



PARLIAMENTARIANS AGAINST HUMAN TRAFFICKING

COUNTRY BRIEFING PAPER

ROMANIA

This text is largely based on the report on E-Notes, Report on the implementation of anti trafficking policies and interventions in the 27 EU Member States from a human rights perspective (2008 and 2009), Fermo, (Italy) 2009; chapter on Portugal, p. 192–194, written by Alexandra Mitroi, from non-governmental organisation Adpare (Bucharest).

The phenomenon

In the past few years Romania has become a country of origin and transit for trafficking in human beings. Since 2007, when Romania was accepted in the EU community, migration policies have allowed Romanian citizens to travel freely around the EU. New migration patterns induced the establishment of a legislative framework with the purpose of combating, preventing and protecting the rights of victims of trafficking in human beings. In 2009, 780 individuals were identified as trafficked persons, of which 145 were internally trafficked and 29 percent were recorded as minors. The gender of trafficked persons is nearly equal, with 54 percent as female and 46 percent as male. Male victims are associated with forced labour exploitation, whilst persons with disabilities or small children are often victims of forced begging. Young women and girls are generally trafficked for sexual exploitation, producing of pornographic materials and any other sexual related activities. Seldom there are situations in which the victims are exploited in more than one of the forms mentioned above (mixed type exploitation). From Romania, the most common destinations for trafficked persons are recorded to be Spain, Italy and the Czech Republic. Commonly recruitment is through the false pretence of acquiring employment in legitimate occupations abroad. For adult victims, the presence of the recruiter during transportation is rare. Individuals usually travel alone or are accompanied by other victims from the same recruiter. The means of transportation are international buses and low-cost company planes. In regards to minors, trafficked persons are most likely to be accompanied by the recruiter or trafficker in a personal vehicle whereby border crossing involved bribing border police, or the use of false documents.



National anti-trafficking legislation and institutions

Romania has ratified the United Nations' Convention against Transnational Organised Crime with its two Protocols in 2002 and is one of the first member states of the Council of Europe to have signed and ratified the Council of Europe Convention on Action against Trafficking in Human Beings. The provisions of the Conventions entered into force in Romania on 1 February 2008 completing the existing implementation of the anti-trafficking legislation. Regarding the definition of trafficking in human beings, legislative tools provide a detailed and operational approach: "It is an offence for anyone who recruits, transports, transfers, harbours or receives a person, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or by taking advantage of that person's inability to defend him/herself or to express his/her will, or by giving, offering or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation and is punishable by imprisonment for 3 to 12 years and interdiction of certain rights".

The main forms of exploitation stipulated in the Romanian law refer to: forced labour, sexual exploitation and organ removal. The Romanian legislative framework is harmonized to the Council of Europe Convention. In this respect, the anti-trafficking legislative tools are:

- The National Strategy against Trafficking in Persons for the period 2006-2010;
- The National Action plan for the Implementation of the National Strategy against Trafficking in Persons for the Period 2008-2010;
- Law 678/2001 on Preventing and Combating Trafficking in Persons, together with all the modifications and completions;
- The Government Decision no.299/2003 for the Approval of Implementation Regulation of Law 678/2001 dispositions on Preventing and Combating Trafficking in Persons.
- Law 39/2003 on Preventing and Combating Organized Crime;
- Law 211/2004 on Ensuring Protection Measures for Victims of Crime, which provides for the implementation of EU legislation.

At the level of governmental structures, the National Agency against Trafficking in Persons has the tasks of coordinating anti-trafficking activities, of monitoring the implementation of policies in the field of trafficking in persons by the public institutions, as well as those in the field of protection and assistance provided to its victims. The Agency cooperates with governmental and non-governmental organizations within the country and abroad, as well as with inter-governmental organizations with the view of raising the public awareness on the phenomenon and its consequences. Presently, the National Agency against Trafficking in Persons works under the Romanian General Police Inspectorate, subordinated to the Ministry of Administration and Interior.

Identification, protection of rights, and referral

Romania reports ongoing difficulties with the identification and reintegration of trafficked persons, and the consequential prosecution of perpetrators due to gaps in the capacity of police forces and other authorities. The National Agency, in its position as National Coordinator of anti-trafficking policies and actions, applies the provisions of the National Identification and Referral Mechanism (compatible with the Transnational Identification and Referral Mechanism's structure) regarding the standardised procedures of victim identification and referral,



taking into account the constant protection of trafficked person's rights. The National Identification and Referral Mechanism stipulate:

- The identification procedures for victims of trafficking – acknowledging both formal (law enforcement agencies) and informal identification (Diplomatic Missions, consulates, NGOs, by hotlines) by the use of a set of specific indicators and principles.

- The referral procedures – depend on the identification process and require cooperation between all the actors involved.

- Non-Romanian trafficked persons shall be entitled without discrimination to the same support and protection measures as Romanian victims. Therefore, foreign individuals should be informed in a language they can understand about their right to a maximum of 90 days to recover and access specialized support services, including accommodation in specially arranged centres, psychological, medical and social assistance. A temporary residence permit can be granted to foreign nationals in the case in which they accept to cooperate with the Romanian authorities in investigating the trafficking related offences, or by being part in the trafficking trial.

