



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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Reply from Romania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties

Third evaluation round

Thematic focus: Access to justice and effective remedies for
victims of trafficking in human beings

Reply submitted on 22 October 2019

This questionnaire was made with the support of all the law enforcement institutions that are involved in combating THB in Romania and other public authorities with responsibilities in the field of assistance, protection and social reintegration of the THB victims.

5 attachments:

- 1. Analyze regarding the right of human trafficking victims to financial compensation in Romania, Romanian language version and English language version, Brochure for victims of human trafficking, Romanian language version, English language version and Hungarian language version, Brochure for human trafficking specialists, Romanian language version and English language version*
- 2 Annex regarding the international judicial cooperation in THB cases, 2015- 2019 (august), Romanian language version and English language version.*
- 3. The national strategy against trafficking in human beings for the period 2018-2022 (Romanian language version and English language version) and the National Action Plan subsequent to the implementation in the period 2018-2020- approved by GD 861/2018.*
- 4. Report for informing the victims about their rights, Romanian language version and English language version*
- 5. National Identification and Referral Mechanism of victims of THB (implementation guide), Romanian language version and English language version*

Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

According to the National Identification and Referral Mechanism whose application procedures have been revised within the project "Trafficking in persons- a victim- centered approach" implemented by the National Agency against Trafficking in Persons during the period March 2017-July 2019, *Informing the victims in connection with the rights they have according to the law and the informed consent regarding the referral to assistance and protection services* is a measure that succeeds in identifying the person/ minor as a presumed/ identified victim and implies providing information to the presumed/ identified victim for:

- Being aware of the rights he/she has under the law;
- Obtaining informed consent for referring to specialized protection and assistance services;
- Being aware of the importance of cooperating with the investigation and criminal prosecution bodies for the presumed victims cases;
- Obtaining the consent for the implementation of the personal data and information related to the traffic situation in the Integrated Monitoring and Evidence System for Victims of human trafficking.

This measure is used by the specialists of the NAATIP, the specialized nongovernmental organizations in the trafficking field or the General Directorates for Social Assistance and Child Protection with trafficking specialized services, IOM Romania or by the personal of the investigation and prosecution bodies.

The first step of this measure is to inform and to raise awareness about the legal rights.

The representatives of the specialized institutions give information to the victims about the legal rights and obligations they have. Understanding their rights is the first condition in obtaining the victims consent for all the further measures that are taken under the National Identification and Referral Mechanism.

Informing on the rights of victims of trafficking in human beings is done in a very simple language, according to the meaning of each victim, whether she/ he is a Romanian citizen or foreigner citizen, adult or minor, with a separate explanation of each right.

The second step is to present the assistance and protection alternatives.

The representatives of the specialized institutions inform the presumed/ identified victims about the assistance and protection alternatives they have, giving them the possibility to choose.

Victims are informed about all the available assistance and protection services at the regional and local level, their role and the period they could receive assistance.

In order to obtain the victim consent for the referral, in writing, an instrument called "**Informed consent on referral**" is used, presented below.

In the case of a minor victim, the informed consent will be signed by his/her guardian or in his/her presence, depending on the minor's age.

In the case of a foreign citizen victim, the consent will be signed in a language he/she understands, desirable in his/her mother tongue.

In the case of children victims of trafficking, informing activities are carried out by the specialized structure for intervention in cases of abuse, neglect, trafficking, migration organized under the local General Directorates for Social Assistance and Child Protection.

This specialized structure was introduced within the legislation that concerns the organization and competencies related to the local authorities responsible with child protection in 2019.

The modification of the legislation in this field resulted as a need to transpose into the national legal framework the provisions of the Directive 2012/29/UE.

Also, in the judicial practice, on the occasion of the first hearing, the judicial bodies (the case prosecutor or the police officer encharged to hear the victim) inform the victim about the rights she/he has according **to art. 4 of Law 211/2004 on certain measures to ensure the information, support and protection of the victims of crime, with the subsequent amendments and completions**, as well as on the rights provided by the **Criminal Procedure Code (art. 11-113)**, drawing up a double copy report in this regard, of which a copy is handed to the victim, regardless of their participation in the criminal trial as a witness or as an injured person.

Thus, the legal provisions provided by **art. 4 of Law no. 211/2004** stipulates:

(1) The law enforcement representatives shall provide the victims of crime with the following information:

- a) the services and organisations that provide psychological counselling or any other forms of assistance to victims, according to their needs;
- b) the body of criminal prosecution with which complaints may be lodged;
- c) their right to receive legal assistance and the institution that can be addressed for exercising this right;
- d) the conditions and procedure for obtaining legal assistance free of charge;
- e) the procedural rights of injured persons and of civil parties;
- f) the conditions and procedure for enjoying the provisions of art.113 of the Criminal Procedure Code, as well as the provisions of Law No.682/2002 on witness protection with ulterior amendments;
- g) the conditions and procedure for receiving the financial compensation from the State;
- h) if the defendant is detained, or convicted to imprisonment, the right to be informed when he/she is released from detention, under any circumstances, according to the Criminal Procedure Law;
- i) the right to use the services of a mediator, in the cases where the law allows it;
- j) the institution where they can ask for updates on the case, as well as its contact details, if the victim decides to lodge a complaint.
- k) if the victim has his / her permanent residence or residence on the territory of another EU Member State, information on the possibility of filing a criminal complaint or request for financial compensation from the State on the territory of that State, as well as having the possibility to be heard by the Romanian judicial authorities without being present on the Romanian territory, according to the law on international judicial cooperation.

(2)The information in para. (1) shall be made known to the victim by the first law enforcement representative before whom the victim appears.

(3) The information in para.(1) shall be made known to the victim in a language that he understands. The victim shall receive a form containing all the information mentioned in para. (1). If he refuses or is unable to sign, a report shall be concluded mentioning this situation.

(4) If the victim is a Romanian citizen pertaining to a national minority, all the information in para. (1) shall be brought to his attention in his mother tongue/native language.

(5) The fulfilment of the obligations in para.(1)-(3) shall be recorded in minutes, which shall be registered with the institution to which the law enforcement representative before whom the victim appeared belongs.

(6) At his first contact with the law enforcement authorities, the victim may be accompanied by a person of his choice, to ease communication.

(7) When filing the complaint, according to art. 289 of the Law 135/2010 on Criminal Procedure Code, with the ulterior amendments and completions, the victim shall receive a written confirmation. The confirmation shall state the registration no. of the complaint, as well as details about the offence for which the complaint was filed.

(8) If the victim does not speak or does not understand Romanian language, he may ask to receive, later, the translated version of the confirmation mentioned in para. (7).

As it was mentioned above, in this situation, in addition to the provisions of art. 4 of law 211/2004, the provisions of art. 111, 112 and 113 of the Criminal Procedure Code are also applicable, which provide the following:

Art. 111 - Hearing of victims

(1) At the beginning of the first hearing, judicial bodies shall ask a victim the questions listed under art. 107, which applies accordingly.

(2) A victim shall be informed of the following rights and obligations:

- a) the right to be assisted by a counsel, and in case of mandatory legal assistance, the right to have a counsel appointed ex officio;
- b) the right to use a mediator in the situations permitted by law;
- c) the right to propose production of evidence, to raise objections and to argue in court, under the terms set by the law;
- d) the right to be informed of the conducting of proceedings, the right to file a prior complaint, as well the right to become a civil party in the trial;
- e) the obligation to come to court when summoned by the judicial bodies;
- f) the obligation to notify of any change of address.
- g) Repealed

(3) The stipulations of art. 109 par. (1) and (2) and of art. 110 shall apply accordingly.

(4) During the criminal investigation, the hearing of a victim shall be recorded with audio or audio-video devices, when criminal investigation bodies deem this necessary or when the victim requests this specifically, and such recording is possible.

(5) On the occasion of the first hearing, a victim shall be informed of the fact that, if the defendant is deprived of freedom or convicted to a custodial sentence, the former can be informed of their release in any manner.

(6) In the case of the victims for whom the existence of specific protection needs has been established under the law, the judicial body may order one or more of the following measures, when possible and when it considers that the proper conduct of the proceedings is not affected, nor the rights and interests of the parties:

- a) hearing them in premises designed or adapted for this purpose;
- b) hearing them through or in the presence of a psychologist or other specialist in counseling victims;
- c) their hearing, as well as their possible re-hearing, shall be carried out by the same person, if this is possible and if the judiciary considers that this does not affect the proper conduct of the trial or the rights and interests of the parties.

(7) Hearing by the criminal investigation bodies of the injured persons who were victims of the offence of domestic violence, provided by art. 199 of the Criminal Code, of the offenses of rape, sexual assault, sexual act with a minor and sexual corruption of minors, provided in art. 218-221 of the Criminal Code, of the offence of ill treatment applied to the minor, provided in art. 197 of the Criminal Code, harassment, provided by art. 208 of the Criminal Code, and sexual harassment, provided by art. 223 of the Criminal Code, as well as in other cases where, due to the circumstances of the crime, this is considered necessary, and it is only performed by a person of the same gender with the injured person, at his/her request, unless the law enforcement representative considers that this affects the trial or the rights and interests of the parties.

(8) If the injured person is a minor, the recording of his hearing by audio or audiovisual technical means is compulsory in all cases. When the recording is not possible, this is written in the statement of the injured person, with the clear indication of why the recording was not possible.

(9) The hearing of the injured person by the law enforcement representative that has registered a complaint regarding the perpetration of a crime shall be carried out immediately, and, if this is not possible, it will be carried out after the complaint is filed, without undue delay.

(10) The statement given by the injured person under the conditions of par. (9) is a means of proof even if it was administered before the commencement of the criminal prosecution

Art. 112 - Hearing of civil parties and parties with civil liability

(1) Hearing of civil parties and of parties with civil liability shall be conducted as per the provisions of art. 111 para. (1), (3) and (4), which apply accordingly.

(2) Civil parties and parties with civil liability are informed of the following rights:

- a) the right to be assisted by a counsel, and in case of mandatory legal assistance, the right to have counsel appointed ex officio;
- b) the right to use a mediator in the situations permitted by law;
- c) the right to propose production of evidence, to raise objections and to argue in court in relation to the settlement of the civil side of the case, under the terms set by the law.

Art.113 Protection of the injured person and the civil party

(1) When the conditions stipulated by the law regarding the status of threatened or vulnerable witness or for the protection of privacy or dignity are fulfilled, the criminal investigation body may order for the injured party or the civil party the protection measures provided in art. 124-130, which applies accordingly.

(2) Are presumed vulnerable: child victims, victims who are in a relationship of dependence with the perpetrator, victims of terrorism, organized crime, human trafficking, violence in close relations, sexual violence or exploitation, victims of hate crimes and victims affected by a crime because of prejudice or for reasons of discrimination that may relate in particular to their personal characteristics, victims with disabilities, as well as victims who have suffered considerable harm as a result of the seriousness of the crime.

(3) If the injured person or the civil part is in any of the situations provided in par. (2), the criminal prosecution body informs them about the protective measures that can be taken, their content and the possibility of renouncing them. The renunciation of the injured person or the civil party when taking the protective measures shall be recorded in writing and signed by her/him, in the presence of the legal representative, if applicable.

(4) The re-hearing of the injured person can only be done if it is strictly necessary for the criminal proceedings.

(5) With the occasion of the hearing, at her request, the injured person can be accompanied by her legal representative and also by another person designated by the injured person, unless the judicial body decides motivated in the opposite direction.

(6) Whenever the judicial body cannot determine the age of the injured person and there are reasons to be considered that the person is a minor, the injured person will be presumed as a minor.

If the victim has not notified the crime to the criminal prosecution bodies, the Service for supporting the victims of crime, respectively the departments within the General Directorates for Social Assistance and Child Protection and the social services providers will communicate to the victim, at the first contact, the rights provided in art. 4.

Art. 3 ind. 1, of the same law, mentions at para. (5) that the identification, referral, assistance and protection of the THB victims are also provided by specialized institutions accordingly to Law 678/2001 on preventing and combating trafficking in persons, with subsequent amendments and completions and The National Identification and Referral Mechanism.

Till the moment when the procedures of the National Identification and Referral Mechanism were reviewed, in accordance with the NAATIP director's disposal, the victims' informing regarding their rights was also done by the NAATIP specialists who used to draft a report in two copies, one of them being given to the victim. In addition to the rights already mentioned above, the THB victims were also informed about their right to benefit of a recuperation and reflection period up to 90 days in order to recuperate themselves, to avoid the traffickers influence or to take a decision regarding the cooperation with the responsible authorities, as well as that the recuperation and reflection period ends if the victim, by her own initiative, come again in contact with the traffickers, if there is a danger for public order and national security or if the victim status was unjustified invoked.

The template of the report used is attached to the questionnaire, in English and Romanian also.

Following the implementation of the aforementioned project regarding the revision of the National Identification and Referral Mechanism, the tool to be used for informing the victims about their rights is the following:

INFORMED CONSENT ON REFERRAL

Organization/ Institution

Informed consent on referral

CONFIDENTIAL

Today, date:.....

Surname

First name

Date of birth

I became aware of the legal rights I have as a presumed/ identified THB victim, respectively:

- a) the right to benefit of a recuperation and reflexion period up to 90 days, in order to recover myself, to avoid the traffickers influence and to take a decision regarding the cooperation with the responsible authorities;*
- b) the right to residencial, psychological, medical, physical, legal and social assistance;*
- c) the right to file a complaint to the criminal prosecution body;*
- d) the right to receive compulsory legal assistance, during all the phases of the criminal proceedings, as well as during the related civil trials;*
- e) the right to the protection of the witness' identification data, to the ways of protecting the witness, the rights and obligations incumbent upon him;*
- f) the right to financial compensations that are granted to the victims of certain crimes.*

- I have understood/* *I have not understood what my rights are.*
- I agree/* *I do not agree with my referral to an assistance and protection program.*

Refusing reasons:

.....

- I agree/* *I do not agree with the implementation of my personal data in the Integrated Monitoring and Evidence System for Victims of THB (IMESV).*

Refusing reasons:

.....

Signature:

.....

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

In the judicial practice, the Romanian state provideS, free of charge, the translation through an authorized interpreter in all the phases of the criminal proceedings. Thus, all the participants in the criminal process, who do not know the official language- Romanian, have the right to receive the assistance of an interpreter authorized by the Ministry of Justice, through whom the victim will be made aware of all the probative material, it will be communicated her rights and it will be heard.

In this respect, during the criminal investigation, provisions of art. 105 Criminal Procedure Code shall apply:

Art. 105 – Hearing through an interpreter

(1) Whenever a person subject to hearing cannot understand, cannot speak or cannot express themselves properly in Romanian, their hearing shall be conducted through an interpreter. Such interpreter may be appointed by the judicial bodies or by the parties or victims from among interpreters certified under the law.

(2) Exceptionally, in a situation when the urgent taking of procedure measures is required or when a certified interpreter cannot be provided, a hearing may be conducted in the presence of any person who can communicate with the person subject to hearing. However, judicial bodies are under an obligation to a resume the hearing through an interpreter as soon as this is possible.

(3) If a person subject to hearing is deaf, dumb or deaf & dumb, the hearing shall be conducted with the participation of a person who has the capacity to communicate through the special language. In such situation, communication may also take place in writing.

(4) In exceptional situations, if an authorized person, who can communicate through the special language, is not present, and communication cannot take place in writing, the hearing of persons listed under par. (3) shall be conducted with the help of any person having such communication skills, and The stipulations of para. (2) shall apply accordingly.

Regarding the obligation to provide translation and interpretation services, there are also applicable the provisions of art. 81, para. (1), item g¹ from the Criminal Procedure Code which stipulates that the injured person has the right to be assisted, free of charge, by an interpreter when he/she does not understand, he/she could not express or could not communicate in Romanian language. In urgent situations, if it is considered necessary and do not obstruct the exercise of rights, technical means of communicatios may be used.

2. Legal assistance and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

Regarding the THB victims, legal assistance is provided free of charge, by ex officio legal counsellors, no matter if the victim is of legal age or minor (child). If the victim is a person with no exercise capacity or limited exercise capacity, legal assistance is mandatory. (accordingly to art. 93, para. (4) from the Criminal Procedure Code).

In accordance with the provisions regarding the judicial assistance of the THB victims, art. 44 of Law 678/2001 on preventing and combating trafficking in persons, mention that:

- (1) During all the phases of the criminal proceedings, in order to be able to exercercise their legal rights and to support their civil claims and claims against the persons who committed the offenses provided by this law, the THB victims benefit of mandatory legal assistance.
- (2) Provisions of the Chapter IV of Law 211/2004 on certain measures to ensure the information, support and protection of the victims of crime, with the subsequent amendments and completions, regarding the free legal assitance provided to the victims of crime are applied accordingly for the THB victims.

Thus, according to art. 15 of Law 211/2004 on certain measures to ensure the information, support and protection of the victims of crime, with the subsequent amendments and completions, "Free legal assistance is granted, upon request, (...) in compliance with the conditions established in art. 14 paragraph (2), if the monthly income per family member of the victim is at most equal to the minimum gross basic salary in the country established for the year in which the victim made the request for free legal assistance.

Art. 16. (1) Free legal assistance is granted only if the victim has notified the criminal prosecution bodies or the court within 60 days from the date of the crime. (...)

(3) If the victim was unable, physical or mental, to notify the bodies of criminal prosecution, the term of 60 days is calculated from the date when the state of impossibility ceased.

(4) Victims who have not attained the age of 18 years and those under interdiction have no obligation to notify the criminal prosecution bodies or the court regarding the commission of the crime. The legal representative of the juvenile or the person placed under the interdiction may notify the criminal prosecution bodies about the crime.

Art. 17. (1) The application for granting the free legal assistance is submitted to the court in which the district domiciles the victim and is settled by two judges of the Commission for granting financial compensation to the victims of crimes, by termination, within 15 days from the date of deposit.

Art. 18. (1) Free legal assistance is granted to each victim throughout the trial, within the limit of an amount equivalent to two minimum gross basic salaries in the country, established for the year in which the victim made the request for free legal assistance.

(2) The funds necessary for granting the free legal assistance are provided from the state budget, through the budget of the Ministry of Justice."

Legal assistance provided to children is part of the legal provisions referring to the compulsory legal assistance granted for all victims of trafficking, as stated by art. 44 align. (1) of the Law no. 678/2001 for preventing and combatting trafficking in persons.

According to the provisions of the Law no. 211 /2004, free legal assistance for victims including victims of trafficking is granted « by request ». In case of children legal assistance is granted, at the request of their legal representatives, during the whole trial period.

The legal assistance provided to victims of trafficking is stipulated by the national law regarding the protection of children rights, The Law no. 272/2004 on protection and promotion of children's rights and by the Government Decision no. 49 of January 19, 2011 for the approval of the Framework Methodology on prevention and intervention in multidisciplinary team and network in situations of violence against the child and of domestic violence and of the Methodology of multidisciplinary and interinstitutional intervention regarding the children exploited and at risk of labour exploitation, children victims of human trafficking, as well as migrant Romanian children victims of other forms of violence on the territory of other states.

According to the Law no. 272/2004, in any judicial or administrative proceedings concerning him, the child has the right to be heard. It is compulsory to listen the child who has reached the age of 10 years. However, a child who has not attained the age of 10 years may be heard, if the competent authority considers that his hearing is necessary to resolve the case. The right to be heard gives the child the opportunity to request and receive any relevant information, to be consulted, to express his opinion and to be informed about the consequences that his opinion may have, if it is respected, as well as the consequences of any decision that concerns him.

In all the cases provided above the opinions of the listened child will be taken into consideration and will be given due importance, in relation to the age and the degree of maturity of the child.

If the court consider as necessary, it can call the child in front of it, to hear it. The hearing takes place only in the council room, in the presence of a psychologist and only after a preliminary preparation of the child for this purpose.

