

ROMANIA

Author

- ARCA-Romanian Forum for Refugees and Migrants

ROMANIA

I. Introduction

Romania is located in Southeastern Europe and borders Hungary and Serbia to the west, Ukraine and Moldova to the north-east, and Bulgaria to the south. Romania has also a stretch of sea coast along the Black Sea.

The social and economic evolution in Romania since the 1990s, facilitated the emergence of social inequalities and indirectly the creation of vulnerable groups. By the end of the 1990s and the beginning of the next decade, geographic proximity to the conflict-torn former Yugoslav republics led to the increase of the human trafficking phenomenon in Romania.

At the regional level, the crisis in the Balkans during the past decade has led to a growth of the phenomenon. According to international statistics, Romania is a *country of origin and transit* for large numbers of women coming mostly from Asia, but also from neighbouring countries, such as the Ukraine, Moldova and Belarus. The countries of destination are the former Yugoslav Republics especially the territory of Kosovo, as well as Turkey and Greece or countries of Western Europe. The Romanian Police has identified over the years certain trafficking routes. These trafficking routes depend on the legislation of the country of destination and/or on the structure of traffickers' rings and their contacts and liaisons on a certain route. According to the experience of the Romanian Police⁹⁹, the first *trafficking route* starts in the Republic of Moldova, crosses Romania and through Hungary, reaches W. Europe, in particular France and Germany. The second *route* is via Belgrade, a renowned centre for trafficking in human beings, continuing to other former Yugoslav states, then Italy and Greece. The third *route* crosses Bulgaria and goes either towards Greece or Turkey, or towards Italy through the Former Yugoslav Republic of Macedonia and Albania.

During the past decade, trafficking in human beings became a major problem both at national and international levels, with profound social and economic implications affecting a large number of countries and individuals. In its most evident form, trafficking in human beings comprises the exploitation of women and children in the sex industry, in begging and forced labour. Formulating coherent policies to prevent and combat

⁹⁹ Statistics supplied by the Inspectorate General of the Romanian Police.

trafficking in human beings is hindered by a series of difficulties arising primarily from insufficient knowledge of the phenomenon's real dimensions due to increased cross border movement of people and goods. The fact that human trafficking usually arises in the context of activities which appear to be lawful, makes the identification of the phenomenon even more obscure. Intermediary work agencies for instance, promise legal jobs abroad, but in practice victims are exploited in illegal activities.

Romania is a country of origin and transit for women and children trafficked for sexual exploitation. Women from Moldova, the Ukraine and Russia are trafficked through Romania to Italy, Spain, Germany, Greece, France, Austria, and Canada. There were reports that Romanian boys and young men were also trafficked to other Eastern European countries for purposes of sexual exploitation. Romanian girls are also trafficked within the country for commercial sexual exploitation, and boys are trafficked from E. and N. Romania to cities for purposes of forced labour including forced petty theft¹⁰⁰.

It is expected that upon becoming a member of the European Union, Romania will also become a country of destination for trafficking in human beings, as it will attract people from less developed neighbouring countries. Hence, it is necessary to develop an effective system capable to deal with large numbers of foreign nationals, who will need assistance and repatriation.

Statistics by national law enforcement agencies or by the International Organization for Migration (IOM) are incomplete and reveal only part of the problem. Countries in the Southeastern European region including Romania, make efforts to improve their data collection systems, something that is necessary in order to provide better background information on anti-trafficking policies and facilitate understanding of the multiple socio-economic causes of the phenomenon.

II. National Legal Framework

A. National law

The national anti-trafficking legislation came into force between 2001 and 2003, enabling the law enforcement agencies to take action in order to limit trafficking and bring Romanian legislation in line with international standards.

¹⁰⁰ 'National Anti-Trafficking Strategy 2006 – 2010', UNICEF Romania.

Laws adopted to counter-trafficking in human beings are the following:

- Law 678/2001 on **prevention and countering human trafficking**;
- G.D. 1216/2001 on the approval of a **National Action Plan** for the prevention and countering of human trafficking;
- Law 682/2002 on **witness protection**;
- Law 565/2002 on the **ratification of the UN Convention against Transnational Organised Crime and its Supplementing Protocols**;
- Law 39/2003 on **preventing and countering organised crime**;
- G.D. 299/2003 on the approval of the Regulation for the implementation of Law 678/2001;
- Law 656/2002 against **money laundering**.

