also oblige an offender to pay compensation to the victim as part of the sentence.

There are impediments even when a large amount of money is requested to traffickers by the judges. In many cases, compensations have not been enforced. Traffickers hide their wealth, and victims receive nothing. NGOs report sad stories in which victims, after years of claiming damages, received absolutely nothing.

## **5. Public services and assistance for adult victims of trafficking in human beings**

### **Social services and prevention**

Romania has implemented significant prevention programs, although much of this activity seems to be carried out by ANITP and NGOs rather than public social services, thus focusing on awareness and not on the factors that generated the exploitation phenomenon. Many victims are targeted or vulnerable due to their circumstances, for example, if they have severe learning difficulties or come from disadvantaged environments.

If social services adequately supported vulnerable people then they wouldn't come to be trafficked. The Foundation was informed that there is a lack of specialized services. A person with special needs is particularly vulnerable and becomes an easy prey for traffickers.

### **Specialised care**

Concern about the lack of a specialized medical, legal, professional or social care has also been repeatedly underlined. As a result, services are elementary, too bureaucratic and insensible.

### **The healthcare system**

The foundation was informed that medical care is free of charge only for children and students, not for trafficked persons or other vulnerable adults. The use of health insurance was a particular problem for those who were trafficked because, according to their working conditions, they were not insured. The situation is even more difficult if the survivor has mental health problems (10%), such as schizophrenia, or drug addiction problems (3%), drugs being often used by the trafficker as a control method.

### **Governmental shelters**

The Romanian government intended to create a government shelter in each county and started by setting up 11 shelters for victims of trafficking, since 2004. However, 5 shelters are not operational, being closed due to lack of funding and staffing. It was considered easier and cheaper to refer to NGOs, which are not funded by government authorities.

GRETA mentioned that "ensuring the financing of the shelters is one of the most pressing challenges and in this regard the legislation remains unclear. The Anti-Trafficking Law provides that counties may establish assistance centres, but contains no provisions for situations in which such centres are not established, are closed, or their use is altered. The shelters continue to be short of qualified staff, such as social workers and specialised professionals".

## **6. Public services and assistance for child victims of trafficking in human beings**

The Government of Romania has taken important steps in the field of child protection and ANPDCA has explained that it places the child at the heart of their work and that the General Directorate for Social Assistance and Child Protection (DGASPC) is responsible for monitoring the situation of repatriated children for at least 6 months from their return to the country.

### **Children services**

One of the mentioned concerns was that social services often ignore cases involving men and children if the child seems to "have consented." There was also a concern about the appropriate assistance received by children during their care. When children do not receive

adequate assistance while in care, they are even more vulnerable to trafficking, especially if they have a physical or mental disability.

### **Need for specialized centres**

There are not enough specialized shelters to assist children or adolescents who are victims of trafficking. In general, child victims are placed in emergency centres for unaccompanied, abused or neglected children, managed by the DGASPC offices at county level. The Foundation has recommended greater specialization of childcare centres so that children who are victims of trafficking are not deployed with children who are drug addicts or victims of domestic abuse because each one needs specialized support with special staff trained, as putting them together would put everyone at risk.

### **Orphanages**

Although Romanian authorities have made significant progress in reforming child protection procedures over the past 2 decades, there are still 7,500 children living in the 191 remaining orphanages. The fact that not all of these institutions have been closed, even if there is a decision to close them by 2020, has been a concern despite the fact that EU funds are being provided to help this process.

## **7. Re-trafficking rate in Romania**

### **Regional discrepancies**

The conditions for re-trafficking were appropriate if the victim returned to a rural area without access to services, and the arbitrary geographic placement of the victims seems to be a concern. The main reason why victims wanted to return to Romania was to see their families, so many of the victims returned to the same area where they were originally targeted by the trafficker.

It is worrying that victims have chosen to return to their families because the available options have not been clearly communicated to them. For example, there was concern that secure shelters were perceived as prison-like orphanages, not as homes that provide a family environment. Another concern was that survivors were not always informed of their rights. A clearer, easier to understand choice should be offered to all returning victims.

## **8. Non-governmental organisations in Romania**

### **Regional discrepancies**

The NGOs which the Foundation team met have carried out a work of an invaluable value but these have evoked the absence of specialized NGOs in entire regions of Romania, usually in those areas where the inhabitants were particularly vulnerable to trafficking, which meant that victims who wanted to return to such regions were offered little or no assistance at all.

### **Collaboration**

The lack of solidarity between NGOs g, as well as between some NGOs and government agencies is a point of concern. There were 3 causes of this problem, reported to the Foundation:

(1) distinct NGOs wishing to attract resources that are limited; (2) there is no standardized level of assistance; (3) there is no harmonization of the national referral process.

So, while there were examples of good inter-institutional cooperation, there was no agreed way to assist victims as part of the national referral mechanism. The lack of harmonization was a clear problem. The foundation was informed, for example, of the case where an NGO had no available space to receive a survivor and asked another NGO to host it, but despite the fact that the latter had available space, it refused to help.