The Government Decision no. 49 contains specific details about the child's interview:

- Place of interview (psychologist's office is recommended);
- Intervention in the multidisciplinary and interinstitutional team;
- Minimum mandatory team composition: the social worker, who usually is also the case manager; psychologist; doctor; the police officer - depending on the typology of the case, the legal adviser -that is the employee of the General Directorate for Social Assistance and Child Protection
- The legal adviser is usually the one that makes the legal evaluation, that aims to plan interventions that are appropriate to the best interests of the child, respectively to the interests of the adult victim, from a legal point of view, both in the short term and in the long term, referring to aspects such as:
 - a) family situation: who exercises parental rights and under what conditions; if it is the case of the decease of the parents' rights; if it is the case of taking a protective measure; if the family has benefited from prevention services or what services and benefits can be provided, according to the law;
 - b) school / professional and social situation: integrated school child; the educational level of the victim; discrimination or lack of access to certain services; what services can be provided, according to the law;
 - c) economic situation: there are sources of income of the child and/or family; receives the social benefits to which he is entitled; if the adult victim has a job; what services can be provided, according to the law;
 - d) initiation of judicial proceedings when the deed can be a crime, identifying the correct legal classification, offering legal assistance, when this is required, including by advising parents / legal representatives / victim regarding making a notification to the authorities competent (complaint, prior complaint or complaint).

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

Yes. The Romanian legislation in this field makes no distinction as per the status of a victim. Thus, all persons presumed to be victims of THB, irrespective of the type of exploitation, have the right to be assisted by a lawyer, which implies that the state has the correlating obligation to provide free legal assistance, unless the person has chosen a lawyer.

All persons presumed to be victims of THB have access to free legal assistance under the provisions of the Romanian Constitution, Criminal Procedure Code and Law no. 678/2001 on preventing and combating trafficking in persons, as well as Law no 211/2004 on certain measures to ensure the information, support and protection of the victims of crime, with the subsequent amendments and completions.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

The requirements for free legal assistance are related to THB victims' participation in the penal trial. They are entitled to it in all circumstances, as per article 44 of Law 678/2001:

- (1) The persons referred to in article 43 (victims of trafficking in persons) will be provided mandatory legal assistance so that they can exercise their rights during the legal procedures, along all phases of the trial, and sustain their demands and civil claims against those who committed the crimes specified within the body of this law, in which they are involved.
- (2) The provisions of chapter IV fo Law 221/2004 on certain measures to ensure the information, support and protection of the victims of crime, with the subsequent amendments and completions are applicable to victims of trafficking in persons.

As regards articles 14-20 of Law 211/2004, modified, on free legal assistance provided to victims of criminal offences, it is mentioned that:

Art. 14

(1) Free legal assistance is granted, on request, to the following categories of victims:

a) the persons on whom an attempt was committed on the crimes of murder, qualified murder and extremely serious murder provided for in art. 174 - 176 of the Criminal Code), an offense of serious bodily injury, provided in art. 182 of the Criminal Code), an intentional crime that resulted in serious bodily harm to the victim, a crime of rape, sexual act with a minor and sexual perversion, provided in art. 197, 198 and art. 201 paragraph 2 - 5 of the Criminal Code);

b) the husband, the children and the persons in the care of the persons deceased as a result of perpetrating the crimes of murder, qualified murder and extremely serious murder, provided in art. 174 - 176 of the Criminal Code), as well as of the intentional crimes that resulted in the person's death.

(2) The free legal assistance is granted to the victims mentioned in para. (1) if the crime was committed in the territory of Romania or, if the crime was committed outside the territory of Romania, if the victim is a Romanian or foreign national who resides legally in Romania and the criminal trial is carried out in Romania.

Art. 15

Free legal assistance is provided, upon request, to victims of offenses other than those provided in art. 14 para. (1), in compliance with the conditions established in art. 14 paragraph (2), if the monthly income per family member of the victim is at most equal to the minimum gross basic salary in the country established for the year in which the victim made the request for free legal assistance.

Art. 16

(1) Free legal assistance is granted only if the victim has notified the law enforcement representatives or the court within 60 days from the date of perpetrating the crime.

(2) In the case of the victims referred to in art. 14 para (1) letter b), the term of 60 days is calculated from the date on which the victim became aware of the crime.

(3) If the victim was unable, whether physical or mental, to notify the criminal investigation bodies, the term of 60 days shall be calculated from the date on which the state of impossibility ceased.

(4) Victims who have not attained the age of 18 years and those placed under the interdiction are not obliged to notify the criminal prosecution bodies or the court regarding the commission of the crime. The legal representative of the juvenile or the person placed under the interdiction may notify the criminal prosecution bodies about the crime.

Art. 17

(1) The request for granting the free legal assistance is submitted to the court in which the victim domiciles and is settled by two judges of the Commission for granting financial compensation to the victims of crimes, by court decision, within 15 days from the date of filing.

(2) The application for granting free legal assistance must include:

- a) the surname, first name, nationality, date and place of birth, domicile or residence of the victim;
- b) the date, place and circumstances of the crime;
- c) if applicable, the date of notification and the law enforcement authorities or the court, notified according to art. 16;
- d) the quality of spouse, child or person in the care of the deceased person, in the case of the victims provided in art. 14 paragraph (1) lit. b);
- e) if applicable, the monthly income per family member of the victim;
- f) the name, surname and form of exercise of the profession of lawyer by the chosen defender or the mention that the victim did not choose a defender.

(3) The copy of the supporting documents for the data entered in the application and any other documents held by the victim, useful for solving the request, shall be attached to the request for the free legal assistance.

(4) The request for granting free legal assistance is solved by court decision, in the council chamber, with the victim's summons.

(5) In case the victim did not choose a legal counsellor, the court decision by which the request for free legal assistance was admitted must include the designation of an ex officio legal counsellor in accordance with Law no. 51/1995 for the organization and exercise of the profession of lawyer, republished, as subsequently amended and supplemented, and the Statute of the profession of lawyer.

(6) The court decision by which the request for granting the free legal assistance was solved is communicated to the victim.

(7) The court decision by which the request for granting the free legal assistance was rejected is subject to a review by the court in which the Commission for financial compensation to victims of crime, at the request of the victim, within 15 days from the day it was communicated. The review is completely resolved by two judges.

Art. 18

(1) Free legal assistance is granted to each victim throughout the trial, within the limit of an amount equivalent to two minimum gross basic salaries per country, established for the year in which the victim made the request for free legal assistance.

(2) The funds necessary for granting the free legal assistance are provided from the state budget, through the budget of the Ministry of Justice.

Art. 19 The provisions of art. 14 - 18 shall also apply accordingly for granting the amount necessary for the enforcement of the court decision by which civil damages have been granted to the victim of the crime.

Art. 20

(1) The request for granting the free legal assistance and the request for granting the amount necessary for the enforcement of the court decision by which civil damages have been granted to the victim of the crime may be made by the legal representative of the minor or of the person placed under interdiction.

(2) The request for the granting of free legal assistance and the request for granting the amount necessary for the enforcement of the judicial decision by which civil damages have been granted to the victim of the crime can be formulated by the non-governmental organizations that carry out their activity in the field of victim protection, if they are signed by victim, and provide the data mentioned in art. 17 paragraph (2) and are enclosed the documents mentioned in art. 17 paragraph (3).

(3) The application for granting the free legal assistance and the request for granting the amount necessary for the enforcement of the court decision by which civil damages have been granted to the victim of the crime shall be exempted from the stamp duty.

With regard to children, persons under 18 years of age, they are entitled to free legal assistance in all circumstances during interviews, which is stipulated by the Romanian Criminal Procedure Code, article

93: (4) Legal assistance is mandatory when the harmed person is lacking capacity of exercise or have diminished capacity of exercise.

Provisions of Law no. 211/2004 concerning some measures for informing, supporting and protection of crime victims regarding the acces to free legal assistance are to be applied also to children, as victims of trafficking.

In respect to children supplementary provisions are to be found in secondary legislation which concerns the way children victims of trafficking are identified, monitored and protected in a situation of trafficking. According to the provisions of the the Government Decision no. 49 of January 19, 2011 for the approval of the Framework Methodology on prevention and intervention in multidisciplinary team and network in situations of violence against the child and of domestic violence and of the Methodology of multidisciplinary and interinstitutional intervention regarding the children exploited and at risk of exploitation, through work, children victims of human trafficking, as well as migrant Romanian children victims of other forms of violence on the territory of other states, the chapter dedicated to the instrumenting of cases of child trafficking show how a complex evaluation of the case is to be carried out by a team of specialists from various field of activities, together with the services which are to be offered to a child in such a situation, depending on the particularities of each case.

Thus, a detailed evaluations is carried out in order to establish the form of exploitation the child was subject of, the needs of the child and the priorities of intervention.

The child and, if the case, his/her family are evaluated and an Intervention Plan is drawn up.

The complex team carrying out the evaluation is made up of a case manager, social worker, psychologist and legal adviser. The last one has the obligation to assess the situation from a legal point of view and decide what legal services are to be granted to the child.

In all cases of children victims of trafficking the team will include a representative of the regional structure of the National Agency against Trafficking in Persons and a teacher, who is usually responsible for the education of the child.

The legal assessment concerns the identification of the legal aspects related to the case, the identification of the rights and obligations corresponding to the child and his/her legal representative, as well as these rights are to be exercised for the future.

In short, the legal assessment will refer to the following aspects:

- a) Family situation> who is exercising the parental rights, whether or not is the case to file a request for removing the parents from their legal rights, what prevention services were previously granted, if the case.
- b) The educational situation of the child
- c) The economical situation of the child and the family
- d) The initiation of the necessary legal procedures when the act might be a crime, the identification of the legal nature of the fact, legal counselling offered to he child's parents/legal representatives in order to proceed with the necessary actions in front of the Court of Law.

The legal services granted to children victims of different forms of abuse, neglect or trafficking consist in: counselling/ legal assistance, notification for the Court, criminal investigations preliminary actions before the competent bodies etc.

The accomplishment of all these is realized by the representatives of the social services in cooperation with the police, prosecutor's office, courts of law, depending on the specific of each situation.

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

There are NO specialized lawyers, the free legal assistance is granted by ex officio legal counsellors/ lawyers appointed by the law enforcement body from the lawyers of the County Bar Association.

In Romania, lawyers' specialization is based on criteria related to seniority, thus in order to legally represent a person- victim of trafficking in persons- in the competent court, that is the court trying the case in substance, the lawyer has to have a permanent post for more than two years, as per Law no 51/1995 on organization and practice of the profession of lawyer, republished, with its subsequent modifications.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

In Romania, the legal assistance of persons victims of trafficking is mandatory and free of charge. The public defenders are remunerated from public funds specifically created for this purpose, and the prejudiced person is not liable to pay the legal fees in any circumstance the state provides a public defender.

According to the Law no. 51/1995 regarding the regulation of the profession of lawyers, art. 81 mentions that the judicial assistance granted, the designated lawyer is entitled to a fee established by the judicial body, according to the nature and volume of the activity carried out, within the limits established by the protocol concluded between the National Union of Bars in Romania and the Ministry of Justice.-eu as lasa fix cum a transmis min Justitiei, nu as modifica

Moreover, the Ministry of Justice has a dedicated budget for paying for the fees of the above mentioned lawyers. Here, article 18 of Law no 211/2004 stipulates:

Art. 18 (1) Free legal assistance is granted to each victim throughout the trial, within the limit of an amount equivalent to two minimum gross basic salaries in the country, established for the year in which the victim made the request for free legal assistance.

(2) The funds necessary for granting the free legal assistance are provided from the state budget, through the budget of the Ministry of Justice.

Regarding the civil procedures, the victim will have to respect the conditions provided by the Emergency Ordinance no. 51/2008 regarding public judicial aid in civil matters.

Art. 8 provides that:

(1) Will benefits of public judicial aid in the forms provided in art. 6 persons whose net monthly average income per family member, in the last two months prior to the application formulation, is below the level of 300 lei. In this case, the amounts that constitute judicial public aid are fully advanced by the state.

(2) If the average monthly net income per family member, in the last two months prior to the application formulation, is below the level of 600 lei, the amounts of money constituting judicial public aid shall be advanced by the state in a proportion of 50%.

(3) Judicial public aid may be granted in other situations, in proportion to the needs of the applicant, if the definite or estimated costs of the trial are likely to limit his effective access to justice, including due to the cost differences of life between the state. member in which he has his usual domicile or residence and that of Romania.

According to the present emergency ordinance, the public judicial aid is granted, independent of the material state of the applicant, if the right to legal aid or the right to free legal assistance is provided by special law, as a protection measure, taking into account special situations, such as the minority, disability, a certain status and the like. In this case, the public judicial aid is granted without meeting the criteria provided in art. 8, but only for the defense or recognition of rights or interests arising or related to the special situation which justified the recognition, by law, of the right to judicial assistance or to free legal assistance.

3. Compensation from the perpetrators (Article 15)

Conceptual delimitations

In the legal documents and literature at international level, the term “compensation” has been used to refer to the overall concept of payment to a person, regardless of the source of payment or mechanism used or the types of losses to be compensated. Compensation thus includes awards made by state-funded schemes as well as awards made in criminal, civil or labour law procedures.

The Romanian legislation uses and makes the distinction between two notions that outline possible actions/options with the purpose of ensuring a pecuniary remedy given to victims of violent crime established by the law which also include those of human trafficking, namely the compensation and civil remedy.

The term of **compensation** is used for referring to the financial compensation given by the state, measure regulated by law, for ensuring the protection of crime victims.

Civil remedy, as legal notion, must be understood as being the amount of money established by court order, to be paid to a person for repairing the damage caused by an offence.

The national legal framework guarantees the right of human trafficking victims to be compensated providing the possibility to claim civil remedy from the trafficker or financial compensation from the state.

Human trafficking victims are entitled to bring a civil action in the criminal trial and to claim civil remedy for the suffered material and/or moral damages.

If they do not obtain from the trafficker the civil remedy decided by the criminal court because it does not have income or assets, they are entitled to request financial compensation from the state only for certain damage categories.

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

There are criminal procedure provisions (art. 19, 20, 24 and 25 Criminal Procedure Code) which allow the victim of this offence to become civil party and become entitled to ask for compensation for the material and moral damages suffered as a result of perpetrating the offence.

In case the victim is minor, the law provides that the prosecutor shall file for civil action for the victim.

Criminal Procedure Code stipulates also, as a general rule, the possibility to seizure the assets of perpetrators in order to insure the payment of the damages produced to the victims of the crimes.

If the victim is a minor, the seizure of the assets becomes compulsory.

Art. 249 provides as following:

(1) The prosecutor, in the course of the criminal prosecution, the preliminary chamber judge or the court, ex officio or at the request of the prosecutor, in the preliminary chamber procedure or during the trial, can take precautionary measures, by ordinance or, as the case may be, by conclusion motivated, to avoid hiding, destroying, alienating or stealing from the prosecution of the assets that may be subject to special confiscation or extended confiscation or which can serve to guarantee the execution of the fine or the judicial expenses or to repair the damage caused by the crime.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

The amount of civil remedy will be calculated from case to case.

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

The general provisions stipulate in the Criminal Procedure Code (CPC) regarding the courts decisions are provided in title V (art 550 –art. 601), which mentions the execution for every type of penalty, safety measures and so on.

Art. 550 CPC also provides that the decisions of the criminal courts become enforceable on the date when they are final by the force of law. Non-definitive decisions are enforceable when the law especially provides so.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

There is no specific provision for this aspect.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

In Law no 53/2003, Labour Code, republished, with its subsequent modifications, it has been stipulated: Art. 265 (2) The admission for work of a person illegally staying in Romania, knowing that it is a victim of trafficking in persons, is a crime and carries a penalty of three months to two years imprisonment, or a fine.

Art. 265 (3) If the work done by the persons indicated in para. (2) can endanger their life, physical integrity or health, the penalty is six months to three years imprisonment.

Art. 265 (4) In case one of the crimes shown in para. (2) and (3) has been committed, the court may apply one or more of the complementary penalties:

- a) Total or partial loss of the right of the employer to benefits, aid, or public subventions, including EU funding administered by Romanian authorities, for a period of up to five years;
- b) Denial of the right to partake in public procurement for a period of up to five years;
- c) Partial or total recovery of benefits, aid or public subventions, including EU funding administered by Romanian authorities, awarded to the employer for a period of up to twelve months before committing the crime;
- d) Temporary or permanent closure of the workstation(s) where the crime was committed or temporary/ permanent withdrawal of licence for the activity in cause, if the measure is justified by the seriousness of the crime.

Art. 265 (5) In the case of crimes shown in para. (2) and (3) the employer will be compelled to pay the sums representing:

- a) Any outstanding remuneration owed to the persons hired illegally. The remuneration is supposed to be equal to gross minimum wage per economy with the exception of the case where either the employer or the employee can prove otherwise;
- b) The sums representing taxes, fees and contributions to social benefits which the employer would have paid if the person was hired legally, including default interests and the respective administrative fines;
- c) Expenses occasioned by the transfer of outstanding payments in the country of voluntary or legally imposed return.

Art. 265 (6)) In the case of crimes shown in para. (2) and (3) are committed by a subcontractor, both the primary contractor and any of the subcontractors, if they knew the subcontractor had hired illegal aliens, can be compelled, along with the employer or instead of the subcontractor or the contractor whose primary subcontractor is the employer, to pay the sums shown at para. (5)- a) and c).

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

Between September 19-30 and 19-20 November, 2015 under the project “National approach to compensations for the victims of trafficking in persons”, the National Agency against Trafficking in Persons (NAAITP) has organised seven training sessions aimed at improving the capacity of 105 specialists (judges, prosecutors, police officers, social assistants, psychologists, lawyers, bailiffs, representatives of NAATIP regional centres and NGOs) to ensure the access of THB victims to financial compensations. The sessions were conducted by two Romanian trainers (NAATIP representatives) along with two experts contracted by the Council of Europe.

Each of the seven training sessions lasted two days and was structured as follows:

Session one, 29-30 September, Bucharest

Session two, 5-6 October, Suceava

Session three, 8-9 October, Galati

Session four, 26-27 October, Brasov

Session five, 29-30 October, Pitesti

Session six, 16-17 November, Cluj

Session seven, 19-20 November, Timisoara

The themes concentrated on international standards for the rights of victims to financial compensation, introduction to the national framework on the rights of victims of THB, the right to direct tort and financial investigation in the case of trafficking in persons, best practice in other EU countries, active informing of victims and assuring effective access to their rights.

Likewise, the National Institute of Magistrature (NIM) assures the continuous vocational training for judges and prosecutors and in doing so NIM underscored the major legislative changes in the Romanian legal system brought by the entering into force of the penal, civil, penal and civil procedure Codes.

Preparation for the new codes is supplemented by continuing education activities in related specialized fields, such as fighting corruption and economic-financial crime, combating human trafficking, drug trafficking, cybercrime, recovering crime damage, probation in the trial, hearing techniques in the criminal process, the fight against domestic violence, juvenile justice etc.

In the context of the implementation of the National Strategy against Trafficking in Persons 2018-2022, NIM has developed and is currently carrying out an extensive project financed from structural funds - POCA project "Justice 2020: professionalism and integrity, which has as objective to improve the professional knowledge and skills of the members of the judicial system (judges, prosecutors, magistrates - assistants and staff within the institutions of the judiciary assimilated to judges and prosecutors), necessary for the activity in the courts and prosecutor's offices.