B. National Action Plan

The drafting of the **Plan for preventing and combating child trafficking** is the product of the **Inter-ministerial Group**, benefiting from the expertise of experienced organizations in the field of child trafficking, i.e. UNICEF, ILO, IOM, UNDP, and *Save the Children*. The Inter-ministerial Group, in cooperation with the Directorate General for Combating Organised Crime and Narcotic Drugs (DGCCOA) hosted in March 2004 a debate on the drafting of the Plan, with the participation of more than 50 specialists.

In spring 2001, following an initiative of the Ministries of Interior, Foreign Affairs and Justice, the experts from the Inter-ministerial Group drafted the **National Action Plan for combating trafficking in persons**. The Plan was a joint effort of the Ministries of Education, Labour, Youth and Culture. Joining an *ad hoc* framework, specialists from governmental, non-governmental and international organizations elaborated the final form of the Plan, which was then adopted by Government Decision in 2001 (G.D. 1216/2001). The Plan establishes practical objectives on three strategic directions: prevention, prosecution and protection of trafficked victims, in accordance with the recommendations adopted by the Stability Pact for South Eastern Europe, the organization responsible for the implementation of the UN Convention on Organised Crime and its Supplementing Protocols.

The development of an efficient system against human trafficking is one of the implicit requirements Romania has to meet in the process of its accession and integration in the European Union. In accordance with the international trend to prevent and combat trafficking in human beings, the Government of Romania has made this a top priority. In this context, the **National Anti-Trafficking Strategy** and the closely connected **National Action Plan** were adopted as instruments for Romania's EU integration process.

The **National Anti-Trafficking Strategy (NATS)** focuses on actions aiming to prevent and combat trafficking in human beings during the period 2006-2010. The Strategy will be implemented through a **National Action Plan (NAP)** for the prevention and combating of human trafficking, for the period of 2006-2007.¹⁰¹

Comments

Three years after the approval of the NAP the following advantages and drawbacks have been identified:

- Its elaboration demonstrates the **governmental commitment** to counter human trafficking;
- It enables the **development of cooperation** between national agencies and civil society;
- It creates the possibility to use the experience of law enforcement agencies in **prevention campaigns**;
- It allows the **improvement of cooperation** between Romania and its international partners;
- It sets up tasks for all competent governmental and non-governmental institutions;
- It does not provide a specific **budget**, neither at governmental nor at NGO level;
- It does not establish a **permanent framework for cooperation**;
- It does not develop an **effective coordination system** between the different actors involved;
- Some activities have been defined too broadly and as a consequence it is difficult to monitor their accomplishment;
- Activities aimed at prevention and victim protection are not clearly defined, but instead, emphasis is placed on **prosecution**.¹⁰²

¹⁰¹ 'National Anti-Trafficking Strategy 2006-2010', UNICEF- Romania.

III. General Framework

A. Capacity building

Romanian authorities have acknowledged the need for continuous national and regional training, as part of their strategy for preventing and combating human trafficking. **Regular training sessions** are organised for all law enforcement agents involved in this field. The training is based on **The Law Enforcement Best Practices Manual for Fighting Human Trafficking in the SEE**, drafted by UNDP Romania and widely recognised as a regional standard in the field. Two **national meetings** on law enforcement for officers working on human trafficking cases were organised with the financial support of the FBI, the SECI Regional Centre and UNDP Romania. Almost 200 participants, including police officers, border police, prosecutors and foreign liaison officers attended the meetings.

Comments

- The above mentioned meetings were a great opportunity to share experiences and best practices in the field, to harmonise the investigation practices in human trafficking cases and to establish national standards.
- All international organizations and NGOs, in cooperation with government agencies, developed programmes of training seminars for law enforcement agents, social services personnel, teachers, media etc.

B. Analysis, research and monitoring mechanisms

The existence of solid **statistic data** is essential for the analysis of the causes of human trafficking and the identification of groups at risk, as well as for the development of appropriate anti-trafficking policies. As all illegal activities, human trafficking has a considerable 'invisible' side, which cannot be reflected in any database or analysis. In addition to that, there is a serious deficit of data in Romania.

Institutional responsibilities in collecting and processing human trafficking data are incumbent upon:

- The Resource Centre of the **Department for Combating Organised Crime** (DOCC), in the field of prosecution;

¹⁰² Romanian Annual Report, 2003-2004.