- Repatriation procedures for facilitating a safe return are conducted both for Romanian and foreign citizens exploited on Romanian territory.

- The provision of assistance and protection for Romanian trafficked persons is ensured irrespective of whether they cooperate with the law enforcement or not, by NGOs and GOs and comprises of services such as: residential assistance in closed or semi-closed shelters, material assistance, psychological assistance, social assistance, medical assistance, educational assistance, legal assistance, all free of charge. Depending to the individual's needs, they can be included either in assistance in crisis programme (provided for a 90 days' period – the reflection and recovery period) or in a long term assistance programme with the aim of intensive recovery and complete socio-professional reintegration.

- The manner in which the assistance services are implemented is standardised by a set of good practices, synthesised under the name of The National Assistance Standards for Victims of Trafficking in Persons.

Access to justice

Each identified trafficked person has the right to be informed about their legal status and the rights deriving from it. Should he/she agree to collaborate with law enforcement authorities, the individual will receive consultancy and information on the legal proceedings and will be provided with a public defendant. In addition, the law establishes several categories of terms/conditions for granting financial compensation to direct or indirect victims of the given crimes, including also information to the prosecution authorities about the crime committed, within a specified period of time. In practice, sometimes the specific standards for assistance and protection cannot be fully complied due to the organization's reduced financial capacity to provide integrated long-term assistance services. Despite the protocols that are signed, the rights of trafficked persons to access free of charge the sanitary, legal and psychological protection on the state's behalf; these rights are not available de facto. In practice, routine procedures required by state actors are bureaucratic, prolonged and less accessible to beneficiaries in the initial



phase of recovery. Usually they can be appealed to outside the context of emergency situations, with the resolutions to the beneficiaries' requests lasting up to one month.

Prevention

The National Agency against Trafficking in Persons has coordinated the implementation of campaigns such as: Your money makes the traffickers rich...Your money kills souls!" - focused on demand reduction; "18 October - EU Anti-trafficking Day" – information campaign; "The trafficking in persons is there! Take an action TODAY, not TOMORROW" – sensitization campaign of the trafficking in persons associated risks; "Labour in the Czech Republic"- information and prevention campaign. The most recent training programmes have been conducted with the participation of anti-trafficking foreign experts and focused on involving more stakeholders in the early identification of victims of trafficking and on strengthening inter-institutional cooperation. As example stands the Training seminar for the representatives of the Romanian Territorial Labour Inspectorate on identification and referral of victims of trafficking in persons – in collaboration with the Romanian Territorial Labour Inspectorate, the Romanian Immigration Office and the International Labour Organization. Moreover, one initiative of the National Agency against Trafficking in Persons in inter-institutional approach consists in signing several memorandums of Understanding with governmental actors such as: The Ministry of Labour, Family and Social Solidarity, the Ministry of Health, the Ministry of Education, Research, Youth and Sport. These facilitate access and create a framework for victims of trafficking to access the state social assistance network, labour market, state medical facilities, state education, etc. At civil society level, there have been organized fundraising activities and social involvement initiatives (exhibitions, fairs, independent film projection, and informal anti-trafficking presentations at the University).

Monitoring and evaluation system

The Romanian Action Plan for the period 2008-2010 for the implementation of the National Strategy against Trafficking in Persons stipulates specific goals with associated evaluation indicators. The monitoring process related to the implementation of measures, actions and policies in the field of trafficking in persons is carried out mainly by the National Coordinator – The National Agency against Trafficking in Persons, through the Monitoring, Evaluation and Research Service. The inputs necessary for conducting the monitoring are provided by the local NGOs active in the field of prevention and direct assistance provision to trafficked person. State transit centres for trafficked persons provide data that is transmitted to the Regional Center in Bucharest in order to be included in the National Victim Database. The inclusion of the collected data in the database as an operational tool helps the NAATIP representatives to gain a complete perspective over the victim's status, provision of assistance services and stage of recovery and reintegration. Presently the monitoring and evaluation of the implementation of anti-trafficking policies and measures are being implemented, not only to assess the adequacy of the actions taken in the past two year period but also to establish new strategic objectives and actions that reflect the changing reality of human trafficking. The reviews will be published in the Romanian Action Plan for the implementation of the National Strategy against Trafficking in Persons for future years.

Recommendations



With the financial support from the Prevention of and Fight against Crime Programme of the European Union,

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- Ensuring constant cooperation, support, sharing of information and good practices, through official protocols not only between the governmental and non-governmental side but also among local and national NGOs.
- Empowering and supporting the organizational development by redirecting governmental funds to assistance services providers.
- Facilitating the access conditions and fastening the bureaucratic procedures, since presently routine procedures required by state actors are bureaucratic, prolonged and less accessible to beneficiaries in the initial phase of recovery.



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