The project started on June 6, 2019 and has an implementation period of 42 months. Within this project were provided continuous training activities in areas identified as being a priority both by the strategic documents and by the judicial system. Thus, in the context of this recommendation, we mention that during the project development period (2018-2021), there will be 6 training activities in the field of combating human trafficking. These activities will be addressed to a number of 120 judges and prosecutors who solve cases regarding crimes specific to human trafficking. Within the activities, the relevant theoretical and practical aspects, the particularities of investigating these crimes, issues related to the hearing and protection of the victims will be discussed and the good practices will be highlighted.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

Law no. 211/2004 provides in article 21 some conditions regarding the victims, excluding those that do not have a legal residence in Romania or other EU member state, as well as regarding the status of the criminal case, which needs to have a definitive sentence or the dismissal of the case by prosecutors decision in cases provided by article 16 para. (1) items b), c), d), f) and h) from Criminal Procedure Code;

Art. 21

(1) The financial compensation is granted, upon request, under the conditions of this chapter, to the following categories

a) the persons on whom an attempt was committed on the crimes of murder and qualified murder provided for in art. 188 and 189 of the Criminal Code, an offense of personal injury, provided in art. 194 of the Criminal Code, an intentional crime that resulted in the bodily injury of the victim, an offense of rape, sexual act with a minor and sexual aggression, provided in art. 218-220 of the Criminal Code, an offense of trafficking in persons and trafficking of minors, provided for in art. 210 and 211 of the Criminal Code, a crime of terrorism, as well as any other intentional crime committed with violence;

b) the husband, the children and the persons in the care of the victim that died as consequence of the offenses mentioned in par. (1).

(2) The financial compensation is granted to the victims mentioned in para. (1) if the crime was committed in the territory of Romania and the victim is:

a) Romanian citizen;

b) foreign citizen or stateless person who resides legally in Romania;

c) a citizen of a member state of the European Union, legally on the territory of Romania at the time of the crime; or

d) a foreign or stateless citizen residing in the territory of a member state of the European Union, legally on the territory of Romania at the time of the crime.

(3) In the case of victims who are not included in one of the two categories of persons mentioned in para. (1) and (2), the financial compensation is granted on the basis of the international conventions to which Romania is a party.

The national legal framework guarantees the right of human trafficking victims to be compensated providing the possibility to claim civil remedy from the trafficker or financial compensation from the state.

Human trafficking victims are entitled to bring a civil action in the criminal trial and to claim civil remedy for the suffered material and/or moral damages.

If they do not obtain from the trafficker the civil remedy decided by the criminal court because it does not have income or assets, they are entitled to request financial compensation from the state only for certain damage categories.

The damages for which is granted financial compensation by the state fall within the sphere of material damages and are classified in three categories:

1. Hospitalization expenses and other medical expenses borne by the victim.

2. Material damages resulted from the destruction, deterioration or bringing in disuse state of the victim goods or its dispossession by committing the offence.

3. Earnings of which the victim is deprived following the offence.

In case of victims deceased after offence is committed, the law provides two categories of damages: burial expenses and maintenance expenses.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

The provisions of the Law 211/2004 are applicable, as follows:

Art. 21

(1) Financial compensation shall be granted, upon request, according to this Chapter, to the following categories of victims:

- a) persons against whom was committed an attempt to the offence of murder, first degree murder or particularly serious murder as provided in Art.174-176 of the Criminal Code, an offence of serious bodily harm as provided in art.182 of the Criminal Code, an intentional offence that resulted in serious bodily harm to the victim, an offence of rape, sexual intercourse with a minor and sexual perversion as provided in art.197, art.198 and art.201 para. (2)-(5) of the Criminal Code;
- b) the spouse, children and dependants of persons deceased following the perpetration of offences of murder, first degree murder and particularly serious murder as provided in Art.174-176 of the Criminal Code, as well as of intentional offences that resulted in the person's death.

Art. 27

(1) Financial compensation shall be granted to victims for the following categories of prejudice suffered following the perpetration of the offence:

a) for the victims in art. 21 para.(1) a):

1. hospitalisation costs and other categories of medical expenses incurred by the victim;
2. material prejudice resulting from the dispossession, destruction, damaging or rendering unfit for use of the victim's assets by the perpetration of the offence;
3. earnings that the victim is deprived of by the perpetration of the offence;

b) for the victims in art. 21 para. (1) b):

1. expenses for the funeral;
2. the support of which the victim is deprived by the perpetration of the offence.

(2) Financial compensation for the material prejudice in para. (1) a) indent 2 shall be granted while not exceeding the equivalent of 10 national minimum basic gross salaries established for the year in which the victim lodged the application for financial compensation.

(3) The amount of money paid by the perpetrator as civil damages and the indemnity received by the victim from an insurance company for the prejudice caused by commission of the offence shall be deducted from the amount of financial compensation granted to the victim by the State.

In this regard, the Criminal Procedure Code also provides in art. 19, para. (5) that the repair of the material and moral damage is done according to the provisions of the civil law.

Civil code provides in art. 1381 - 1395 how the amount of compensation is calculated, based on the gravity endured by the victim. However, the amount will be customized by the judge according to every particular situation.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

Romanian legal framework does not distinguish with regard of the place where the foreign victims are. The State compensation claim should only be introduced in the period regulated by the Law no. 211/2004, in article 24, regardless of the place where the victims are located:

Art. 24. (1) If the perpetrator is known, the financial compensation may be granted to the victim if the following conditions are met:

- a) the victim made the request for financial compensation within one year, as appropriate:
 1. from the date of the definitive stay of the decision by which the criminal court has pronounced the conviction or acquittal in the cases provided for in art. 16 paragraph (1) items b) -d) of the criminal procedure code and granted civil damages or termination of the criminal case in the cases provided for in art. 16 paragraph (1) items f) and h) of the Criminal Procedure Code;

2. from the date on which the prosecutor ordered the classification, in the cases provided for in art. 16 paragraph (1) items b), c), d), f) and h) of the Criminal Procedure Code;

b) the victim constituted a civil part in the criminal proceedings, unless the classification was ordered according to the provisions of art. 315 paragraph (1) item a) of the Criminal Procedure Code;

c) the perpetrator is insolvent or missing;

d) the victim did not obtain the full compensation of the damage suffered by an insurance company.

(2) If the victim was unable to make the request for financial compensation, the one-year term provided in para. (1) item a) is calculated from the date on which the state of impossibility ceased.

(3) In case the court ordered the disjunction of the civil action by the criminal action, the term of one year provided in para. (1) item a) flows from the date of the definitive stay of the decision by which the civil action was admitted.

(4) Victims who have not attained the age of 18 years and those under interdiction do not have the obligation provided in para. (1) item b).

Art. 25. In case the perpetrator is unknown, the victim can make the request for financial compensation within 3 years from the date of the crime, if the condition stipulated in art. 24 paragraph (1) item d).

Art. 26. If the victim is a minor and his legal representative did not make the request for financial compensation within the terms provided, as the case may be, at art. 24 or 25, these terms begin to run from the date the victim reaches the age of 18.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

Law 211/2004 on certain measures to ensure the information, support and protection of the victims of crime, as subsequently amended and supplemented, regulates in Chapter V entitled "The granting by the state of the financial compensations to the victims of crimes" (arts. 21-34), the conditions and how to compensate victims of human trafficking.

Thus, according to art. 33:

(1) The funds necessary for granting the financial compensation or the advance thereof for the victims of the crimes shall be provided from the state budget, through the budget of the Ministry of Justice.

(2) The payment of the financial compensation or of the advance thereof for the victims of the crimes shall be ensured by the financial compartments of the courts, within 15 days from the date of the definitive stay of the decision granting the financial compensation or an advance thereof.

(3) The State, through the Ministry of Justice, subrogates in the rights of the victim who has benefited from financial compensation or an advance from it for the recovery of the amounts paid to the victim.

Article 34 from Law no. 211/2004 provides in para. 3 that the request for financial compensation and the request for granting an advance from it are exempt from the stamp duty.

According to art. 20 paragraph (8) of the Criminal Procedure Code, "the civil action whose object is to bring to civil liability the defendant and the civilly responsible party, introduced at the criminal court or at the civil court, is exempt from stamp duty".

Regarding the lawyer's cost or other fees, we mention art. 90 from Civil Procedure Code:

(1) The person who is unable to deal with the expenses involved in initiating and sustaining a civil trial, without jeopardizing his own maintenance or his family, may benefit from judicial assistance, under the conditions of the special law on public judicial aid.

(2) The judicial assistance includes:

a) granting exemptions, reductions, staggerings or postponements for the payment of the legal fees provided by law;

b) free defense and assistance through a lawyer appointed by the bar;

c) any other modalities provided by law.

(3) Judicial assistance may be granted at any time during the trial, in whole or in part.

(4) The legal persons may benefit from facilities in the form of reductions, staggerings or postponements for the payment of stamp stamp fees due for actions and requests introduced in the courts, under the special law conditions.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

In order to repair the damage cause by committing a crime and implicitly that related to human trafficking, Romania has regulated the institution of precautionary measures (seizure and garnishment) and that of confiscating the profits and properties of offenders as product of committed crimes.

Thus, art. 249 from the Criminal Procedure Code provides that the prosecutor, during the criminal investigation, the preliminary chamber judge or the court of justice, ex officio or at the prosecutor request, in the preliminary chamber procedure or during trial, can take precautionary measures for avoiding the concealment, destruction, alienation or prosecution avoidance of goods that can be the object of special confiscation or extended confiscation or that can serve for guaranteeing the execution of the fine punishment or of legal expenses or of damage repair caused by offence.

Also according to the Criminal Procedure Code, these precautionary measures consist in freezing (by setting a seizure) the movable or immovable goods of the suspect, defendant or of other persons who own or possess the goods to be confiscated, depending on the purpose taken into account when taking these preventive measures.

Besides precautionary measures, the procedural measures with the purpose of guaranteeing the fulfilment of patrimonial obligations are also supplemented with the instruments necessary for the effectively damage repair, namely the institution of special confiscation and that of extended confiscation, provided by art 112 and 112 ind. 1 from Criminal Code.

Art. 112 - Special confiscation

(1) The following shall be subject to special confiscation:

- a) assets produced by perpetrating any offense stipulated by criminal law;
- b) assets that were used in any way, or intended to be used to commit an offense set forth by criminal law, if they belong to the offender or to another person who knew the purpose of their use;
- c) assets used immediately after the commission of the offense to ensure the perpetrator's escape or the retention of use or proceeds obtained, if they belong to the offender or to another person who knew the purpose of their use;
- d) assets given to bring about the commission of an offense set forth by criminal law or to reward the perpetrator;
- e) assets acquired by perpetrating any offense stipulated by criminal law, unless returned to the victim and to the extent they are not used to indemnify the victim;
- f) assets the possession of which is prohibited by criminal law.

(2) In the case referred to in para. (1) item b) and c), if the value of assets subject to confiscation is manifestly disproportionate to the nature and severity of the offense, confiscation will be ordered only in part, by monetary equivalent, by taking into account the result produced or that could have been produced and asset's contribution to it. If the assets were produced, modified or adapted in order to commit the offense set forth by criminal law, they shall be entirely confiscated.

(3) In cases referred to in para. (1) item b) and c), if the assets cannot be subject to confiscation, as they do not belong to the offender, and the person owning them was not aware of the purpose of their use, the cash equivalent thereof will be confiscated in compliance with the stipulations of para. (2).

(4) The stipulations of para. (1) item b) do not apply to offenses committed by using the press.

(5) If the assets subject to confiscation pursuant to par. (1) items b) - e) are not to be found, money and other assets shall be confiscated instead, up to the value thereof.

(6) The assets and money obtained from exploiting the assets subject to confiscation as well as the assets produced by such, except for the assets provided for in par. (1) items b) and c), shall be also confiscated.

Art. 112¹ Extended confiscation

(1) Assets other than those referred to in art. 112 are also subject to confiscation in case a person is convicted of any of the following offenses, if such offense is likely to procure a material benefit and the penalty provided by law is a term of imprisonment of 4 years or more:

- a) drug and precursor trafficking;
- b) trafficking in and exploitation of vulnerable people;
- c) offenses on the state border of Romania;
- d) money laundering offenses;
- e) offenses related to the laws preventing and fighting pornography;
- f) offenses related to the legislation to combat terrorism;
- g) establishment of an organized crime group;
- h) offenses against property;
- i) failure to observe the law on firearms, ammunition, nuclear materials and explosives;
- j) counterfeiting of currency, stamps or other valuables;
- k) disclosure of economic secrets, unfair competition, violation of the stipulations on import or export operations, embezzlement, violations of the laws on imports and exports, as well of the laws on importing and exporting waste and residues;
- l) gambling offenses;
- m) corruption offenses, offenses assimilated thereto, as well as offenses against the financial interests of the European Union;
- n) tax evasion offenses;
- o) offenses related to customs regulations;
- p) fraud committed through computer systems and electronic payment means;
- q) trafficking in human-origin organs, tissues or cells.

(2) Extended confiscation is ordered if the following conditions are cumulatively met:

- a) the value of assets acquired by a convicted person within a time period of five years before and, if necessary, after the time of perpetrating the offense, until the issuance of the indictment, clearly exceeds the revenues obtained lawfully by the convict;
- b) the court is convinced that the relevant assets originate from criminal activities such as those provided in para. (1).

(3) In enforcing the stipulations of para. (2), the value of the assets transferred by a convicted person or by one-third party to a family member or to a legal entity over which that convicted person has control shall also be considered.

(4) Sums of money may also constitute assets under this Article.

(5) In determining the difference between the legitimate income and the value of the assets acquired, the value of the assets upon their acquisition and the expenses incurred by the convicted person and their family members shall be considered.

(6) If the assets to be seized are not to be found, money and other assets shall be confiscated instead, up to the value thereof.

(7) The assets and money obtained from exploiting the assets subject to confiscation as well as the assets produced by such shall be also confiscated.

(8) Confiscation shall not exceed the value of assets acquired during the period referred to in para. (2) that are above a convicted person's lawfully obtained income."

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

The victims of THB benefit from seizure measures, as all victims do, because, according to the CPC, one of the reasons why a seizure is made is to repair the damage caused by the crime. Also, the sequestered

goods, if they did not belong to the victims get into the private property of the state by confiscation and cannot be used to reimburse the victims for compensations.

According to art 31 para.(1) of Law no. 318 of 11 December 2015 the National Agency for the Management of Seized Assets (NAMSA) keeps track of decisions on special or extended confiscation ordered by the Romanian courts, as well as of those communicated to Romanian authorities by foreign courts.

Currently, this statistic is a general one, without being individualized according to the offense(s) investigated/ detained by the court.

According to art. 38 of Law no. 318/2015, the Agency is developing an IT solution, which will be able to generate statistics/ reports according to the committed crimes. The future integrated national information system for keeping track of claims arising from offenses, as a unique system for monitoring seized, confiscated and recovered assets in the criminal process, will be able to provide information such as those regarding the assets confiscated in the case of human trafficking offenses.

Regarding the compensation system for victims of human trafficking, we should mention that NAMSA has benefited from such mechanisms, respectively through art. 37 of Law no. 318/2015, based on the annual balance sheet presented by the Agency, the amounts resulting from the sale of movable and immovable assets, once the confiscation judgment is final could be allocated, as follows:

- a) 20% to the Ministry of National Education and Scientific Research;
- b) 20% to the Ministry of Health;
- c) 15% to the Ministry of Interior;
- d) 15% to the Public Ministry;
- e) 15% to the Ministry of Justice;
- f) 15% to associations and foundations having their scope of activity in the social area and to specialized academies created under a special law

The mechanism for collecting and distributing the amounts provided for in art. 37 of Law no. 318/2015 is regulated by Government Decision no. 933/2016 for the approval of the Regulation regarding the distribution of the amounts provided in art. 37 of Law no. 318/2015.

According to the legislation in this field, the activities carried out for the purpose of legal education, crime prevention and assistance to victims of crime, as well as other projects of public interest may be financed from these funds.

The year 2016 represented the first year in which the distribution of the amounts collected from the recovery of the confiscated assets in criminal matters by the National Agency for Fiscal Administration, amounting to 20,536,268 lei was realized.

Considering the obligation to apply the provisions of Law no. 318/2015, starting with the date of its entry into force, the Ministry of Justice has formulated proposals for the distribution of the law in the budget for 2017, according to art. 37 of the aforementioned normative act, of the amounts obtained, in 2016, from the sale of the confiscated assets in the criminal process and transferred to the state budget after deducting the expenses of administration and capitalization of the movable and immovable assets by the National Agency for Fiscal Administration.

Thus, in 2017 the following amounts were granted:

- The Ministry of National Education and Scientific Research was granted the sum of 4,107,253.6 lei, representing 20% of the total amount of 20,536,268 lei, amount that was not used;
- The Ministry of Health was granted the sum of 4,107,253.6 lei, representing 20% of the total amount of 20,536,268 lei, amount that was not used;
- The Ministry of Internal Affairs was granted the amount of 3,080,440.2 lei representing 15% of the total amount of 20,536,268 lei;
- The Public Ministry was granted the amount of 3,080,440.2 lei representing 15% of the total amount of 20,536,268 lei, of which the amount of 936,724.03 lei was used;

- The Ministry of Justice was granted the amount of 3,080,440.2 lei representing 15% of the total amount of 20,536,268 lei, of which the amount of 2,958,000 lei was used;

For associations and foundations whose activity is in the area and for specialized academies established under a special law, the amount of 3,080,440.2 lei was granted in 2017, representing 15% of the total amount of 20,536,268 lei- the amounts provided were not distributed.

At the same time, the following amounts were granted in 2018:

- The Ministry of National Education was granted the sum of 316,438,312 lei representing 20% of the total amount of 1,582,191.56 lei;
- The Ministry of Health was granted the amount of 316,438,312 lei representing 20% of the total amount of 1,582,191.56 lei;
- The Ministry of Internal Affairs was granted the amount of 237,328,734 lei, representing 15% of the total amount of 1,582,191.56 lei;
- The Public Ministry was granted the amount of 237,328,734 lei, representing 15% of the total amount of 1,582,191.56 lei;
- The Ministry of Justice was granted the amount of 237,328,734 lei, representing 15% of the total amount of 1,582,191.56 lei;

For associations and foundations whose activity is in the area and for specialized academies established under a special law, in 2018 the amount of 237,328,734 lei was represented, representing 15% of the total amount of 1,582,191.56 lei.

We would like to mention that, by the Emergency Ordinance no. 114/2018 regarding the establishment of measures in the field of public investments and of fiscal-budgetary measures, the modification and completion of some normative acts and the extension of certain terms, art.37 was repealed.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

Yes, it is possible to use plea bargaining in cases of TBH. Criminal Procedure Code provides in article 480, paragraph (1) that the plea bargaining can be used only with regard to the offenses for which the law stipulates the penalty of the fine or imprisonment for a maximum of 15 years and the penalties for THB are stipulated in the Criminal Code between 3 and 12 years.

The victims are protected by the mechanism provided by law, which includes in the procedure the judge's decision, so that the agreement won't take place only between the prosecutor and the perpetrator. After the plea bargaining is concluded, it will be sent to a judge, which can take the following decisions, in accordance with article 485 from the Criminal Procedure Code:

- a) admits the agreement to acknowledge the guilt and pronounces the solution regarding which an agreement has been reached, if the conditions stipulated in art. 480-482 regarding all the facts held by the defendant, which were the subject of the agreement;
- b) rejects the agreement to acknowledge the guilt and sends the prosecutor's file in order to continue the criminal prosecution, if the conditions provided in art. 480-482 regarding all the facts held in the charge of the defendant, which have been the subject of the agreement, or if he considers that the solution on which an agreement has been reached between the prosecutor and the defendant is unlawful or unjustifiably mild in relation to the seriousness of the crime or danger offender.

As per article 486 of the Criminal Procedure Code, with a view to not compromising the access to justice in the form of compensations:

Art. 486 Solving civil action

(1) In the situation where the court sustains the guilty plea and the parties have entered a civil settlement or mediation agreement concerning the civil action, the court shall include that in its judgment.

(2) In the situation where the court sustains the guilty plea the parties have not entered a civil settlement or mediation agreement concerning the civil action, the court shall leave the civil action unsettled. In that situation the resolution to sustain the guilty plea does not have res judicata authority on the extent of claims brought before the civil court.

Guilty plea

Art. 478

Parties to the guilty plea and its limits

(1) During the criminal investigation, after the formal filing of charges, the defendant and prosecutor can conclude an agreement as a result of the defendant pleading guilty.

(2) The effects of the guilty plea shall be subject to approval by the hierarchically superior prosecutor.