- The **Inspectorate General of Border Police** (GIBP), as part of its duties, reports only human trafficking cases related to migration;
- The **National Office for the Prevention of Trafficking in Human Beings** (NOPT) of the Institute of Crime Research and Prevention (ICRP), which was reorganised, in January 2006, into **National Anti-Trafficking Agency** (NATA), in the fields of prevention and assistance;
- The **National Authority for the Protection of the Child** (NAPRC), which initiated the organization of a child trafficking database. NAPRC reports only cases of unaccompanied minors that were repatriated, without distinguishing the type of abuse or exploitation they had been subjected to;
- **IOM database** on victims which were assisted by the organization.

The existing data cover mainly sexual exploitation cases. Data regarding other forms of trafficking, such as for the purpose of labour or obtaining human organs, are precarious and insufficient for statistic analysis. Similarly, data on internal trafficking are not recorded or do not allow relevant analyses.

In its first year of activity, the Inter-ministerial Group has worked continuously on **monitoring** the activities of state agencies in accordance with the National Action Plan for Prevention and Countering Human Trafficking. Although the Inter-ministerial Group has no decision-making power over the governmental organizations set up by G.D. 1216/2001, its members have established a forum where significant issues of fighting human trafficking are freely discussed. The forum is also a valuable tool for monitoring the Plan's implementation as well as facilitating its work.

Comments

- The Government of Romania does not comply fully with the international minimum standards for the elimination of trafficking. However, it makes significant efforts to do so. Romania increased its anti-trafficking law enforcement efforts and took steps towards improving government coordination by creating the National Agency for the Prevention of Trafficking in late 2005 that will be funded from the national budget and will have authority to direct other agencies to take anti-trafficking initiatives.
- Most institutions in the field have only recently begun to col-

lect data. Consequently, the existing data does not allow for dynamic analyses of the phenomenon.

- The available data are not **measurable** and are not always **consistent**. The reason is that data are **not centralised** in a single database and made accessible to all competent organizations, both governmental or non-governmental. Although every institution should collect data separately in order to monitor its own activity, unification is absolutely necessary from the standpoint of entry methodology. This methodology should be in line with international definitions, permitting for comparative analyses at international level.¹⁰³
- For instance, regarding **child trafficking**, there are several institutional sources of data – GIBP, DOCC, NAPRC and NOPT –each using different data recording methods and report forms.
- Border Police collects and reports data on unaccompanied returned minors.
- NAPRC reports data on unaccompanied returned minors. Data are entered on record by the authorities following notifications.
- The Resource Centre, operating within DOCC, reports data that are on record with the police, on child victims.
- NOPT provides data regarding child victims, who have received some form of assistance.
- The DOCC Resource Centre initiated in 2004, the development of a database for victims of trafficking in human beings, including sexual, labour, begging, and other forms of trafficking. For a person to be *reported as a victim* he/she has to meet at least one of the following conditions: to have filed a statement or a complaint with a judicial body, where he/she claims to have been an injured party in a trafficking offence; to be ascertained, by investigative police authorities that he/she has been a victim of trafficking; to be found during a police raid.
- In the absence of an **integrated system of victim identification and referral**, the volume of data reported to the Resource Centre of DOCC depends ultimately on individual interpretations of the notion of victim.
- **Monitoring** is not sustainable in every sphere of anti-trafficking activities, especially with regard to victim assis-

¹⁰³ 'National Anti-Trafficking Strategy 2006 – 2010', UNICEF Romania.

tance. Victims of trafficking in human beings are registered as 'social cases' in order to have access to social reintegration programmes (education, employment), or to health care services. Under these circumstances it is not possible to determine the number/proportion of victims of trafficking in human beings who have received assistance.

- The absence of a unified system of victim identification and referral and the lack of clear procedures of inter-institutional cooperation regarding collection, exchange and access to data, reduces considerably the ability of the system to produce statistics and causal analyses that should guide anti-trafficking policies and actions.

C. Cooperation and networking at the regional and national levels

Various **networking initiatives** have been developed concerning diverse forms of trafficking, with the cooperation of different actors: international organizations, NGOs and governmental institutions with common activities in prevention, assistance of victims and prosecution. The IOM network is a good example of developing common activities for providing assistance to the victims.

D. Mobilization of resources

Funding for counter-trafficking activities is provided by the **budget of competent ministries**. At present, however, cost estimates for anti-trafficking activities are not yet made available by the ministries involved (Ministries of Administration and Internal Affairs, Public and Justice).