### **Agreed standards**

Collaborative work could also address concerns about lack of agreed standards. There are some NGOs that could do more harm than good, which implies the need for certain standards, or an accreditation system. "Human Trafficking Foundation" has collaborated with the UK sector to develop similar standards for shelters and extended assistance in the UK for victims of trafficking, and the UK government has adopted standards for assisting human trafficking victims [Trafficking Survivor Care Standard], developed by the "Human Trafficking Foundation", in all victim assistance contracts.

### **The Group for Combating Trafficking in Human Beings in the Parliament of Romania**

It has been suggested that the Group for Combating Trafficking in Human Beings in the Romanian Parliament should meet more often with NGOs. Although this would be an opportunity for NGOs to meet lawmakers, it would also give MPs the chance to find out directly what NGOs are doing, which is the main reason of their activities, as well as how ANITP and other key agencies maintain the standards.

### **Funding**

Specific funding is mandatory under EU law on trafficking in human beings. Both the Government of Romania and the EU should support NGOs to compensate for this lack. A dedicated fund should be available to NGOs, including an emergency fund. Even those NGOs that receive considerable foreign funding have said there is always a lack of funds and this makes it even more difficult for them. In addition, some of these funds should be directed to NGO funding, so that they can work in areas where they are not currently working.

### **Taxation**

"Nightingales Children's Project" in Cernavoda manages a cafe open to the public, where potential victims of trafficking work and are paid. However, the business almost collapsed last year because it was subject to the same taxation as commercial activities, with NGOs not benefiting from any tax exemptions. They tried to turn it into a social enterprise, but they couldn't do it because there was no lawyer to help them. There should be a clear path in setting up a social enterprise. Also, NGOs should not be subject to business taxation and should benefit from tax exemptions. It is also important that this is done without too much bureaucracy, so that small NGOs can also benefit.

## **9. Role of destination countries – United Kingdom**

Governmental and non-governmental services in Romania have described their experience of working with destination countries as difficult when victims were repatriated. There were particular concerns about the UK, including that some governmental and non-governmental organizations in the UK did not use existing official ways to repatriate victims, despite the existence of the Romanian project "TANGO" with ANITP, IOM and NGOs. Some victims are missing, being repatriated through unofficial ways that have nothing to do with services or benefits.

The UK has a voluntary repatriation system that helps the victims of trafficking who want to return to their country of origin and offers them £ 1,000. However, the Foundation was informed of a vicious circle in which victims could only get money and support if they were included in the national referral mechanism. But a victim who wants to come back does not have access to the referral mechanism. Several times, a concern was raised that the UK has sent victims of trafficking back to Romania without giving them any support. Before being repatriated, victims should be offered a minimum level of service and assistance.

It has been suggested that there should be a protocol for a minimum standard of information that can be exchanged with service providers in Romania. NGOs in the UK seem to refuse to send any data, such as survivor's medical information, case history, and legal history. As a result, it is often necessary to carry out the medical tests again and to go through the victim's history, which causes additional trauma to the survivors. Romanian organizations are sometimes informed that victims are on their way only a few hours before their arrival.

## VII. CONCLUSIONS AND RECOMMENDATIONS

The Group for Combating Trafficking in Human Beings in the Romanian Parliament has formulated the following conclusions and recommendations:

- ANITP coordinates, evaluates and monitors the national policy on the fight against human trafficking;
- Romanian authorities have undertaken significant activities to prevent trafficking;
- ANPDCA always makes an assessment on the risk of re-trafficking, before returning minor victims to their families;
- a better cooperation between governmental and non-governmental organizations is needed in order to ensure that all victims of trafficking in human beings benefit of an appropriate approach wherever they may be and regardless of their origin;
- NGOs should benefit from tax exemptions for economic activities carried out for the benefit of victims;
- the funding of assistance services for victims of trafficking in human beings must be regarded as seeking to protect fundamental human rights;
- the use of the EU funding to tackle poverty also for prevention activities - addressing poverty-related factors that lead to trafficking in human beings, lack of opportunities, discrimination, and support for children whose parents work abroad and who are considered to be in danger;
- paying more attention to direct funding of NGOs with a successful history of working with victims;
- victims of trafficking should be better informed about their rights;

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- it is necessary to implement campaigns to raise public awareness on human trafficking for sexual exploitation purposes;
  - prevention activities should focus more on trafficking factors, such as direct encouragement for local authorities to offer protection services in traffic-prone areas and training opportunities in vocational schools to vulnerable people and to potential victims;
  - creating a minimum standard of service and assistance provided to Romanian victims prior to their return to Romania, including appropriate risk assessments provided at the right time; the case data should be sent to ANITP before repatriating victims, if it is certain that they come back
  - creating a clear, agreed and transparent way of referring victims between NGOs;
  - the risk assessment for victims of human trafficking should pay extra attention to avoiding the immediate return of the victim to his/her family if there is still a risk of re-trafficking, especially when the victim is minor;
  - it would be necessary to diversify childcare centres, with an emphasis on the needs of child victims of trafficking.