(3) The guilty plea can be initiated by both the prosecutor and the defendant.

(4) The limits of the guilty plea shall be set by prior written agreement from the hierarchically superior prosecutor.

(5) If formal charges have been filed against several defendants, a distinct guilty plea can be concluded with each one of them, without impact on the benefit of the doubt extended to defendants who have not concluded such an agreement.

(6) Minor defendants may conclude a plea guilty agreement, with the consent of their legal representative, under the terms of this chapter.

Art. 479

Object of the guilty plea

The object of the guilty plea is admission to have committed the offense and accepting the charges on which criminal action has begun, and regards the type and amount of punishment, as well as how the punishment shall be served, respectively the type of educational measure or, as the case may be, the solution of renouncing the application of the punishment or of delaying the application of the punishment.

Art. 480

Conditions for concluding a guilty plea

(1) A guilty plea can only be concluded concerning the offenses for which the law requires a penalty of a fine or no more than 7 years of imprisonment.

(2) A guilty plea can be concluded when the gathered evidence provides sufficient information that the offenses for which charges have been filed exists, and that the defendant is the author of that offense. On entering a guilty plea legal assistance is mandatory.

(4) The defendant benefits from a one-third reduction of the penalty limits provided by law in the case of imprisonment and a one-quarter reduction of the penalty limits provided by law in the case of a fine.

For minor defendants, these aspects will be taken into account when choosing the educational measure; in the case of educational measures deprived of liberty, the limits of the periods on which these measures are provided, provided by law, are reduced by one third

Art. 481

Format of the guilty plea

(1) A guilty plea shall be concluded in writing.

(2) In the situation where a guilty plea is concluded, the prosecutor shall no longer return an indictment concerning the defendants that entered the guilty plea.

Art. 482

Contents of the guilty plea

A guilty plea contains:

a) date and place of signing;

b) surname, name and capacity of the signatory parties;

c) information on the person of the defendant, as stipulated at [art. 107](#) para. (1);

d) description of the offense that makes the object of the guilty plea;

- e) charges for that offense and penalty required by law;
- f) evidence and methods of proof;
- g) specific statement by the defendant that they admit having committed the offense and accept the charges that have been filed formally;
- h) type and amount of punishment and how the punishment is to be served, or a resolution to waive enforcement of the penalty or postpone enforcement of the penalty on which the prosecutor and defendant have agreed;

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

The average duration of court proceedings in THB cases is 689 days, in 2018.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

As per article 29 of the Criminal Procedure Code, the participants in a penal procedure are: judicial bodies, lawyers, the intimates, the main proceeding subjects and other subjects.

The parties in a penal trial are: the defendant, the civil party, the civil responsible party, are those who or against whom a judicial action is taken.

Article 33 of the Criminal Procedure Code stipulates that the main subjects in the trial are the suspect and the injured person, who have the same rights and obligations as the parties, except when these are given exclusively to the latter.

Thus, the victims are not considered parties in the penal trial so that they are protected from exposure. They can only be subjects in the penal trial if they chose so and they can be a civil party by addressing a request to the judge (article 20 of CPC).

Furthermore, a person who was injured physically, materially or morally by a criminal act for which the penal procedure is initiated ex officio and who does not want to be party in the trial has to notify the prosecuting body, who, in turn, will decide whether that person will be used as a witness.

The state has regulated the status of the victims in the Criminal Procedure Code who are parties in the penal trial. Here we have:

- Protective measures during prosecution and trial for the threatened witness (victim of trafficking)
- Hearing of the protected witness (victim of trafficking)
- Protective measures for the vulnerable witness (victim of trafficking)

The National Office for the Protection of Witnesses (NOPW) takes the steps needed to have the witness included in the Witness Protection Program.

In this regard, see also the answer to question 8.1- witness protection part.

The Criminal Procedure Code of Romania stipulates a series of rights of the injured person (the victim), such as:

- a) the right to be informed about their rights;

- b) the right to propose the administration of evidence by the judicial bodies, to raise exceptions and to draw conclusions;
- c) the right to make any other requests related to solving the criminal side of the case;
- d) the right to be informed, within a reasonable time, regarding the stage of the criminal prosecution, to his express request, provided that he indicates an address in the territory of Romania, an e-mail address or electronic mail, to which this information to be communicated to them;
- e) the right to consult the file, according to the law;
- f) the right to be heard;
- g) the right to ask questions of the defendant, witnesses and experts;
- g1) the right to benefit free of charge of an interpreter when he / she does not understand, express himself or herself or cannot communicate in Romanian. In urgent cases, technical means of communication may be used, if it is considered necessary and does not prevent the exercise of the rights of the injured person;
- g2) the right to be informed of the translation into a language that he understands of any solution for not being sent to court, when he does not understand the Romanian language;
- h) the right to be assisted by a lawyer or represented;
- i) the right to call a mediator, in the cases allowed by law;
- j) other rights provided by law.

Article 113 of the Criminal Procedure Code, in its item 5 stipulates "During hearing, the injured person may be assisted, upon request, by his/her legal representative and by another person indicated by the injured person, unless the judicial body decides, with motivation, to the contrary."

In practice, it has been found that the victims of trafficking in persons do have some difficulties in dealig with the judicial bodies, due to:

- The fear of being the subject of judicial procedures in which their presence is equated with admitting he/she stayed of worked illegally in the destination country;
- The threat with revenge from the trafficker;
- Traumatizing and self-victimisation owing to the activities and services to be performed and which should not be revealed to relatives or closed circle of friends;
- The fear that the complain may not have the desired effect;
- Lack of knowledge as regards the applicable judicial and administrative procedures;
- Fear of reprisals from closed friends/ collaborators of the defendants, the naive expectation that the traffickers may provide material reparations as a reward for withdrawal of the complain, security risks, misunderstanding of certain rights, weak inter-institutional cooperation, the risk of revictimisation- especially among underaged subjects.

Through a continous contact with the victm, NAAITP and the NGOs who provide assistance control and prevent, to a certain extent, these risks.

Thus, during 2008, NAAITP, the General Inspectorate of Romanian Police (GIRP), the General Inspectorate of Romanian Border Police (GIBP), General Inspectorate of Romanian Gendarmerie (GIRG), the General Inspectorate for Immigration (GII), the Directorate for Investigating the Organised Crime and Terrorism (DIOCT) have signed the Protocol for Coordinating the Victim during the Criminal Procedure, which guarantees teh necessary support in those cases where the victims decide to become part of the proceedings against the traffickers.

The coordination of victims is being conducted by NAAITP following internal SOPs, with the help of the other signatories, with specific tasks for each of them.

Thus, amomng the tasks of NAAITP can be found:

- Maintaining contact with the victim throughout the procedures, including when he/she did not require assistance and protection;
- Informing upon request, directly or through the parteners, about the legal aspects pertaining to judicial procedures, if the victim is part of them;
- Assist, upon request from the prosecutor and with the approval of the judge, the victim during trial sessions;
- Request from the General Inspectorate of Romanian Police a risk evaluation with a view to provide the required protective measures;

- Cooperate with the General Inspectorate of Romanian Police and the General Inspectorate of Romanian Gendarmerie, in order to carry out the measures decided by the Directorate for Investigating the Organised Crime and Terrorism with regard to the protection and transportation of victims;
- Maintain contact with the prosecutor of the Directorate for Investigating the Organised Crime and Terrorism and the delegated police officer in order to fulfil the objectives of victim's coordination during judicial procedures.

Within the Protocol,

GIRP will:

- Maintain contact with the designated NAAITP representative through delegated police officer in order to fulfil the objectives of victim's coordination during judicial procedures;
- Inform the victims with the specific protective measures that may be decided (protection of identity and inclusion in a witness protection program);
- Inform NAAITP with the identified risks for the victim;
- Cooperate with the other signatories as regard the protection and transportation of victims during judicial procedures.

DIOCT will:

- Requests the local NAAITP representative to assist the victim during hearing and for emotional support;
- Requests that the judge allow an NAAITP representative to assist the victim during procedures;
- Requests GIRP and GIRG, during trial sessions to provide transportation and physical protection for the victims.

GIBP will:

- Maintain contact with the NAAITP representative, through the delegated officer, so as to fulfil the objectives of the Protocol;
- Bring to the knowledge of the DIOCT prosecutor the victim's request to be included in a witness protection program;
- Inform NAAITP about identified risks for the victim.

GIRG will:

- Assures, upon request from DIOCT or NAAITP, the victims' physical protection, in courts or while at the prosecutor's office.

GII will:

- Inform NAAITP with the risks identified for the victims who are aliens, who have obtained a permit or document attesting the status of tolerance, or a temporary ID for asylum seekers;
- Maintains contact with NAAITP with view to fulfil the purposes of the Protocol, in the case of victims who are foreign national.

Experience revealed that informing victims with their legal rights and the assistance during judicial procedures increased the degree of participation, the reduction of these procedures and higher numbers of sentencing for the traffickers.

The services offered to the victims by the NAAITP regional centres were:

- Support through information and social counseling
- Physical protection;
- Emotional support during judicial procedures;
- Transportation to their domiciles;
- Transportation to and from the courts.

Adding to the victims identified during the previous years, another 1881 victims identified during June 2015-June 2019 were offered these services within the Program, their total reaching 3734.

When the victim is underaged, the Criminal Procedure Code, in its article 93, para. (4) stipulates that legal assistance is mandatory when the injured person or the civil party is lacking the capacity of exercise or has limited capacity of exercise, and article 24 of Law no 678/2001 on preventing and combating trafficking in persons, gives the possibility to other persons to assist the minor victim of trafficking during hearing sessions, as follows:

- (1) Hearing sessions in cases pertaining to minors and child pornography are not public. They can be joined by the parties, their representatives, lawyers, NAAITP representatives, as well as persons admitted by the court.
- (2) In cases pertaining to crimes mentioned in Chapter VII, Title I of the Criminal Code- special part (Trafficking and exploitation of vulnerable persons) and in cases of illegal facilitation of staying in Romania (article 264 of the Criminal Code) and child pornography (article 374 of the Criminal Code), the hearing of a minor under 14 year of age is conducted in the presence of at least one party, or the legal representative, with the mandatory assistance of a psychologist and a representative of the General Directorate for Social Assistance and Child Protection.

For matters pertaining to assistance to minors/ children during judicial procedures against traffickers pertaining to their legal rights, interests and points of view, please see answers to questions 2.1 and 2.3.

As per the representation in penal procedures by NGOs, article 20, para. (2) from Law no. 211/2004 provides that the request for the granting of free legal assistance and the request for granting the amount necessary for the enforcement of the court decision granting civil damages to the victim of the crime can be made by the non-governmental organizations that carry out their activity in the field of victim protection, if they are signed by victim, include the data provided in art. 17 paragraph (2) and the documents provided for in art. 17 paragraph (3).

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

The victims of trafficking in persons may address directly to the Ombudsman, or other human rights organisations (such as UNHCR).

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

If the victims of trafficking in persons were detected by the Border Police when entering the country, they can make contact with the border police officers who are trained to detect the risk indicators who then can inform DCOC specialised officers, or the territorially competent DIOCT unit.

If identified by GII upon application for asylum, they can declare themselves as victims. Afterwards, GII informs DCOC specialised officers. Likewise, aliens in a similar situation may benefit from assistance and counseling provided by NGOs, Romanian or foreign, and the support of the immigration authorities with denouncing these crimes.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB..

Yes, the victims can bring claims against state officials directly involved in perpetrating the offences of trafficking in persons or involved in any of the forms of criminal participation provided by the law.

The Criminal Code provides many options for the victim to hold the officials responsible for any of the activities mentioned:

- art. 210, para. (2) provides that the trafficking in persons committed by a public official in the exercise of his duties is punishable by imprisonment from 5 to 12 years.
- art. 297, Abuse of function - The act of the civil servant who, in the performance of his duties, does not perform an act or performs it defective and thereby causes a loss or damage of the legitimate rights or interests of a natural or legal person is punished by imprisonment from 2 to 7 years and prohibiting the exercise of the right to hold a public office.
- art. 298, Neglect of service - infringement by a civil servant of a duty of service, by failing to do it or by failing to do it, if by this cause a loss or damage of the legitimate rights or interests of a natural person or of a legal person is punished with imprisonment from 3 months to 3 years or with a fine.

There were cases where trafficking in persons and connected crimes, pimping and sexual exploitation involved public servants, but the percentage from the total is not very high.

Examples :

- The Timisoara case is possibly the most notorious. Amongst the perpetrators, a police agent was co-author in trafficking of minors, and one of the clients of underaged victims was a judge who knew the victims were sexually exploited and he even blackmailed one of the victims forcing her in a relationship.
- The Department for Trafficking in Persons Covasna opened an investigation against a group involving a police officer. On top of not performing his legal duties, he had sexual relations with two of the underaged victims. In October 2018 was sentenced to 8,8 years imprisonment for adhering to a organised criminal group, abuse of office, trafficking with minors and sexual exploitation.
- The Office for Combating Trafficking in Persons Ploiesti has dismantled an organised criminal group specialised in trafficking in persons and trafficking in minors for sexual exploitation. In this case the investigations were extended to include the head of Mizil police, who was deferred to justice during 2018. Case still pending.

There were cases when the state officials were indicted, sent to trial and convicted, namely employees of childcare and placement centres under the coordination and supervision of the General Directorate for Social Assistance and Child Protection, employees directly involved in the activity of trafficking and / or exploitation.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

- training courses regarding trafficking in persons, held both at the national and international level,
- regulation through the Government Emergency Ordinance no.78 / 2016 of the competence, the organization and functioning of the Directorate for Investigating the Organized Crime and Terrorism.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

The Romanian Criminal Code provides that the minors under age of 14 do not have criminal liability.

After this age, the following provisions become incident:

- Moral or physical constraint (art. 24 – 25), where the criminal act committed due to a physical or moral constraint to which the perpetrator could not resist cannot be punished by the criminal law;

Art. 23 - General stipulations

(1) An act stipulated by criminal law does not constitute an offense when committed in the conditions of one of the causes of non-imputability.

(2) The effect of causes of non-imputability does not extend to participants in the act, except for fortuitous participants.

Art. 24 - Physical constraint

An act stipulated by criminal law does not carry imputability when committed as a result of physical constraint which the perpetrator was unable to withstand.

Art. 25 - Moral constraint

An act stipulated by criminal law does not carry imputability when committed as a result of moral constraint, exercised by threatening grave danger of the person of the perpetrator or another person and which cannot be removed in any other way.

These provisions apply to victims of trafficking in persons who have been involved in illegal activities (criminal, civil or administrative ones), during their exploitation.

Article 210 para. (3) of Criminal Code also stipulates that the consent of the person who is the victim of human trafficking will not justify the offence, meaning that even if the person (minor or not) consented to the human trafficking, the perpetrator will still be held by criminal liability, because the offence has been produced.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Yes, under the conditions provided by the Law 211/2004, as aforementioned.

8. Protection of victims and witnesses (Articles 28 and 30)**8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?**

According to art. 27 of Law 678/2001 on preventing and combating trafficking in persons, the Ministry of Internal Affairs ensures the physical protection of the victims of human trafficking during the trial, on the Romanian territory, upon request.

Also, according to the same Law 678/2001, victims of human trafficking can be temporarily accommodated in assistance and protection centers for victims of human trafficking, upon request.

Victims of human trafficking, Romanian citizens, can be granted social housing, with priority, by the local councils of their domicile.

In addition, in these situations, there are applicable provisions of art. 113, 124 – 130 Criminal Procedure Code which provide the followings:

Art. 113 - Protection of the injured person and the civil party

(1) When the conditions provided by the law regarding the status of threatened or vulnerable witness or for the protection of privacy or dignity are fulfilled, the criminal investigation body may dispose of the protection measures provided for in art. 124-130, which applies accordingly.

(2) Are presumed vulnerable victims minors, victims who are dependent in any way of the perpetrator, victims of terrorism, organized crime, human trafficking, violence in close relationships, sexual violence or exploitation, victims of hate crimes and victims affected by a crime due to prejudice or discrimination which

may relate in particular to their personal characteristics, victims with disabilities, as well as victims who have suffered considerable harm as a result of the seriousness of the crime.

(3) If the injured person or the civil part is in any of the situations provided in para. (2), the criminal prosecution body informs them about the protective measures that can be taken, their content and the possibility of renouncing them. The renunciation of the injured person or the civil party when taking the protective measures shall be recorded in writing and signed by him, in the presence of the legal representative, if applicable.

(4) The re-examination of the injured person shall be done only if this is strictly necessary for the conduct of the criminal trial.

(5) At the hearing, the injured person may be accompanied, at his request, by his legal representative and by another person designated by the injured person, unless the judicial body decides motivated in the opposite direction.

(6) Whenever the judicial body cannot determine the age of the injured person and there are reasons to consider that it is a minor, the injured person will be presumed to be a minor.

Art. 124 - Special cases of witness hearing

(1) Hearing of underage witnesses up to 14 years of age shall take place in the presence of one of the parents, of the guardian or of the person or representative of the institution to which the minor is entrusted for raising and education.

(2) If the persons mentioned under para. (1) cannot be present or have the capacity of suspect, defendant, victim, civil party, party with civil liability or witness in the case, or if there is a reasonable suspicion that these can influence the minor's statement, their hearing shall take place in the presence of a representative of the guardianship authority or of a relative having full legal capacity, established by the judicial bodies.

(3) If they deem it necessary, upon request or ex officio, criminal investigation bodies or the court may order that a psychologist be present during the hearing of underage witnesses.

(4) Hearing of underage witnesses must avoid the causing of any negative impact on their psychological state.

(5) Underage witnesses who, on the hearing date, has not 14 years of age shall not be communicated the obligations listed under art. 120 para. (2) item d), but shall be cautioned that they need to tell the truth.

Witness protection

1. Protection of threatened witnesses

Art. 125 - Threatened witness

If there is a reasonable suspicion that the life, physical integrity, freedom, assets or professional activity of a witness or of a member of their family could be jeopardized as a result of the data provided by them to judicial bodies or of their statements, the judicial bodies of competent jurisdiction shall grant them the status of threatened witness and shall order one or more of the protection measures set by art. 126 or 127, as applicable.

Art. 126 - Protection measures ordered during the criminal investigation

(1) During the criminal investigation, once that the status of threatened witness was granted, the prosecutor shall order the application of one or more of the following measures:

- a) surveillance and guard of the witness' residence or providing of a temporary dwelling space;
- b) accompanying and ensuring protection to the witness or to their family members during travels;
- c) protection of identity data, by issuing them a pseudonym under which the witness shall sign their statement;
- d) hearing of a witness without them being physically present, through audio-video transmission devices, with their voice and image distorted, when the other measures are not sufficient.

(2) The prosecutor orders the application of protection measures ex officio or upon request by the witness, one of the parties or a main trial subject.

(3) In case of application of the protection measures listed under para. (1) items c) and d), witness statements shall not include their real address or their identity data, these being recorded in a special

register to which only criminal investigation bodies, the Judge for Rights and Liberties, the Preliminary Chamber Judge or the court have access, under confidentiality terms.

(4) The prosecutor orders the granting of the status of threatened witness and the application of protection measures through a reasoned order, which is stored under confidentiality terms.

(5) The prosecutor checks, at reasonable time intervals, whether the conditions having imposed the taking of protection measures continue to exist, and if not, they shall order, through a reasoned order, their termination.

(6) The measures set by para. (1) shall be maintained throughout the criminal proceedings if the state of danger did not cease.

(7) If a state of danger occurred during preliminary chamber procedure, the Preliminary Chamber Judge, ex officio or upon notification by the prosecutor, shall order protection measures set by art. 127. The provisions of art. 128 shall apply accordingly.

(8) The protection measures set under para. (1) item a) and b) shall be communicated to the authority appointed to enforce such measures.