Prevention campaigns were developed in partnership with public institutions and civil society organizations, international organizations, and the media. No cost estimates are available either.

In the field of institutional development and victim assistance, most of the financial resources allocated to anti-trafficking activities come from **international organizations**. With regard to victim's assistance activities, the competent ministries –Ministries of Health, Labour, Social Solidarity and Family, and Education and Research – do not publish relevant costs. Only the General Departments of Social Assistance and Child

Protection have the ability to evaluate their financial resources directed towards the assistance of victims of trafficking.¹⁰⁴

Regarding the repatriation of Romanian nationals, who fall victims of international human trafficking, the Ministry of Foreign Affairs and the Romanian diplomatic missions do not receive funds from the state budget to provide assistance to victims. Currently, the system relies on local donors (in the countries of destination) or international organizations to fund the repatriation of victims, or provide other forms of assistance like funding for the reintegration of victims.

Comments

- It is not possible to make an analysis of the budget allocated to anti-trafficking activities, or of the financial resources included in the National Plan of Action 2006-2007.
- Once Romania joins the European Union, it is expected that international financial resources will diminish considerably. For this reason, it is vital to identify new sources of funding. For the period 2006-2007, it becomes a top priority for Romania to develop *at internal level*, an effective system of identification of victims, both Romanian and foreign, that will be eligible for assistance and repatriation.¹⁰⁵

IV. Implementation of the Anti-Trafficking Laws

A. Prevention and awareness

In the period of 2001-2005, **prevention campaigns** were carried out by state institutions in partnership with civil society organizations, international organizations and the mass media.

Representative surveys on the adult population of Romania, reveal that the large majority of the population (85%) has heard about the phenomenon of human trafficking. Under the coordination of the **Institute of Crime Research and Prevention** (ICRP), in association with the **National Office for the Prevention of Trafficking in Human Beings** (NOPT), 42 divisions for the prevention of human trafficking have been set up at the level of Country Police Inspectorates (CPI). These divisions carry out information and **awareness raising cam-**

¹⁰⁴ The budget of public centres for the assistance of victims is considered by their managers to be 'insufficient'.

¹⁰⁵ 'National Anti-Trafficking Strategy 2006 - 2010', UNICEF Romania.

paigns, in partnership with local police officers and NGO representatives. However, in the absence of own financial resources, the implementation of preventive anti-trafficking activities was subject to two conditions: the existence of NGOs active in the field and the funding priorities of sponsors.

More than 3,000 students participated in NGO and government-organised **awareness seminars** and **classes in public schools** in 2005. The Government funded a **nationwide programme** focusing on **child trafficking**. Anti-trafficking posters, banners, and materials were distributed in schools.

Comment

Public information campaigns have been efficient. However, in the absence of a national coordination system, these preventive activities covered the territory of the country unevenly. For instance, the Southern part of the country, which represents the main source of victims of trafficking, does not enjoy the resources, both human and financial, which are necessary for the implementation of preventive activities.

B. Protection and assistance

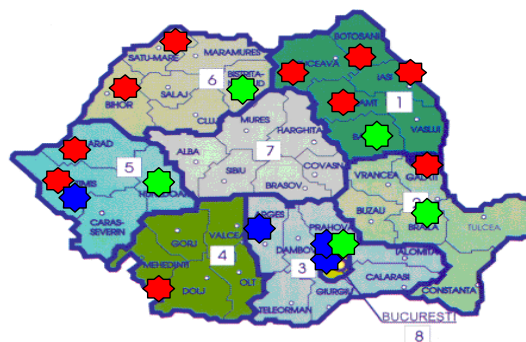
In January 2006, seven **assistance shelters** for adult victims of human trafficking were set up by Law 678/2001. Two more centres were at the process of becoming operational in the south part of Romania. Under the **Programme of National Interest**- Law 415/2004, twelve **Transit Centres** for children victims of human trafficking were opened.




In addition, since January 2006, there is also a **shelter for repatriated women** victims of trafficking, established on the basis of the Agreement between the Government of Romania and IOM (G.D. 1226/2001). Three more **centres** are run by the following NGOs: *ADPARE* in Bucharest, *'Reaching Out'* in Argeş and *Generație Tânără* in Timiș. These centres provide long-term assistance services.