Art. 127 - Protection measures ordered during the trial

During the trial, once that the status of threatened witness was granted, the court shall order the application of one or more of the following measures:

- a) surveillance and guard of the witness' residence or providing of a temporary dwelling space;
- b) accompanying and ensuring protection to the witness or to their family members during trips;
- c) closed court sessions during the hearing of witnesses;
- d) hearing of witnesses without them being physically present in the court room, through audio-video transmission devices, with their voice and image distorted, when the other measures are not sufficient;
- e) protection of identity data, by issuing a pseudonym under which the witness shall testify.

Art. 128 Ordering a witness protection measure during the trial

(1) The court orders the application of protection measures ex officio, upon request by the prosecutor, the witnesses, the parties or the victim.

(2) A proposal filed by the prosecutor includes:

a) name of the witnesses to be heard at the trial stage and in whose respect the ordering of a protection measure is sought;

b) an actual reasoning of the danger seriousness and of such measure need.

(3) When such application is filed by other persons listed under para. (1), the court may order that the prosecutor conduct verifications, on an emergency basis, in respect of the soundness of such protection request.

(4) Such application shall be ruled on in chambers, without the participation of the person who filed it.

(5) The prosecutor's attendance is mandatory.

(6) The court shall decide through a reasoned court resolution, which is not subject to avenues of appeal.

(7) The court resolution ordering a protection measure shall be stored under confidentiality terms. If witness protection is necessary also after the court sentence remains final, provisions of the special law are applicable.

(8) The protection measures set under art. 127 items a) and b) shall be communicated to the authority appointed to enforce such measures.

Art. 129 - Hearing protected witnesses

(1) In the situations listed under art.126 para. (1) item d) and art. 127 item d), the hearing of witnesses may be conducted through audio-video devices, without the physical presence of the witness at the venue where judicial bodies are.

(2) Repealed

(3) Main trial subjects, parties and their counsels may cross examine witnesses who testify under the terms set by para. (1). Judicial bodies shall deny questions that may lead to a witness' identification.

(4) Statements of protected witnesses shall be recorded using audio and video technical devices and shall be fully transcribed in a written format.

(5) During the criminal investigation, statements are signed by criminal investigation bodies or, as applicable, by the Judge for Rights and Liberties and by the prosecutor who attended the hearing of witnesses and shall be included in the case file. Transcribed witness statements shall also be signed by these and shall be stored with the case file submitted to the prosecutors' office, in a special place, under confidentiality terms.

(6) During the trial, witness statements are signed by the judicial panel's presiding judge.

(7) The medium on which witness statements were recorded, in original, sealed with the seal of the prosecutors' office or, as applicable, of the court before which the statement was given, shall be stored under confidentiality terms. The medium containing the recordings made during the criminal investigation shall be submitted at the end of the criminal investigation to the court of competent jurisdiction, together with the case file, and shall be stored under the same confidentiality terms.

2. Protection of vulnerable witnesses

Art. 130 - Vulnerable witnesses

(1) The prosecutor or, as applicable, the court may decide to grant the status of vulnerable witness to the following categories of persons:

a) witnesses who suffered a trauma as a result of the committed offense or of the subsequent behaviour of a suspect or defendant;
b) underage witnesses.

(2) At the moment of granting the status of vulnerable witness, the prosecutor and the court may order protection measures set by art. 126 para. (1) items b) and d) or, as applicable, by art. 127 items b) - e), which apply accordingly. Distortion of the voice and image is not mandatory.

(3) Provisions of art. 126 and 128 shall apply accordingly."

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

Art. 81 from Criminal Procedure Code provides that the victim has the right to be informed, within a reasonable time, regarding the stage of the criminal prosecution, to his express request, provided that he indicates an address in the territory of Romania or an e-mail address, to which this information to be communicated to them.

More than that, according to art. 11 para. 5 Criminal Procedure Code: "The injured person/ victim shall be informed during the first hearing that if the defendant shall be detained or convicted to imprisonment, the victim shall be informed about his release in any way, or his escape".

Also, the NAATP staff informs the victim of human trafficking about the evolution of the case, within the Victim Witness Coordination in the criminal trial program.

This program represents a collaboration between the National Agency against Trafficking in Persons, the General Inspectorate of the Romanian Police, the General Inspectorate of the Romanian Border Police, the General Inspectorate of the Romanian Gendarmerie, the General Inspectorate for Immigration and the Directorate for Investigating the Organized Crime and Terrorism which signed a collaboration protocol in 2008, in order to facilitate the participation of victims of trafficking in human beings in the criminal trial.

The program is targeting all victims of trafficking in persons, regardless of their nationality, who wish to cooperate with the criminal investigation bodies in investigating the crime of trafficking in persons. Participation in the program is voluntary, regardless the chosen legal standing.

The activity of coordinating the victims of trafficking during the criminal trial is carried out by NAAITP, following an internal, standard operating procedure.

The procedure is implemented by the NAAITP staff, and their mandate consists of:

- informing the specialized structures within the DIOCT or GIRP about identifying the victims of trafficking in persons who wish to participate as witnesses or injured persons in the criminal trial, in order to hold the traffickers accountable;
- maintaining contact with the trafficked person, until the cases are closed, including in situations in which the victim did not wish to benefit from assistance and protection measures during the criminal trial;
- informing the trafficked persons, upon request, either directly or with the support of the institutional partners, about the aspects related to the participation in the criminal trial and the evolution of the case, if the trafficked person has a legal standing;
- assisting the victim of trafficking in persons during the court hearing, upon the request of the prosecutor and with the consent of the president of the court;
- requesting the GIRP to conduct the risk assessment regarding the victim of human trafficking, placed under the coordination of NAAITP during the criminal trial, in order to establish the necessary protection measures;
- cooperating with the GIRP and the GIRG in order to carry out the procedural activities requested by DIOCT, during the criminal prosecution phase, regarding the transportation and protection of victims of human trafficking, through their subordinated structures;
- maintaining the connection with the DIOCT prosecutor and the delegated case officer, in order to achieve the objectives of coordinating the victims of human trafficking;
- the implementation in the Integrated System of Monitoring and Evidence of Victims of Trafficking in Persons of the activities carried out for the evaluation, monitoring and coordination of victims of trafficking in persons during the criminal trial.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

In practice, when victims of trafficking in persons face a high degree of vulnerability, during their criminal trial, their identification data are protected by receiving a pseudonym to sign their statement, the persons' hearing can be performed without them being present, by audio-video transmission, with distorted voice and image. Moreover, according to art. 352 of the Criminal Procedure Code, if a public hearing could affect some state interests, morals, dignity or the intimate life of a person, the interests of the minors or of the justice, the court, at the request of the prosecutor, the parties or ex officio, can declare a non-public hearing for the entire trial or for a certain part of it.

Also, see the answer to question 8.1.

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

Unavailable statistics. These measures do not apply if the victim refuses, although there are conditions for their application.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

There are no specific regulations in this regard.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

In order to comply with the Council of Europe Guidelines on Child Friendly Justice the national legislation was updated.

While the main aspects related to informing and counselling also the children victims and their parents are mainly provided by the Law 211/2004, a number of important provisions are to be found also within the special legislation concerning children rights.

Hearings in both civil and criminal proceedings are seen as traumatic for children, therefore specific measures that make judicial procedures more child friendly, helping make children's participation in criminal and civil judicial proceedings become more meaningful and ensuring the protection of the child victims of trafficking against secondary victimization and the prevention of the traumas associated with the participation in the criminal proceedings against the perpetrators has been introduced in the legislation regarding child protection, namely by the Government Decision no. 49 of January 19, 2011 for the approval of the Framework Methodology on prevention and intervention in multidisciplinary team and network in situations of violence against the child and of domestic violence and of the Methodology of multidisciplinary and interinstitutional intervention regarding the children exploited and at risk of exploitation.

Thus, the interview with the child should be done in a place perceived by the child as safe: at home (only if this is not the place where the abuse/ neglect/ exploitation/ violence took place), at school, in a cabinet and so on. The most suitable place for interviewing/ hearing the child is the psychologist's office, a mandatory cabinet equipped with a unidirectional mirror and audiovisual recording system, it is recommended that the child's statement should be made in an environment where the child feels comfortable and safe, even if it is not the police station or the competent prosecutor's office.

If there are other children involved in this case, they may question their group interview. All recordings, including photography, are made with the information and consent of the child, taking into account his/ her degree of maturity, as well as with the information and written consent of the parents/ guardian parent/ legal representative.

It is preferable that the child's statement be prepared early, in collaboration with the case manager. When possible, it is recommended to consult the child regarding the planning of his / her hearing.

Before taking the statement, the child will be explained, in a language he understands, the purpose of the hearing. The person making the statement will present himself and explain what his role is and how the interview will be conducted.

It is recommended that the first questions aim at establishing an emotional relationship with the child that is heard. Next, detailed descriptions of the facts experienced by the child will be requested, through: free description, open questions and specific questions.

The interview with the child, respectively the hearing of the child, must be carried out by professionals trained in this regard.

In the case of young children and those with disabilities, especially those with mental disabilities, appropriate techniques will be used, for example, using anatomical dolls, drawing or free play.

Its further modifications brought by the Government Ordinance no. 24/2019 foreseen the obligation that these information should be given to children victims of trafficking before the case will be referred to the police, prosecutor's office or the court, by the specialists of the specialized structure within the local social services.

The specialists within this structure are trained to interact with the children depending on their age and degree of maturity from the moment of the initial evaluation until the moment when the Final Plan of intervention will be drawn up after the complex evaluation is carried out.

In the same time a number of provisions were included in the special legislation concerning the audiovisual content (Decision of the National Council of Audiovisual no. 220/2011 on the Code of the audiovisual content, Title II - Protection of Minors).

Thus Chapter 1 refers mainly to the protection of children', victims of abuse, image, intimate, private and family life.

In this respect according to art. 4, para. (1) is forbidden to offer any clues which might lead to the identification of a minor, less than 14 years old, when he/she might be a victim of a sexual abuse or is accused of committing a crime or has been a witness to one.

According to para. (2) when the minor less than 14 years old is victim of a crime, other than the one mentioned above or was subject of physical or psychical abuse, airing any images or declarations might be possible only with the consent of the child, as well as the written agreement of the parent/ legal representative or the person who is in charge with the minor.

Similar provisions are also to be found in the GD 49/2011, where it is clearly stated that the members of the evaluation team within the local social services are obliged to keep the confidentiality in respect to the child victim.

In respect to the special measures for prevention, intimidation, revenge and secondary victimization of the child, the legislation in the field has also a number of provisions dedicated to this aspect.

In this respect, Law no. 272/2004 states that the child's declaration might be admitted by the court, also filmed or registered. The materials mentioned above are to be realized only in the presence of a psychologist.

Such registration will be made only with the child's agreement. If the court will decide as necessary the child victims might be heard in the Council Chamber, in the presence of a psychologist and only after a preliminary preparation of the child.

In case the parent is the aggressor he/she might be removed from the family environment based on a provisory protection order issued by the Court or in the case that the child cannot be left within the family a special protection measure will be applied.

Preventing re-victimization is one of the most important aspects present within the secondary legislation, being foreseen special protocols for interviewing the child, use of special places for interviews, the need for the members of the multidisciplinary team to be present at the hearing so to reduce the number of interviews/hearings of the child.

In the context of the «AUDIS - for a better hearing of minors! » project, financed by the French Embassy in Bucharest and implemented by FNOCP, carried out during 2013-2016, specialized rooms have been set up within the Prosecutor's Office attached to the Bucharest Court, GDSACP DOLJ and GDSACP CLUJ, to ensure optimal conditions for the hearing of minors.

In regard to the training of the professionals in the field, the same GD no. 49/2011 refers in both its annexes to the need for compulsory training of those persons who are interacting directly with the children victims during the interviewing procedures, hearing, as well as for those who are carrying out prevention activities. Annex 2 of the GD above mentioned has a whole chapter dedicated to the information, awareness raising and training of professionals from various fields of activity.

NAPCRA yearly centralizes the activities carried out by the multidisciplinary teams acting at the level of the local authorities in order to combat violence against children, including children victims of trafficking. in respect to the multidisciplinary approach, as mentioned above the secondary legislation represented by the GD no. 49/2011 refers to the structure of the multidisciplinary teams which is competent to assess the situation of the child victim and further instrument the case.

The minimum compulsory structure of such a team is made up from:

- 1) a social worker who usually will be also the case manager;
- 2) a psychologist from the social services;
- 3) a doctor / if necessary a specialized doctor (e.g. pediatrician) will be included
- 4) a policemen (depending on the case specific features the policeman will be from local police, organized crime, the policeman who is also member of the Child Protection Commission) ;
- 5) a legal advisor - usually from the social services.

Another initiative was the operationalization in Romania of the unique European number of child support (116.111), administered by the Child Helpline Association. By calling this number, the children are offered counselling and guidance in order to get the appropriate help from the competent authorities, case referrals, monitoring of the case.

Also, according to the current legislation, persons under 18 years of age benefit from an increased protection during the criminal trial, receiving mandatory free legal assistance, and according to art. 24 of Law 783/2001, the court hearings in cases involving minors, victims of human trafficking, are private.

Also, the children, victims of human trafficking, are presumed to be vulnerable persons, and one or more protective measures can be instituted for them, among which we mention:

- a) the surveillance and guarding of their home or providing them with a temporary house;
- b) accompanying and ensuring the protection of the person or of his family members during their transportation to court;
- c) the protection of the identity data, by granting a pseudonym to sign their statement;
- d) hearing the person without him/her being present, by audio-visual transmission, with distorted voice and image, when the other measures are not enough.

According to the Criminal Procedure Code, in the case of injured persons for whom specific protection needs have been established under the law, the judicial body may order one or more of the following measures, when possible and when it considers that there is no prejudice to the smooth running of the trial or to the rights and interests of the parties:

- a) hearing them in premises designed or adapted for this purpose;
- b) hearing them with the help of/ in the presence of a psychologist or other specialist in counseling victims;
- c) their hearing, as well as their possible re-examination, is carried out by the same person, if this is possible and if the judicial body considers that there is no prejudice to the smooth running of the trial or to the rights and interests of the parties:

In practice, the re-examination of the injured person is performed as an exception, when it is strictly necessary for the trial, trying to avoid reliving the trauma.

9. Specialised authorities and co-ordinating bodies (Article 29)

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

A general budget is allocated for the investigation of organized crime offenses, including those of trafficking in persons and / or minors. There are specific technical surveillance and investigation means used in the criminal investigation of these crimes.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases, Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

DIOCT and DCOC have criminal investigations police officers specialized in financial investigations.

As part of the investigation activities, the DCOC judicial police workers, together with DIOCT prosecutors, follow the circuit of financial resources and the goods of the traffickers resulting from the crime, the DIOCT prosecutors seizing the property, based on the evidence gathered.

At the DCOC level, the Financial Investigation Service of the Organized Crime Groups was set up, carrying out investigative and procedural activities regarding the patrimony of the persons investigated for

committing offenses that could be a product of crime according to the criminal files of the DIOCT prosecutors, other than those of economic-financial nature, as well as the investigation of money laundering offence committed by the same persons.

Thus, when necessary, within the trafficking in persons files are also delegated workers from this Service, together with anti-trafficking police officers (at central level), or specialized workers from the Office for Combating Organized Crime level (at territorial level).

10. International co-operation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

The cooperation with other law enforcement bodies in EU Member States is carried out through joint investigation teams (JITs), operational meetings on current cases, including also the subject of recovering the damages and incomes earned by the victims of human trafficking.

To the extent that it is required to perform procedural documents for this purpose, DIOCT cooperates with authorities from other states with a view to obtain payment for the damage and grant financial compensation to victims, on a case by case situation, within the framework of judicial assistance.

Also, in the context of cooperation through the network of Internal Affairs Attaches/ Liaison Officers accredited in Bucharest, NAATIP, in collaboration with the relevant authorities, carries out, upon request, activities to facilitate the actual access of the victims to the financial compensations provided by the courts from the destination countries.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

Since the beginning of 2015, in cases of trafficking in human beings, DIOCT has cooperated with judicial authorities in other States, at a judicial level, based on **174** active international letters rogatory and **72** European Investigation Orders, respectively **182** passive international letters rogatory and **56** European Investigation Orders.

In the same reference period, DIOCT participated in **38** joint investigation teams set up in cases involving trafficking in human beings. Most requests for judicial cooperation, even if they did not focus exclusively on the financial component of human trafficking investigations, were aimed at obtaining information and evidence on the proceeds of crime and money laundering activities.

DIOCT's international judicial cooperation in cases of trafficking in human beings, as results from the statistical statement attached to the questionnaire, has been carried out mainly with judicial authorities from European states (most of which are EU Member States, but also third states).

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

See the answer to question 10.2.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

The uniform, unfragmented approach to investigations carried out in parallel in two or more States and the direct exchange of information and evidence between members, which are the main characteristics of joint investigation teams, make this cooperation instrument the most effective at present to handle cases of trafficking in human beings, including to protect the victims' rights and to hold traffickers criminally responsible.

Also, the use of the resources and databases of EUROPOL in the cross-border investigations has been particularly helpful in international cooperation (aspect highlighted by the increasing number of Romania's contributions to AP Phoenix - focal point in the field of human trafficking, but also by participating in a significant number of operational meetings organized at Europol and Eurojust level).

Regarding the assistance provided to victims of trafficking and the management of rapid information exchange, we believe it is very useful to exchange information even from the early stages of building the trafficking cases.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

11. Cross-cutting questions Întrebări intersectoriale

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

According to the Romanian legislation, foreign citizens, victims of human trafficking will benefit, without discrimination, of the same measures of assistance and protection as the victims of human trafficking, Romanian citizens, because the Romanian legislation does not make any difference with respect to the victim's status or the type of exploitation.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

According to the Law no. 272/2004, in any judicial or administrative proceedings concerning him, the child has the right to be heard. It is compulsory to listen to the child who has reached the age of 10 years. However, a child who has not attained the age of 10 years may be heard, if the competent authority considers that his hearing is necessary to resolve the case. The right to be heard gives the child the opportunity to request and receive any relevant information, to be consulted, to express his opinion and to be informed about the consequences that his opinion may have, if it is respected, as well as the consequences of any decision that concerns him.

In all the cases provided above the opinions of the listened child will be taken into consideration and will be given due importance, in relation to the age and the degree of maturity of the child.

In case of minor victims, according to the provisions of the Criminal Procedure Code, the prosecutor is compelled to lodge civil action.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

Law no. 98 of May 19th, 2016, on public procurement, chapter Reasons for exclusion of the candidate/tenderer, art. 164, stipulates that:

"(1) The contracting authority excludes from the procedure for awarding the public procurement contract/framework agreement any economic operator for whom it has established, following the analysis of the information and documents presented by the respective operator, or has become aware in any other way that it was convicted by a final sentence of the court, for committing one of the following offenses:

f) trafficking in and exploitation of vulnerable persons, stipulated by art. 209 -217 of Law no. 286/2009, as subsequently amended and supplemented, or by the corresponding provisions of the criminal law of the state in which the respective economic operator was convicted".

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

One of the legal measures adopted to prevent and discourage situations in which corruption can facilitate the crime of trafficking in persons/ minors, can be considered the aggravated form of these crimes, respectively a higher sentence when these offences are committed by public officials, in the exercise of their duties.

Thus, the crime of trafficking in persons committed in the basic form is punishable by imprisonment from 3 to 10 years and the prohibition of the exercise of certain rights, and the crime of trafficking of persons committed by a public official in the exercise of its duties is punished by imprisonment from 5 to 12 years. Also, the crime of trafficking in children committed in basic form is punished by imprisonment from 3 to 10 years and the prohibition of the exercise of rights, and the imprisonment from 5 to 12 years and the prohibition of the exercise of rights when the crime is committed by an official public in the exercise of its duties.

With respect to information regarding well-known or proven cases of corruption or improper behavior of civil servants in cases of trafficking in human beings, see the answer to question 6.4.

Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- **emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);**

The evaluation of the statistical data for the period 2015 - 2019 (semester 1), obtained both from the analysis of the criminal activity of the members of the criminal groups involved in human trafficking, as well as from the details of the particularities of the trafficking cases, of the profile of the victims and traffickers, indicates patterns and trends similar to those highlighted in previous years, as follows:

The multianual evolution of the number of identified victims keeps the general downward trend recorded in the recent years, the statistical data indicating a decrease in the number of registered victims - from 880 victims, identified in 2015, to 497, in 2018, respectively 254 victims in the first semester of 2019.

The data reflect a general trend registered in the dynamics of the phenomenon of victimization through human trafficking, in a relevant period of time, of about 10 years. The decrease in the number of victims represents the multiplied result of the efforts of the authorities and civil society, over the last decade. Judgments like "authorities have identified fewer victims" lead to a false conclusion, suggesting a decrease of the efforts of the authorities involved in identifying victims of human trafficking.

In fact, the criminal justice performances progressively generate the control and deterrence of organized crime regarding human trafficking, leading to a progressive decrease of the victimization rate (of the number of victims of human trafficking).

The decrease in the number of victims can also be explained by the fact that, in recent years, the Romanian Police reports a shift towards the crime of pimping, the victims being recruited for the purpose of practicing prostitution, both inside the country and in other countries of destination, through the Internet, usually under the pretext of some massage or escort services. Preferred states of destination in this case are usually those where prostitution is legalized, tolerated or even regulated.

In recent years, Romania has mainly been a country of origin for victims of human trafficking, showing an increased vulnerability of some segments of the population in search of better life opportunities. At the same time, Western European countries have continued to maintain the status of destination countries for Romanian citizens drawn into trafficking and exploitation situations, where there is an increased demand for cheap labor, for sexual services or where there is a context for begging tolerance. In this respect, approximately 50% of the cases registered at the level of the specialized Romanian judicial authorities have a cross-border nature, the victims being Romanian citizens.

There are also classical types of exploitation, namely sexual exploitation, exploitation through forced labor, coercion to commit minor offenses and forced begging, in trend with the classical ranking of exploitation types from previous years, respectively sexual exploitation, by forced prostitution (65.62% of the total number of victims identified in the period 2015-2019 (sem.1), followed by exploitation through forced labor, (about 18% of the total number of victims identified in the same reporting period, 2015-2019 (sem.1) and forced begging. There are fewer cases of forced begging, as compared to the main types of exploitation presented above. This type of exploitation registers a value of about 7% of the total number of victims identified during the period 2015-2019 (semester 1), with a decreasing tendency from year to year.

Regarding sexual exploitation, as methods of recruitment, we mention the loverboy method applied in the case of recruiting females for exploitation by forcing them to practicing prostitution, and regarding the sexual exploitation as the main type of trafficking in persons at the European level, we mention that the same type of exploitation is most encountered within the national borders.

In the field of forced labor, the classic mode of recruitment is maintained - the misleading under the pretext of offering well-paid jobs abroad or in the country.

The type of relationship between victim and trafficker or recruiter does not change significantly, the distribution of victims according to these relationships indicating an increased number of people who choose to trust the promises of those in their social circle, thus 49% of the victims identified in the reference period, 2015-2019 (semester1), being recruited by friends or acquaintances. This reaction is a normal one from a sociological point of view, the future victims subjectively evaluating the legitimacy of the recruiters' offers, through a transfer of confidence, depending on the nature of the interpersonal relations existing between the two parties.

The low level of education among the victims identified in the period 2015-2019 (semester 1) remains one of the main factors for the recruitment of victims. Thus, 1407 of the victims registered in the NIRM, representing 46% of the total registered victims, have at most secondary school studies completed at the beginning of trafficking period (5-8 school years). Also, most of the identified victims come from rural areas.

Domestic trafficking remains at high levels, a significant proportion of the victims, especially minors, being exploited on the Romanian territory, due to the fact that they are easy to recruit and exploit.

Thus, approximately 50% of trafficking cases registered at the Direction for Combating Organized Crime deal with domestic trafficking, and with respect to trafficking of children, the investigations regarding this crime represent, annually, about 40% of the total files registered (for the period 2017- till present, decreasing from 50% in 2016) and mainly target the domestic sexual exploitation of young females between the ages of 14 and 17.

Regarding the gender distribution, 73% of the victims registered in the NIRM during the reference period are females, and the age distribution is equal between the adult and the minor females (36.96% minor females and 36.47% adult females).

With regard to international trafficking, the main destination countries for the reporting period are: Italy, Spain, Germany and the United Kingdom.

During the reference period, **the profile of the trafficker** did not change compared to previous years:

- Romanian citizens of both sexes, of various ages, some known with a criminal record on trafficking in persons or other criminal facts (the number of foreign citizens is less than 1%), acting in groups or on their own.
- act rationally, premeditated, build an image of benefactors, leading the victims to beg them for help; they pursue the recruitment of victims that can be easily manipulated, affected by conditions of vulnerability, they easily shift their activity under the pressure of the authorities and they act simultaneously in several states.
- they are grouped mainly in family clans, or based on ethnic criteria, so that each stage of trafficking can be managed by any of them, and the profits obtained from the criminal activities remain in the possession of a small group of persons / families / relatives (there is a tendency to give up the organization defined by art.367 of the CC, respectively a structured group, with a leader who coordinates the activities of simple pawns, who are on a well defined hierarchical scale; there is a rather new situation of traffickers associated in groups, without a determined structure and they approach the criminal aspects from the perspective of a "business", which will provide them with some gains to be equally shared).

➤ **the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);**

1. Law no. 678/2001 on preventing and combating trafficking in persons, as subsequently amended and supplemented;
2. Law no. 248/2005 regarding the regime of free movement of Romanian citizens abroad, with subsequent amendments and completions;
3. Law no. 286/2009 on the Criminal Code, as subsequently amended and supplemented;
4. Law no. 135/2010 on the Criminal Procedure Code, as subsequently amended and supplemented;
5. Government Decision no. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001 on preventing and combating trafficking in persons;
6. Government Decision no 861/2018, for approving the 2018 – 2022 National Strategy against Trafficking in Persons and the 2018-2020 National Action Plan for the implementation of the 2018 – 2022 National Strategy against Trafficking in Persons
7. Government Decision no. 1.238 / 2007 for the approval of the National Specific Standards for specialized services for assistance and protection of victims of trafficking in persons;
8. The Order of the Minister of Internal Affairs and Administrative Reform, of the Minister of Labor, Family and Equal Opportunities, of the Minister of Education, Research and Youth, of the Minister of Public Health, of the President of the National Authority for the Protection of the Rights of the Child and Adoption, of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice and of the Minister of Justice no.335/2007/

2881/2007/1990/2007/1072/2007/266/2008/A6.880/2008/409/C/2008/2353/C/2008 for the approval of the National Identification and Referral Mechanism of Victims of Trafficking in Persons.

9. Law no. 272/2004 on the protection and promotion of children's rights, republished, as subsequently amended and supplemented

10. Government Decision no. 1.443/2004 on the methodology for the repatriation of unaccompanied Romanian children and the provision of special protection measures for them;

11. Government Decision no. 617/2004 on the establishment and organization of the National Steering Committee for the Prevention and Combating of the Exploitation of Child Labor, as subsequently amended and supplemented;

12. Government Decision no. 867/2009 on the prohibition of hazardous work for children; Hotărârea Guvernului nr. 867/2009 privind interzicerea muncilor periculoase pentru copii;

13. Government Decision no. 49/2011 for the approval of the Framework Methodology on Multidisciplinary and Networking Prevention and Intervention in Child Violence and Domestic Violence and of the Multidisciplinary and Interinstitutional Intervention Methodology on Exploited Children Who are Involved in Occupational Risks, child victims of trafficking, as well as Romanian migrant children victims of other forms of violence on the territory of other states

13. Law no. 211/2004 on certain measures to ensure the protection of victims of crime, as subsequently amended and supplemented;

14. Government Emergency Ordinance no. 78/2016 for the organization and functioning of the Directorate for Investigating the Organized Crime and Terrorism, as well as for the modification and completion of some normative acts, approved with amendments by Law no. 120/2018;

- **the institutional and policy framework for action against THB (bodies responsible for coordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);**

At national level, the main institutions that carry out activities to prevent and combat human trafficking, but also to assist and reintegrate victims, with responsibilities in implementing the 2018 – 2022 National Strategy against Trafficking in Persons are:

A. The Ministry of Internal Affairs, through its specialized structures:

1. The National Agency against Trafficking in Persons - is organized and functions as a Directorate, within the Ministry of Internal Affairs, having legal personality. It evaluates and monitors at national level the activity carried out in the fight of trafficking in persons by public institutions and non-governmental organizations, acting as a National Rapporteur.

2. The General Inspectorate of the Romanian Police and the corresponding units in the territory are structures of the Ministry of Internal Affairs, which carry out criminal investigation activities on the line of trafficking in persons, using judicial police officers, specifically designated, who carry out their activity within the Direction for Combating Organized Crime. When required, it provides measures to protect victims through officers from the National Office for Witness Protection.

3. The General Inspectorate of Border Police, with its subordinate units, is the structure within the Ministry of Internal Affairs that carries out activities on the line of preventing the illegal exit outside the national borders of Romanian minor citizens, possible victims of human trafficking, also having responsibilities in identifying and referring victims of human trafficking.

4. The General Inspectorate for Immigration is the specialized structure, with legal personality, organized within the Ministry of Internal Affairs, which exercises the attributes that are given by law for the implementation of Romania's policies and regulations in the fields of migration, asylum and integration of foreigners. With regard to the fight against trafficking in human beings, the General Inspectorate for Immigration has the following tasks: grants the right of residence or tolerance of staying on the national territory, under the conditions provided by law, for foreign citizens who are victims of trafficking; upon the written request of the competent authorities, the accommodation of foreign victims of human trafficking is ensured in the specially envisaged centers of the General Inspectorate for Immigration; dissemination of data and information obtained in the current specific activity to the competent structures in the field of combating human trafficking.

5. **The prefect's institution**, a public institution with legal personality, which is organized and operates under the prefect's leadership, the local government representative who manages the decentralized public services of the ministries and other central public administration bodies subordinated to the Government, organized at the level of administrative- territorial units.

B. The Ministry of Justice

C. The Ministry of Labor and Social Justice, as a coordination ministry of the Government's strategies and policies in the field of labor, family, equal opportunities, social protection and the protection of the rights of the child, has the obligation to ensure, through its services and institutions, as well as through their territorial structures, the normative and institutional framework in order to prevent the risk situations regarding the general population, through measures related to protection and social security, in order to reduce the risks regarding the vulnerable categories of the population, through sectorial strategies and programs, as well as for the assistance and social protection of the victims, for the purpose of their recovery and social reintegration. These responsibilities are also accomplished by coordinating and methodologically guiding the activity of the General Directorates for Social Assistance and Child Protection, which operate within the county councils and the local councils of the districts of Bucharest (the capital city), and of the public social assistance services, which function within the local councils.

1. By taking over the functions and duties of the National Authority for the Protection of the Rights of the Child and Adoption within the ministry, the responsibilities of the Ministry of Labor and Social Justice in the field of preventing child trafficking and assisting the children, victims of trafficking, are exercised mainly through **the National Authority for the Protection of the Rights of the Child and Adoption**. These responsibilities are related to the overall mission of the ministry in the field of protection and promotion of the rights of the child at the national level and are materialized by the following specific tasks: ensuring the normative framework regarding the organization and functioning of the prevention services and of the specialized services for the protection, rehabilitation and social reintegration of the child victims of all forms of violence, including trafficking in children, as well as the methodological framework for the prevention and multidisciplinary and inter-institutional intervention in the field of child trafficking; ensuring the activities provided by law for the repatriation, protection and post-repatriation monitoring of Romanian children who are unaccompanied on the territory of other states and of children victims of child trafficking; monitoring the observance of the rights of the child on the Romanian territory.

2. **The National Authority for People with Disabilities** is a specialized body of the central public administration, within the Ministry of Labor and Social Justice, and coordinates at central level the activities of protection and promotion of the rights of persons with disabilities, elaborates policies, strategies and standards in the field of protection and promotion of the rights of persons with disabilities, monitors the implementation of the regulations in their own field of work and controls the activities of protection and promotion of the rights of persons with disabilities.

3. **The National Employment Agency**, through active measures of promoting employment, ensures equal opportunities on the labor market for all categories of people looking for a job and especially for those who have difficulties to access the labor market (women, victims of human trafficking, people with disabilities, Roma people etc.). For people at high risk of being trafficked, the National Employment Agency develops information programs regarding the labor market and the rights of employees, training programs, as well as programs for informing the economic operators of their situation and therefore to ensure priority in their employment.

4. **The Labor Inspection**, a specialized body of the central public administration, within the Ministry of Labor and Social Justice, has state authority in the field of labor relations, safety and occupational health and controls the unitary application of the legal provisions, in its areas of competence in the public, mixed and private sector units, as well as for other categories of employers. In the field of labor relations, the control activity is structured in the following directions: identification of employers who use undeclared labor; detection of cases of non-observance of the other normative acts that regulate the activity of labor relations; the identification and eradication of forms of child labor exploitation; compliance with the legal provisions regarding: employment of foreign citizens, protection of Romanian citizens working abroad, equal opportunities between women and men.

D. The Ministry of National Education has responsibilities in preventing trafficking in persons among children and young people, as well as in providing counseling and school reintegration services for victims of trafficking.

E. The Ministry of Foreign Affairs, an institution whose activity is influencing both the sphere of national and international cooperation, has responsibilities, as a partner, both in the field of preventing trafficking in persons and in providing consular assistance to Romanian citizens, victims or potential victims of human trafficking (including ensuring the conditions for the repatriation of victims of human trafficking), providing statistical data regarding the trafficking in persons phenomenon and disseminating them, if requested, to the institutions concerned, (for example, a list of destination states for victims of trafficking in persons).

F. The Ministry of Health develops, at the level of vulnerable communities, information and education campaigns regarding sexually transmitted diseases and participates in the implementation of public information campaigns on the causes, risks and consequences of trafficking in persons.

G. The Public Ministry, through the Directorate for Investigating the Organized Crime and Terrorism, is the structure with legal personality, specialized in combating organized crime and terrorism offenses, able to carry out the criminal prosecution for the offenses stipulated in the Government Emergency Ordinance no. 78/2016, approved with amendments by Law no. 120/2018, and in the special laws, which also include the offenses of trafficking in persons, as well as able to conduct, supervise and control the criminal investigation acts carried out by the judicial police bodies, at the disposal of the prosecutor.

H. The Superior Council of Magistracy, as guarantor of the independence of the judiciary, provides statistical data on the cases pending in the courts and prosecutor's offices dealing with human trafficking offenses, as well as data on the number of ordered confiscations and the value of the confiscated goods.

Following the approval of the 2018-2022 National Strategy against Trafficking in Persons and the 2018-2020 National Action Plan for the implementation of the Strategy, and with a view to achieving the specific objective regarding "Diversifying the collaboration in the field of human trafficking between public institutions, civil society and representatives of the private sector", various actions aiming at developing the public-private partnership were taken.

An example is the collaboration with IOM Bureau Romania and the website www.olx.ro, the most used online ad site in Romania. The aim of this collaboration was to disseminate trafficking in person prevention messages by promoting anti-trafficking information, using banners, as well as providing prevention advices to the thousands of people looking for a job that access this site, on a daily basis.

In 2019, NAAITP has signed a collaboration protocol with the Federation of Hotel Industry in Romania, the two partners collaborating in order to implement campaigns to prevent human trafficking through information and awareness raising among hotel staff and the general public about the risks and implications of human trafficking, as well as to organize training activities for hotel staff, members of the Federation of Hotel Industry in Romania.

During the reference period, the public-private partnership was also used in the development of other prevention campaigns, among which we mention: the national prevention campaign "Don't ignore the invisible...girl! Her story can also become yours!". The campaign was carried out with the support of a famous pop singer and a well-known music production company and aimed to prevent trafficking in persons for the purpose of sexual exploitation, as well as the campaign to prevent trafficking in persons for the purpose of sexual exploitation „With one call you will save her life! Be her Savior!", developed by the news portal AngliaMea.ro with the support of the National Agency against Trafficking in Persons and the Embassy of Romania in the United Kingdom of Great Britain and Northern Ireland, which targeted the Romanian community in the United Kingdom and addressed both persons at risk, victims/ potential victims of human trafficking, as well as representatives of the general public.

Regarding the cooperation activity, we mention that the National Agency against Trafficking in Persons has concluded over 80 cooperation protocols, both with public institutions, as well as with NGOs and partners in the private sector. Out of these, in the period 2015-2019 (semester 1), partnerships were concluded with: "Save the Children" organization, the Abolition Association, the Dintr-un Basm Association, the Social Incubator Association, the Christiana Association, the FICE Romania Association, the International Organization for Migration, Romania Bureau, Inca Romania Association, Micul Bogdan Foundation, Youth and Future Association, LAMPAS Foundation, Lumină Lină, the Bucovina Institute for Social Partnership, as well as with private sector partners (OLX, Federation of Hotel Industry in Romania, a pop music singer and music production company, news portal AngliaMea.ro, WINK NETWORK).

NAAITP representatives participated in a series of approximately 740 interinstitutional events: seminars, working meetings, round tables, trainings, meetings, conferences or working groups.

In this sense, we mention the round tables organized by NAAITP with the theme - "The partnership with the civil society. An essential element of the fight against trafficking in persons", which aimed to contribute to strengthening the dialogue and cooperation with NGOs working in the field of human trafficking by promoting the exchange of good practices, disseminating the results of the last years, but also by presenting challenges encountered and identified solutions, seminars organized by NAAITP in partnership with AIDRom on the subject "Exchange of good practices in the field of labor migration and labor exploitation", working groups organized with representatives of NGOs in the field of human trafficking, in order to debate the drafting the project of the 2018-2022 National Strategy against trafficking in persons, as well as the training sessions of the labor inspectors, organized in partnership with the eLiberare Association.

Out of the prevention campaigns implemented at national level together with the civil society partners, we mention: "Exploitation kills souls" and "Get informed to work safely abroad!", implemented with the help of the AIDRom Association, "Ask for help, don't beg", implemented together with representatives of A.Z.I., ADPARE, AIDRom and ATC – Child Helpline Association, "Do you choose to cherish or crush?", implemented together with the Ecumenical Association of Churches in Romania - AIDRom, "Work safely abroad", "Get information to protect yourself", implemented with the help of Save the Children organization and the "Know your rights! " Respect your obligations!" and "Tear down the wall of indifference! Trafficking in persons can be prevented! ", implemented together with AIDRom, eLiberare, World Vision, the Ministry of Foreign Affairs and the Ministry of Romanians Abroad.

In addition, during 2015-2019, based on the collaboration protocol between NAAITP and the Child Help Association, the Agency received the invitation to get involved, as an implementation partner, in the project "High quality sustainable services provided to children and families through the emergency helpline for missing children 116000".

Also during this period, the eLiberare Association implemented together with NAAITP the "Training sessions for civil society personnel and various state structures to carry out activities of preventing and combating trafficking in persons" project. By supporting the initiative of the eLiberare Association the NAAITP representatives had the possibility to inform/ train a large number of relevant actors, involved in the fight against the phenomenon of trafficking in persons, as well as the opportunity to strengthen the existing partnerships between the Agency and institutions and organizations active in the field of fighting trafficking in persons.

The cooperation among public institutions and between them and the civil society organizations has also materialized through the active participation of the NAAITP representatives in organizing the meetings of the county inter-institutional anti-trafficking teams, where representatives of local non-governmental organizations engaged in anti-trafficking activities are invited to take part, together with representatives of the regional public institutions.

- **the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);**

The present national strategy aims to reduce the impact and the dimensions of trafficking in persons at national level by prioritizing and improving the activities carried out in the fight against this phenomenon. The Strategy consists of 5 directions of action which has as correspondent certain general and specific objectives, respectively:

✓ **Prevention of trafficking in persons:**

General objective 1: Developing and strengthening various measures to prevent trafficking in persons

Specific objectives:

- 1.1. Increasing the level of information provided to the population in order to raise awareness of the implications of trafficking in persons
- 1.2. Reducing the risk factors leading to victimization
- 1.3. Monitoring the activity of the economic operators in the professional fields with high fluctuation of the labor force (construction, agriculture, wood – processing industry, tourism etc.)