Comment

Generally, NGOs provide long-term assistance services, while state-run centres are set up for emergency cases. Nevertheless, in cases of child victims some public centres provide long-term assistance services, as well as mid and short term services, on the basis of an individualised reintegration plan.

**Map of help centres for victims
of trafficking in Romania¹⁰⁶**



-  Public Centres established in accordance with Law 678/2001 and PNI 415
-  Long-term residential services (NGOs)
-  Day services (NGOs)

Comments

- Victims are provided with medical, legal, and social assistance, although the quality of care offered and the facilities vary in state-run shelters.
- Funding issues prompted the closure and reopening of several shelters.
- State-run centres are intended mainly for short-term use only; victims are permitted to stay in the centres for 10 days, although this may be easily extended for up to three months for adults and six months for minors and, in special circumstances, beyond three months based on a request by judicial officials.
- Police and prosecutors are required to inform victims of their right to visit a state-run shelter, but, in practice, most victims did not make use of this right because of the short period of assistance offered and the general lack of trust on state institutions and procedures.
- Only 29 of the 175 victims assisted by the government used the state shelters. The majority of victims preferred the NGO-run centres as the level of care and assistance

¹⁰⁶National Anti-Trafficking Strategy 2006-2010', UNICEF Romania.

offered there is much higher. NGOs received some funding for victim assistance from the local government.

- Overall support was inconsistent and largely inadequate.¹⁰⁷

C. Prosecution

In the field of **judicial prosecution**, the following institutions are involved:

- **MAIA** – Ministry of Administration and Internal Affairs;
- **DOCC** – Department for Combating Organised Crime, through its regional centres, but also through services subordinated to County Police Inspectorates (CPI);
- **Resource Centre**, a structure with the purpose to collect and process data received from all agencies and institutions involved in combating human trafficking;
- **GIBP** – Inspectorate General of the Border Police, through its territorial structures (services and offices) specialised in human trafficking;
- **MPA** – Ministry of Public Affairs;
- **DIOCT** – Department of Investigation of Offences of Organised Crime and Terrorism;
- **MJ** – Ministry of Justice;
- **National Network of Judges** (consisting of 56 judges), was established on 02.07.2004 and specialises in cases of human trafficking;
- Regional and cross-border cooperation organizations such as **SECI**;

Comment

The Government of Romania significantly improved its law enforcement efforts against crimes of trafficking over the last year. In 2005, the Romanian police conducted 231 investigations; 124 trafficking cases were prosecuted, resulting in the conviction of 235 traffickers. This demonstrates more than 100 percent increase in comparison to the previous year (103 traffickers convicted in 2004). Of the 235 traffickers convicted in 2005, 128 were sentenced to imprisonment, while 98 received no imprisonment sentence. 64 traffickers were sentenced to

¹⁰⁷ US State Department, *TIP Report 2006, Romania*.

one to five years imprisonment and another 64 traffickers were sentenced to five to ten years imprisonment.¹⁰⁸

V. BEST PRACTICES - EXAMPLES

Case Study

'Ana'

Pre-trafficking conditions

Ana grew up in a state institution and at the age of 14 she was back with her family. Her mother was seriously ill and her father alcoholic and aggressive. Her sister was mentally handicapped and her brother an alcoholic. At 16 Ana decided to get married. Her husband was alcoholic and very aggressive and shortly after their marriage, Ana became a victim of domestic violence. At the age of 20, without food, without emotional support from her family and after receiving repeated beatings, Ana ran from her husband's house to a neighbour.

Recruitment for trafficking

After two weeks in the neighbour's house (woman friend from state institution), one Romanian man came and proposed to Ana to go to Greece for 3 months to work as a cleaning lady in restaurants. The man promised that he will open a bank account in Romania for her so that she could send money to her daughter. She asked for one week to think about it; but he pushed her to give to him her Romanian ID for obtaining a passport for her.

Transport

After a week, the man offered to drive Ana to the Police Station in order for her to sign and collect her new passport. This however was not the case as they drove directly to the Serbian border which they crossed illegally.

In Serbia, Ana realised that she was in another country because the names on road signs were different. When she questioned the man she simply received the answer that she was sold.

¹⁰⁸ *Id.*

Exploitation

From a 'selling house' Ana was bought by the Serbian owner of a sex club. He told her that she had a big financial debt to repay and that she must work for him for six months. After that period she would be free to leave.