✓ **Protection, assistance and social reintegration of trafficking victims:**

General objective 2: Improving the quality of protection and assistance provided to victims of trafficking in persons for their social reintegration

Specific objectives:

- 2.1. Strengthening the inter-institutional dialogue and the coordination of the assistance and protection of victims of trafficking in persons and trafficking in minors
- 2.2. Increasing the capacity of the social assistance system to respond to the specific needs of victims of trafficking
- 2.3. Providing specific assistance and protection to the main categories of identified victims

✓ **Combating trafficking in persons:**

General objective 3. Developing the capacity to investigate crimes of trafficking in persons and trafficking in minors

Specific objectives:

- 3.1. Developing and strengthening the professional knowledge and skills through the necessary continuous and updated training of the professionals in the anti-trafficking judicial field and of those experts from the other law enforcement structures
- 3.2. Increasing the participation of victims of trafficking in persons in the criminal process
- 3.3. Developing the capacity to use financial investigations in the investigation of the crime of trafficking in persons and trafficking of minors, as well as in the identification and tracking of the goods and profits obtained from committing the crime of trafficking in persons
- 3.4. Improving the working techniques and tools in order to optimize the identification, tracking and seizing of the goods and profits obtained from committing the crime of trafficking in persons / minors
- 3.5. Developing the judicial cooperation among the structures in the fields related to human trafficking that can contribute to the investigation of crimes of trafficking persons and trafficking in minors, at national level
- 3.6. Strengthening international judicial cooperation among the units for combating the organized crime, specialized in combating trafficking in person

✓ **Monitoring and evaluation of trafficking in persons and policy implementation:**

General objective 4. Increasing the quality of disseminated information on the phenomenon of trafficking in persons

Specific objectives:

- 4.1. Improving the collected data and the procedure of data collection by the institutions with responsibilities in the field
- 4.2. Improving the knowledge regarding the dimension of the phenomenon of trafficking in persons

✓ **Inter-institutional and international cooperation:**

General objective 5. Developing and extending the cooperation process between the relevant national and international actors involved in the fight against trafficking in persons, as well as strengthening the diplomatic efforts to prevent and combat human trafficking and to protect the Romanian citizens in the countries of destination

Specific objectives:

- 5.1. Strengthening the cooperation between relevant institutions with responsibilities in preventing and combating trafficking in persons and in providing assistance and protection to victims of trafficking
- 5.2. Diversifying the collaboration in the field of human trafficking between public institutions, civil society and representatives of the private sector
- 5.3. Developing international cooperation relations with similar institutions abroad, international organizations and bodies or institutions/ bodies of the European Union
- 5.4. Strengthening the cooperation with the destination states in order to coordinate actions and efforts to prevent and discourage human trafficking and to provide assistance to Romanian citizens.
- 5.5. Continuing the policy of attracting non-reimbursable external fund

In order to implement the National Strategy against trafficking in persons 2018-2022, a National action plan on short term, subseqvent to the 2018-2020 period was drawn up, in which it was established concret actions, responsible institutions and deadlines.

At national level, the main institutions that carry out activities to prevent and combat human trafficking, but also to assist and reintegrate victims are the following:

A. The Ministry of Internal Affairs, through its specialized structures:

1. The National Agency against Trafficking in Persons
2. The General Inspectorate of the Romanian Police within the Direction for Combating Organized Crime and, when required, through officers from the National Office for Witness Protection
3. The General Inspectorate of Border Police
4. The General Inspectorate for Immigration
5. The prefect's institution

B. The Ministry of Justice

C. The Ministry of Labor and Social Justice through:

1. The National Authority for the Protection of the Rights of the Child and Adoption.
2. The National Authority for People with Disabilities
3. The National Employment Agency
4. The Labor Inspection

D. The Ministry of National Education

E. The Ministry of Foreign Affairs

F. The Ministry of Health

G. The Public Ministry, through the Directorate for Investigating the Organized Crime and Terrorism

H. The Superior Council of Magistracy

I. Other responsible or partner institutions/ authorities that may have responsibilities in the sphere of trafficking in persons, in the implementation of the 2018-2022 National Strategy against trafficking in persons are:

The National Agency for the Management of Seized Assets within the Ministry of Justice;
 National Agency for Fiscal Administration within the Ministry of Public Finance;
 National Agency for Equal Opportunities for Women and Men within the Ministry of Labor and Social Justice;
 National Agency for Health Programs within the Ministry of Health;
 National Agency for Roma;
 National Council for Combating Discrimination;
 The General Directorates of Social Assistance and Child Protection within the county councils;
 The Directorate General of Education University within the Ministry of National Education;
 The directorates of social assistance/ Public social assistance services within the local councils;
 The Social Policies Services Directorate within the Ministry of Labor and Social Justice;
 The Ministry of Culture and National Identity;
 The Ministry of Regional Development and Public Administration;
 The Ministry of Public Finances;
 The Ministry for the Business Environment, Commerce and Entrepreneurship;
 The Ministry for Romanians Abroad;
 The Ministry of Youth and Sports;
 The Ministry of Tourism;
 The International Organization for Migration;
 The Central Unit of Intelligence Analysis within the Ministry of Internal Affairs;
 The National Association of Romanian Bars.

The financial resources needed to implement the National Strategy come mainly from:

- a) multiannually programmed funds from the state budget, allocated to each ministry and to each institution with competencies in the implementation of the National Strategy;
- b) funds established at the level of the European Union for the management of human trafficking and the development of anti-trafficking activities;
- c) non-reimbursable external funds made available by European or international funders;
- d) donations and sponsorships offered/ accepted according to the law.

The organizational framework necessary for the implementation, monitoring and evaluation of the National Strategy implies the collaboration of all the institutions involved and interested to implement, in an efficient way, the directions of action, the general objectives and the specific objectives provided in this strategy.

In order to carry out the activities stipulated in the Action Plan and in order to ensure the achievement of the objectives of the Strategy, the Monitoring Committee for the implementation of the Strategy shall be set up. It will be made up of representatives at the decision-making level of the institutions involved (secretary of state, inspector general, director) and will be coordinated by a state secretary from the Ministry of Internal Affairs. The secretariat of the Committee will be provided by the National Agency against Trafficking in Persons.

In order to obtain information regarding the level/ method of implementation of the National Strategy, as well as the results generated by the achievement of its objectives, the monitoring will follow two directions:

- a) Monitoring the implementation of the strategy. This direction of action provides information on how to implement the actions mentioned in the strategy. For this purpose, each institution carrying out activities to prevent and combat human trafficking, to provide assistance and reintegration of victims will prepare periodic monitoring reports in which they will present the way of fulfilling the tasks assumed by the action plans for the implementation of the National Strategy. The monitoring reports will be sent on a half-yearly basis to the National Agency against Trafficking in Persons or at its request;
- b) Monitoring the achievement of the objectives. This direction of action provides information on the concrete results obtained in the activity of each institution with responsibilities in the field of combating trafficking in human beings. In this respect, the results of the monitoring will consist in identifying the stage of achieving the objectives and the results of each activity measured using the performance indicators established and described in the action plans for the implementation of the strategy, comparing the obtained results with the estimated results, as well as meeting the deadlines set.

In order to ensure that relevant, complete and unitary information is obtained, the Committee will appoint a monitoring team made up of representatives, at expert level, of the involved institutions that will elaborate monitoring questionnaires and will conduct evaluation visits.

The reports of the monitoring team will highlight the progress made in achieving the objectives of the National Strategy and, as the case may be, the reasons for the partial or non-fulfillment of the objectives and will include conclusions and recommendations regarding possible measures to improve the implementation process, respectively proposals for improvement/ revision of the proposed objectives, proposals for solutions to solve certain situations, or necessary measures for a better evolution of the indicators.

As part of the monitoring and evaluation process, the Committee will analyze how the tasks undertaken by each institution will be carried out and will establish the measures that are required to achieve the objectives of the Strategy.

At the end of the implementation period of the action plans, the Committee will carry out an evaluation of the results obtained in relation to the objectives set.

The final evaluation of the implementation of the National Strategy against Trafficking in Persons, carried out by the Committee, will be presented to the Romanian Government.

- **recent case-law concerning THB for different forms of exploitation.**

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- **intensify efforts to prevent trafficking in children, paying special attention to children from Roma communities and migrant children;**

The prevention activity is one of the central concerns of the anti-trafficking effort at national level. Countering this complex antisocial phenomenon has required the responsible institutions to assume a systematic approach and coordinated implication alongside non-governmental organisations and other civil society representatives fighting against this kind of infractionality.

The prevention of trafficking in persons is a strategic objective of NAAITP, which during 2015-2019 proposed to ensure both the reduction of the amplitude of trafficking in persons by strengthening the self-protection capacity of citizens and society towards the threats of this phenomenon and by dynamizing the prevention activities and the participation of civil society in their conduct.

The preventive actions carried out sought to cover the most important forms of exploitation, thus meeting the information needs of all the social categories at risk.

As far as trafficking in persons is concerned, minors (children and teenagers) are one of the most vulnerable social categories. For this main reason, various national prevention campaigns/ projects were conducted, targeting mainly/ secondary minors, of which we mention:

In the project RO 20 "*Models of good practice in the field of assistance services for victims of trafficking in persons*", financed through the 2009-2014 Norwegian Financial Mechanism, NAAITP initiated the "**Ask for help, don't beg!**" campaign aimed at preventing trafficking in persons for the purpose of forced begging. The campaign was launched in 2015 and ended in 2016.

The objectives of the prevention campaign aimed at raising awareness of trafficking in persons in vulnerable communities (especially Roma communities), as well as identifying the main causes of vulnerability to trafficking and finding possible solutions to prevent trafficking in persons, focusing on the exploitation of minors through forced begging:

The campaign message, "A begging hand does not receive help, but money for traffickers!", was addressed to minors aged 8 to 18 years, in risk situations, adult representatives of vulnerable communities (parents, informal leaders etc.), representatives of institutions involved in preventing and combating trafficking in persons (local authorities, police, school inspectorates, The General Directorate for Social Assistance and Child Protection etc.), as well as the general public.

The main component of the campaign involved organizing direct meetings with the representatives of the target group (both students and teachers, as well as representatives of the local community and authorities), in 10 different locations, in order to identify the main causes of traffic vulnerability and to find other possible anti-trafficking solutions.

In order to support the activities foreseen during the campaign, several types of informative and promotional materials were achieved, namely: 2,000 posters, 40,000 leaflets, 2 roll-up systems, 3,000 pens, 3,000 t-shirts, 3,000 caps, 3,000 silicone bracelets and 1,500 backpacks equipped with school supplies.

Also, a documentary film was made on the issue of trafficking in persons for the purpose of forced begging, in general, with a focus on child victims.

In order to improve the preventive actions' efficiency, 4 impactful public events were foreseen within the campaign, aimed at transmitting a strong anti-trafficking message to the most vulnerable social categories. The events consist in staging a play.

The participation of NAAITP representatives at a symphonic concert in which approximately 4,000 people took part, led to a great visibility of the preventive approach. By organising an information booth during the event, NAAITP representatives had the opportunity to spread preventive advice and information regarding the phenomenon of trafficking in persons for the purpose of forced begging, as well as disseminate promotional materials developed within the **"Ask for help, don't beg!"** campaign.

The campaign's anti-trafficking message was promoted between November and December 2015, being printed on 10 buses in Bucharest city. The 10 buses were covered with self-adhesive materials containing the image and message of the prevention campaign.

In the implementation process of the "Ask for help, don't beg!" campaign, over 588 preventive activities were carried out, which recorded a number of about 36,000 direct beneficiaries (of which 28,082 pupils).

In 2016, The National Agency Against Trafficking in Persons implemented the national prevention campaign **"Don't ignore the... invisible girl! Her story can become your story!"**. The campaign was carried out with the help of a well-known pop singer, as well as a famous music production house, having as a main objective the prevention of trafficking in persons for sexual exploitation purposes. The core element of the campaign was represented by the song *"Invisible"*, released by the pop singer, a piece illustrating the tragedy of a sexually exploited young woman that manages to depict a complete and moving reality of trafficking in persons. The music video recorded, in just a few weeks after its launch, over nine hundred thousand views on www.youtube.com.

The objectives of the campaign consisted in increasing the awareness of vulnerable groups towards the risks associated with sexual exploitation, as well as in informing and raising awareness of the implications of trafficking in persons, in order to reduce the demand for services provided by trafficking in persons' victims.

To promote the message of the prevention campaign as efficiently as possible, with the help of the music production house, a 30-second audio-video spot was created, consisting of a slideshow of various frames from the *"Invisible"* music video. The audio-video spot was used by its own, as well as broadcasted as a video ad on TV stations. An audio version of the 30-second spot was also created, being broadcasted on radio stations.

Within "***Don't ignore the... invisible girl! Her story can become your story!***" campaign, more than 450 preventive activities were organized and carried out. The majority of these activities were addressed to minors and young people, representing one of the most vulnerable categories to trafficking in persons for sexual exploitation purposes. The preventive actions carried out in the implementation process, reached a number of about 25,800 direct beneficiaries, mostly minors and young people, but also specialists in the field of trafficking in persons, teachers, representatives of different socio-professional categories, the general public etc.

To these were added over 530,000 indirect beneficiaries, recipients of the campaign message. The preventive approach was amplified by a strong promotion in written, audiovisual and online media (press and online articles, interviews, radio and TV appearances etc.), which ensured the transmission of the anti-trafficking campaign message to a large number of people/indirect beneficiaries.

A total of 20,800 campaign materials were disseminated throughout this preventive action. Supporting the campaign message through video and radio spots (more than 7,000 broadcasts were recorded at local radio and television stations) resulted in an increased efficiency of the anti-trafficking measures carried out. Also, posting the campaign posters within the Metrorex metro stations, ensured the transmission of the campaign's anti-trafficking message to a wide audience.

At the beginning of 2018, NAAITP launched "***Know your rights! Respect your duties!***" campaign, part of the "*Reducing the amplitude of human trafficking through better information for citizens*" project, financed through the Internal Security Fund.

The objectives of the prevention campaign aimed at informing and raising awareness of the implications of trafficking in persons, in order to decrease demand from the labour exploitation perspective. Another campaign goal was increasing the involvement of diplomatic missions of Romania in informing Romanian citizens abroad about the risks associated with trafficking in persons. Another important aspect was informing the institutions and organisations involved in preventing and combating trafficking in persons on the amplitude and forms of manifestation of this phenomenon, as well as stimulating the participation of mass-media in the prevention approach, as a means to reduce the number of inaccurate and ambiguous information transmitted to the general public on some aspects regarding the trafficking in persons' phenomenon.

The campaign message, "*Both the employer and the employee must earn from the job. Using the services of a trafficking in persons' victim is punished by law.*", was addressed to minors aged 8 to 18 years, adult persons looking for employment inside the country or abroad, natural and legal persons likely to use the services of a trafficking in persons victim exploited through forced labour (employers, recruitment agencies etc.), representatives of institutions and organisations involved in preventing and combating trafficking in persons, mass-media and the general public.

The main activities of the campaign implementation process consisted of:

- Organizing direct meetings with representatives of the target group in 5 different locations. The meetings were carried out by a mixed team, consisting of specialists from the campaign partner institutions and organizations.
- Achieving more than 70,000 promotional materials aimed at spreading the anti-trafficking message of the campaign.
- Creating and promoting a documentary film on the issue of trafficking in persons for labour exploitation purposes. The transmission of the campaign message was done by a well-known Romanian artist, thus being the image of the documentary film. In order to increase the campaign's anti-trafficking message efficiency, a short version of the documentary film was created, offering the possibility to be used on its own or uploaded and given to broadcast as a video spot on TV stations. An audio variant of the video spot was also performed, which was broadcast at radio stations.
- Organizing a number of 42 round tables, attended by governmental institutions, NGOs, local authorities, press.

- Nationwide promotion of the campaign's anti-trafficking message through 34 street billboards.
- Dissemination of the promotional campaign materials throughout the preventive activities carried out.

In the implementation process of **"Know your rights! Respect your duties!"** campaign, more than 870 preventive activities were performed, recording approximately 55,000 direct beneficiaries and over 530,000 indirect beneficiaries.

During 2018, The National Agency Against Trafficking in Persons together with the organization Save the Children Romania launched **"Work safely abroad!"**, a campaign aimed at preventing trafficking in persons.

The campaign will reach its end in 2020 and it refers to teenagers/young people and adults looking for a job, Romanian citizens who want to work abroad and who are likely to leave their children in the country, in the care of other people, adult representatives of different vulnerable communities (e.g. informal leaders), teachers and the general public.

The main objectives of this preventive approach include: increasing awareness of the dangers and implications associated with trafficking in persons; informing the population of ways to reduce risks and manage vulnerabilities; raising awareness about trafficking in persons in its main forms of manifestation; reducing the vulnerability of children left alone at home as a result of parents' leaving to work abroad, informing parents about their obligations in such situations, before leaving the country.

Also, as a way to prevent and reduce the risk of victimisation by trafficking in minors, The National Agency against Trafficking in Persons and the organization Save the Children Romania started the campaign **"Inform yourself to be protected"**.

The preventive approach seeks to improve the level of knowledge among minors on the dangers and implications associated with trafficking in persons, focusing on sexual exploitation and forced begging, letting minors know several ways to reduce risks and manage vulnerabilities, as well as raising awareness of the consequences of abuse and exploitation on the normal development of children and young people.

The main target group of the campaign consists in pupils (children, teenagers and young people) aged between 8 and 18 years, minors at risk and vulnerable to trafficking, adult representatives of different vulnerable communities (e.g. informal leaders), teachers and other people who are likely to become multipliers of the campaign's anti-trafficking message, as well as the general public. The campaign will reach its end during 2020.

As a way of marking the European Anti-trafficking Day, taking place on October 18th – during 2015-2018, The National Agency against Trafficking in Persons conducted annually a national prevention campaign entitled **"Preventing Trafficking in Persons Week"**. In all 4 editions of the campaign, the pursued purpose has resulted in two directions, namely the promotion of the Anti-trafficking Day and informing the general public about the amplitude and forms of manifestation of trafficking in persons, thus strengthening self-protection capacity towards the threats of this criminal phenomenon among representatives of vulnerable categories.

Thereby, all 4 editions of the campaign recorded a total of 866 activities nationwide that were carried out to prevent trafficking in persons, reaching approximately 85,000 direct beneficiaries (most of them children, teenagers and young people), which were informed about the trafficking in persons issue in all forms of manifestation found in our country, highlighting the behaviours, norms, values, philosophy and orientation of traffickers and victims of this phenomenon.

Currently, the most important initiative carried out nationwide by NAAITP is "***Tear down this wall... of indifference! Trafficking in persons can be prevented.***" a campaign aimed at preventing trafficking in persons for sexual exploitation purposes. The campaign is part of the "*Reducing the amplitude of human trafficking through better information for citizens*" project, financed through the Internal Security Fund, and it involves carrying out preventive actions focused on both supply and demand, as dimensions of trafficking in persons. The target group of the campaign consists in minors aged between 8 and 18 years, especially female persons; individuals who are likely to use the services of a sexually exploited trafficking in persons' victim; representatives of institutions and organisations involved in preventing and combating trafficking in persons; mass-media; the general public. The image of the campaign is a well-known Romanian singer, which took part in the documentary film and the TV spot realized within this initiative.