During her first night working in the club, Ana was raped by a client because she refused to offer sexual services to him.

Because she refused to cooperate, the owner of the club sold her to another owner of a sex club after a month.

From this point onwards, Ana was sold more than ten times in Serbia and the Former Yugoslav Republic of Macedonia. This lasted for a period of more than two years, during which Ana was forced to offer sexual services, clean the club, drink /entertain the clients and in some instances to perform strip-tease. During these two years she became an alcoholic and survived just because she wanted to get back to her daughter. She succeeded in escaping from a club in the Former Yugoslav Republic of Macedonia, but the border police beat her and re-sold her.

Escape

During a police raid, the owner of a club in the Former Yugoslav Republic of Macedonia hid the victims in a private house, but Ana succeeded in escaping with the help of a client. The client helped her to cross the border to Kosovo and informed her where the Romanian Consulate was. From there she was sent to the IOM shelter in Pristine where she received help and assistance for a month.

Repatriation assistance

Ana was escorted at the border and repatriated by the Romanian section of IOM and was then placed in an assistance programme on April 2003.

Assistance for reintegration**Crises assistance**

Once the victim was repatriated, the first action was to help her reunite with her daughter. When she visited her family she found that the situation was not good: the daughter was placed in a state institution and her family was under severe financial debt, including unpaid utility bills (as a consequence the house was without light, water, heating etc). Faced with

this situation, Ana asked to be accepted in the shelter.

Ana received residential assistance in the IOM shelter for eight months where she received medical care and education for developing independent life skills. In this period she was supported on every level from *ADPARE*, starting with assistance in issuing new identity documents, psychological support, legal assistance, medical care and education, qualification course etc.

Results:

During these eight months Ana divorced her husband, abstained from alcohol, finished a qualification course in hair-dressing and started working in a hair salon. This was a remarkable recovery given the fact that when Ana came to the centre she was suffering from posttraumatic stress disorder (socio-phobia, low self esteem and low trust in others, memory problems, recurrent nightmares).

Long term assistance

After this first period of assistance, Ana was placed in the long-term assistance programme of *ADPARE*. The method of assistance was Case-Management.

Ana benefited from sheltered, independent living in an apartment and was able to find another job with a better salary (in a chocolate factory). Ana learned to manage her money and gradually became more independent. She also got back custody of her daughter and now they live together. She continues to receive therapy and support for her full re-integration.

VI. DEFICIENCIES

- The Government of Romania does not comply fully with the international minimum standards for the elimination of trafficking.
- Existing statistics, provided by national law enforcement agencies or by IOM are incomplete.

VII. NEEDS ASSESSMENT

Taking into account the deficiencies and comments contained in this report and the need for improvement of the situation, a list of recommendations is provided below

RECOMMENDATIONS¹⁰⁹

1. In view of the accession of Romania to the EU, it is pertinent to develop an efficient system to deal with large numbers of foreign nationals trafficked to Romania from poorer neighbouring countries, who will need assistance and repatriation.
2. Romania should improve its victim identification methods and establish a functional victim referral system.
3. The government should work more closely with anti-trafficking NGOs and provide them with stable funding.
4. Police should be instructed to inform victims about services offered by NGOs. Since many victims of trafficking choose not to go to state-run shelters, the government should develop other strategies to offer the necessary assistance to victims.
5. The government should not fine or in any way penalise victims of trafficking.

¹⁰⁹ U.S. State Department *Annual Trafficking in Persons Report*, released on 05.06.2006.

LIST OF ABBREVIATIONS

CPI	Country Police Inspectorates
DGCCOA	Directorate General for Combating Organised Crime and Narcotic Drugs
DIOCT	Department of Investigation of Offences of Organised Crime and Terrorism
DOCC	Department for Combating Organised Crime
FBI	Federal Bureau of Investigations
GIBP	Inspectorate General of Border Police
ICRP	Institute of Crime Research and Prevention
ILO	International Labour Organization
IOM	International Organization for Migration
MAIA	Ministry of Administration and Internal Affairs
MJ	Ministry of Justice
MPA	Ministry of Public Affairs
NATA	National Anti-Trafficking Agency
NAP	National Action Plan
NAPRC	National Authority for the Protection of the Child
NATS	National Anti-Trafficking Strategy
NOPT	National Office for the Prevention of Trafficking in Human Beings
SECI	Southeast European Cooperative Initiative
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