The aforementioned prevention campaigns are also joined by other activities aimed at reducing the risk of victimisation among minors and other vulnerable social categories (women, elders, persons with disabilities etc.). Thus, NAAITP carried out a series of targeted activities on the occasion of the European Anti-trafficking Day, the International Day against Sexual Exploitation and Trafficking in Women and Children, the "School Otherwise" Week etc. At the same time, during 2015-2019, the specialists of the Regional Centers of NAAITP carried out over 100 prevention campaigns/educational projects/local initiatives (most of them having as main target group the minors - eg "In the world of childhood there is no place for trafficking in persons!" campaign), preventive approaches throughout which the beneficiaries received important information regarding the recruitment methods, the exploitation forms, useful tips and the possibilities of noticing and referring the potential trafficking in persons cases.

The aforementioned outdoor initiatives of NAAITP, were also supported by a number of online campaigns, namely:

The National Agency against Trafficking in Persons (NAAITP), in partnership with the Child Helpline Association (ATC), launched in 2016, the online campaign for information and awareness towards the victims of trafficking in minors for labour exploitation purposes "***Happy hands, NOT tortured hands!***".

The campaign was launched in the context of international events held on the occasion of the "World Day Against Child Labor"

The campaign was carried out in order to raise awareness of the risks and dangers to which victims of trafficking in children for labour exploitation purposes are exposed, of the rights that minors have, as well as to reduce the demand within this criminal phenomenon.

The online campaign ran for 3 months during 2016, being promoted organically through NAAITP's and the Regional Centers' Facebook pages, as well as through the the Child Helpline Association Facebook network.

The aim of this approach was to develop the participatory attitude of social media users by launching the challenge to leave creative comments and photos with children's hands. The online campaign has been promoted through social media, by means of the organic reach strategy, with the help of NAAITP Regional Centers and the partners' social media profiles.

In the "European Day for Victims of Crime" context, the "***Healing Words***" online campaign was carried out, aiming at supporting the victims of trafficking in persons.

The campaign was promoted organically through NAAITP's and the Regional Centers' Facebook pages. The campaign consisted in an online collection of encouragement messages addressed to trafficking in persons' victims (most of the messages being shared by children), based on the secondary message involving the victims' profile and vulnerabilities.

During 2016-2017, NAAITP and the Ecumenical Association of Churches in Romania – AIDRom implemented an online campaign to inform, raise awareness and reduce the demand for trafficking in persons for sexual exploitation purposes **"Do you choose to cherish or to crush?"**. The campaign message **"Don't pay for sex! The demand for sexual services increases the number of trafficking in persons' victims!"** was an advice on not to buy sexual services. The message also sought to bring to the attention of those who are likely to use such services both the fact that they support the existence and perpetuation of anti-social phenomena, and also the fact that those who provide their services can be trafficking in persons' victims.

The campaign aimed at influencing target groups, both minors and adults, to develop attitudes in accordance with legal provisions and moral values, this way pursuing the decrease in demand for sexual services. These ideas were submitted weekly, under different types of messages, on NAAITP's social media accounts.

The main and high-impact element of the campaign was organizing a contest of informative-preventive messages, aimed at stimulating the active involvement of the online users in reducing the factors that favor the trafficking in persons' phenomenon. The prizes for the winners of the online contest were: a bicycle; an external hard drive; a portable charger and 20 backpacks. All the prizes were customized with the campaign's visual elements, thus ensuring an increase of the anti-trafficking message promotion.

The campaign also included an outdoor component, addressed to the outside audience which consisted in informative activities, at both central and local level, in specific places that allowed reaching the target groups. Also, NAAITP specialists used the campaign posters, handed out the backpacks that were created to support the outdoor component and interacted directly with the target group's representatives.

- **increase efforts to prevent human trafficking through social, economic and other measures for groups vulnerable to trafficking;**

Social and economic support programmes addressed to vulnerable persons:

EURES (European Employment Services) is a cooperation network between public employment services in the EU Member States and the European Economic Area and the European Commission, created to facilitate the free movement of workers within the EU (European Union), the EEA (European Economic Area) and Switzerland. The EURES platform provides support to Romanian citizens who work or plan to work abroad.

Jobseekers can benefit from a number of measures to stimulate labour mobility:

- The resettlement premium – is granted by the Ministry of Labour and Social Justice through the **"First Rent" programme**. The resettlement premium shall be granted to unemployed people registered with employment agencies, who are assigned to have their workplace at more than 50 km away from their domicile or residence and that, therefore, change or establish their residence in or nearby the given locality.
- The installation premium – is granted by the Ministry of Labour and Social Justice through the **"National Stimulation of Labour Employment Programme"**. The installation premium shall be granted to unemployed people registered with employment agencies, who are assigned to have their workplace at more than 50 km away from their domicile or residence and that, therefore, change or establish their residence in or nearby the given locality, as well as Romanian citizens who have practiced the right to free movement of workers in the European Union and in the European Economic Area.
- The hiring premium – is granted by the Ministry of Labour and Social Justice. This premium shall be granted on a monthly basis, during a 12-months period, to unemployed people registered with

the employment agencies, assigned to have their workplace at more than 15 km away from their domicile or residence.

"Support measures for the integration of vulnerable groups on the labour market, aimed at employers" – is financed by the Ministry of Labour and Social Justice and involves a monthly grant of 2,250 lei (approx. €475), during a 12-months period, for each person having an indefinite employment contract. Through this strategy, employers are also bound to maintain the contractual relationship with the employee for another 6 months after the expiration date of the grant.

This grant can benefit: graduates of educational institutions regardless of their level; unemployed people over the age of 45; long-term unemployed people; young NEETs (who are not employed and do not follow any educational or training programmes); persons with disabilities; unemployed people who are unique supporters of single parent families.

The Diaspora START-UP and START-UP Nation programmes aim to encourage Romanian citizens living abroad to return back to the country. The Diaspora Start-Up programme, developed by the Ministry of European Funds and the Start-Up Nation programme developed by the Ministry for Business Environment, Commerce and Entrepreneurship, are funding programmes for Romanian citizens abroad and for those who recently returned to the country, seeking to exploit the professional skills acquired outside the country, by opening a business in Romania.

The beneficiaries of the Diaspora Start-Up programme can be individuals (unemployed, inactive people, employed persons who intend to set up a business in order to create new jobs) who fulfill the following requirements: they intend to set up a non-agricultural business in the urban area; reside or have their domicile in rural or urban areas, in poorly developed regions of Romania, namely North-East, North-West, South-West Oltenia, Central area, South-East or South Muntenia; prove their residence or domicile abroad in the last 12 months until joining the target group; are at least 18 years of age; have Romanian citizenship; demonstrates through available documents the achieved entrepreneurial experience by establishing a company abroad, as well as documents that attest to the exact experience in the department in which they want to start a business through the programme.

Start-Up Nation programme encourages and stimulates the establishment and development of small and medium-sized enterprises, being first implemented by the Ministry for Business Environment, Commerce and Entrepreneurship in 2017.

The 'National Rural Development Programme', financed by the Ministry of Agriculture and Rural Development, aims to support investments in order to increase the competitiveness of agricultural holdings; to encourage agricultural activities through high-performance machinery and equipment; thus stimulating Romanian citizens abroad to return and open a business within the country.

"The Regional Operational Programme, Priority Axis 2, Investment Priority 2.1, Call 2.1 A", financed by the Ministry of Regional Development and Public Administration, aims to stimulate entrepreneurship by developing small enterprises (under 50 employees).

"The Regional Operational Programme, Priority Axis 2, Investment Priority 2.2", financed by the Ministry of Regional Development and Public Administration, aims to increase the production power of SMEs. This programme benefits micro-enterprises (under 10 employees), small enterprises (under 50 employees) and medium-sized enterprises (under 250 employees).

During 2018-2019, the Ministry for Romanians Abroad, in partnership with other public institutions, carried out the campaign **"Information at home! Safety in the world!"**. The campaign aims to ensure that Romanian citizens are informed on the risks they are exposed to when looking for a job, a study programme or a residence outside Romania's borders, while also pursuing the promotion of **the aforementioned programmes among vulnerable persons**.

The partner institutions that took part in this initiative together with the Ministry for Romanians Abroad were: The National Agency against Trafficking in Persons, The Ministry of National Education, The Ministry of Labour and Social Justice, The Ministry of Internal Affairs, The Ministry of Foreign Affairs, The Ministry

of European Funds, The Ministry for Business Environment, Commerce and Entrepreneurship, The Ministry of Youth and Sports, The National Agency for Equal Opportunities and The National Authority for the Protection of the Rights of the Child and Adoption.

- **ensure that there is a sufficient number of shelter places around the country for all victims of trafficking who need safe accommodation for the duration necessary to achieve their recovery; how many shelters for female, male and child victims of trafficking are currently operational and how are they funded?;**

According to the Law no. 292/2011 on social assistance, with the subsequent amendments and completions, the local public authorities have the responsibility of organizing, managing and providing social services. At the same time, private entities (NGOs, cults) can provide social services.

Currently, in the **public system**, at the national level, there are 5 public centers for assistance and protection of the victims of trafficking in persons set up by the General Directorates for Social Assistance and Child Protection in Galați, Iași, Mehedinți, Craiova and Cluj. Out of these, 3 centers are providing residential social services.

During 2017- 2019, the residential center of Recaș from Timiș county also functioned, reorganized following the decision of the county council.

The financing of the current and capital expenditures for the centers functioning within the General Directorates of Social Assistance and Child Protection, as well as for the protected homes to which the victims of human trafficking are entitled, is provided from the budgets of the counties where they function.

According to data from the National Register of Accredited Social Services, there are 2 **private providers** of social services (a non-governmental organization and a worship unit) that currently carry out licensed social services (in accordance with the minimum quality standards required by law) - a center for social integration/ reintegration for victims of human trafficking in Oradea and a social information and counseling center in Deva.

According to Law no. 34/1998, the Romanian associations and foundations, the cults with legal personality that establish and manage social assistance units can receive subsidies from the state budget through the Ministry of Labour and Social Justice, or from the local budgets, with certain eligibility conditions.

Grants from the state budget may be granted if the associations, the Romanian foundations, the cults fulfill the following eligibility conditions:

- a) manage social assistance units in at least two counties, including the municipality of Bucharest, or administer a social assistance unit whose beneficiaries come from two or more counties, including the municipality of Bucharest and which fall within the Nomenclature of social services, approved by the Government Decision no. 867/2015 for the approval of the Nomenclature of social services, as well as of the framework regulations for the organization and functioning of social services, as subsequently amended and supplemented;
- b) are Romanian legal persons of private law without patrimonial purpose, accredited as social service providers, according to the law;
- c) have an operating license for the social services for which they request a subsidy;
- d) apply for subsidies to supplement their own financial resources.

In the next period, the Ministry of Labor and Social Justice will send an information document to the General Directorates of Social Assistance and Child Protection to reiterate their obligations under the law regarding the provision of specialized assistance and support to victims of crimes, including victims of trafficking in persons.

Regarding the recommendation on the existence of a sufficient number of shelters throughout the country for all victims of trafficking in persons who need accommodation for their recovery, in the context of the implementation of the 2018-2022 National Strategy against trafficking in persons and of achieving the objectives set in the 2018-2020 National Action Plan, respectively of the general objective "Improving the

quality of protection and assistance provided to victims of trafficking in persons for their social reintegration” the Working Group on Victim Assistance was set up.

This group brings together experts from institutions with responsibilities in the field of protection and assistance provided to victims of human trafficking, as established within the 2018-2020 National Action Plan, namely: the National Agency against Trafficking in Persons, General Inspectorate for Immigration, General Inspectorate of Romanian Police - Direction for Combating Organized Crime, Ministry of Labor and Social Justice - The Social Policies Services Directorate, the National Authority for the Protection of the Rights of the Child and Adoption, the National Authority for Equal Opportunities between Women and Men, the National Authority for Persons with Disabilities, the National Employment Agency, the Ministry of Health, the Ministry of Justice, the Ministry of Foreign Affairs, the National Agency for Roma.

The role of the Working Group is mainly to monitor the implementation of protection and assistance measures for victims of trafficking in persons and minors, in order to strengthen the inter-institutional dialogue and to coordinate the assistance and protection of victims of trafficking in persons and minors, but, subsequently, the Group also seeks to evaluate the needs related to the assistance and protection of victims of human trafficking and child trafficking and to identify the most appropriate solutions for their provision.

- **provide adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training, and ensuring long-term monitoring of the reintegration of child victims of trafficking;**

From the perspective of the legislation concerning special protection granted to children found in vulnerable situations, some actions are taken when instrumenting the cases of children victims of trafficking.

For example, according to the provisions of the Decision no. 1443 of September 2, 2004 on the methodology of repatriation of unaccompanied Romanian children and the provision of special protection measures in their favor, the General Directorate for Social Assistance and Child Protection from the last known domicile of the parents or, as the case may be, of the legal representative of the child victim of human trafficking draws up an individual plan regarding the preparation of social reintegration after receiving from the National Authority for the Protection of the Rights of the Child and Adoption the request to carry out, as a matter of urgency, a social investigation at the domicile of the parents or a member of the extended family of the child. The deadline for drawing up the social inquiry not exceed 20 days from the moment of its request.

Through these steps, the General Directorate for Social Assistance and Child Protection from the last known home of the parents or, as the case may be, the legal representative of the child victim of human trafficking verifies the family situation in the child's country, identifies the parents or extended family members, as well as the opportunity to reintegrate the child into the family after repatriation or the placement in the special protection system, when the natural or extended family is not the best solution for him.

Also, through the Individual Plan regarding the preparation of the social reintegration it is performed:

- the preparation for receiving the child under conditions of affective, moral and material security, if after the social investigation it is decided to return the child to the family immediately after repatriation;
- the preparation of the child's reception in a residential service or in another type of family service, if following the social investigation it is found impossible to return the child to the family immediately after repatriation and a special protection measure is proposed;
- the preparation of the assessment of the child's health status and of the provision of medical and psychological assistance;
- the preparing the school reintegration of the child or, as the case may be, preparing the school and vocational guidance for finding a job;
- the preparation of legal assistance and the preparation of monitoring of the child's situation for at least 6 months after repatriation.

Thus, the General Directorate for Social Assistance and Child Protection will monitor the cases regarding the evolution of the situation of the repatriated children for a period of at least 6 months after the repatriation, which will prepare reports every two months, which it sends to the National Authority for the Protection of Child Rights and Adoption. Also, the General Directorate for Social Assistance and Child Protection from the domicile of the repatriated child will take all the necessary steps for its reintegration into the family, unless this is contrary to the best interests of the child.

- **take steps to ensure that all possible foreign victims of trafficking are offered an effective recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period;**

Foreign citizens - victims of trafficking in persons will benefit, without discrimination, from the same measures of assistance and protection as the victims of trafficking in persons, Romanian citizens.

In order to ensure the unitary implementation of this provision and taking into account the potential risks of Romania becoming a destination country due to increased illegal migration in Europe, NAAITP has aimed to increase the awareness level among immigration officers from GII regarding both human trafficking, as well as their responsibilities in relation to the assistance provided to victims of trafficking.

Thus, within the project "Trafficking in persons - a victim-centered approach", implemented by NAAITP in partnership with several public institutions, including the General Inspectorate for Immigration, which sought to improve the implementation, in a unitary manner, of the National Identification and Referral Mechanism, the segment of victims of trafficking in persons, foreign citizens, was addressed.

On one hand, the project aimed to improve the existing National Identification and Referral Mechanism, and, on the other, to improve the implementation of the Mechanism by training the specialists with responsibilities in its application.

Thus, in the first part of the project, 4 working groups were organized in order to collect data and information from the specialists in the field of human trafficking, based on which the existing National Identification and Referral Mechanism was improved, and in the second part, 17 training sessions were organized, 2 of them being dedicated to the victims of trafficking, foreign citizens.

The representatives of the General Inspectorate for Immigration have made their contribution both in terms of improving the Mechanism, actively participating in the debates in the working groups, but also in the second part of the project, by participating in the training sessions.

- **consider granting temporary residence permits to victims of human trafficking on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings;**
- **extend the scope of the non-punishment provision to cover all offences which victims of human trafficking were compelled to commit, including administrative and immigration-related offences;**

Of general character, valid for all the victims of the crimes, taking into account the circumstances of the case, the provisions of art. 24-25 CC are applied.

Moral or physical constraint (art. 24– 25 CC), where the criminal act committed due to a physical or moral constraint to which the perpetrator could not resist cannot be punished by the criminal law. These are justifying causes for any offence.

In addition, art. 20 of Law 678/2001 on preventing and combating trafficking in persons states that:

(1) The person subjected to trafficking in persons, who has committed, as a result of his/her exploitation, the crime of fraudulent crossing the border of a state or of organ, tissues or cells of human origin donation, is not punished for these crimes.

(2) The person subjected to trafficking in persons who committed one of the contraventions stipulated in art. 3 points 3 and 6 is not sanctioned.

- **investigate and prosecute cases of corporate involvement in human trafficking offences, paying particular attention to recruitment companies based in Romania and involved in trafficking of Romanian citizens abroad.**

Criminal prosecution in cases of trafficking in persons concerns both the natural persons involved in the criminal activity in any of the forms of criminal participation provided by the law, as well as the legal persons involved.

Part III - Statistics on THB

14. Please provide the following statistics, per year starting with 2015, where available disaggregated as indicated below:

- **Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

	2015	2016	2017	2018	2019 1 st semester
1. Total number of victims identified and registered in IMESV¹	880	756	662	497	254
<i>Out of which identified by:</i>					
judicial authority	833	734	657	482	245
diplomatic mission	28	6	-	4	-
NGO	5	-	2	2	4
international organization	4	3	1	3	2
NA	8	5	1	-	-
others ²	2	8	1	6	3
<i>Out of which:</i>					
Males	297	170	156	134	53
Women	583	586	506	363	201
<i>Out of which:</i>					
Sexual exploitation ³	498	530	454	335	184
Labour exploitation	180	132	79	100	46
Forced begging	69	68	35	26	10
Exploitation by committing thefts or other illegalities	11	4	43	8	1
Other forms ⁴	122	22	50	28	13
NA	-	-	1	-	
<i>Out of which:</i>					
Adults	564	402	322	285	146
Minors	316	354	340	212	108
<i>Out of which:</i>					
Romanians	878	755	661	496	254
Foreign nationals from other EU countries	1	1 3- dual Romanian - Hungarian citizenship	1 1-dual Romanian Turkish citizenship		
Citizens from third countries	1			1	
<i>Nationalities of the foreign nationals</i>					
Republic of Moldova	1			1	
Italy		1			
Hungary		3			
Greece	1				
Turkey			1		

		Portugal			1		
Out of which:							
		Internal traffic	388	435	401	244	120
		External traffic	490	320	261	253	133
		NA	2	1	-	-	1

- **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**

No such cases were reported.

- **Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

Assistance provided to the victims of trafficking in human beings identified in 2015					
Types of assistance	Total number of victims	Age and gender distribution			
		MINORS		ADULTS	
		girls	boys	female	male
Victims who received assistance	328	143	24	111	50
Assistance provided by public institution	194	106	22	56	10
Assistance provided by NGO	84	22	2	37	23
Assistance provided in public-private partnership	50	15	0	18	17

Assistance provided to the victims of trafficking in human beings identified in 2016					
Types of assistance	Total number of victims	Age and gender distribution			
		MINORS		ADULTS	
		girls	boys	female	male
Victims who received assistance	314	144	18	88	64
Assistance provided by public institution	166	109	11	34	12
Assistance provided by NGO	88	21	5	39	23
Assistance provided in public-private partnership	60	14	2	15	29

¹ Integrated Monitoring and Evidence System for Victims of trafficking in human beings –administered by The National Agency Against Trafficking in Persons

² In the “other” category were considered the following institutions which could have identified the victims: Labour Inspectorate, General Inspectorate for Immigration, General Directorates of Social Assistance and Child Protection, hospitals, educational units and others.

³Exploitation through street prostitution, clubs, hotels or other private spaces, as well as pornography.

⁴ In the “other” category were considered the cases of attempted exploitation or other possible exploitation forms that are not found in the common cases. There were no traffic of organs situations registered.

Assistance provided to the victims of trafficking in human beings identified in 2017					
Types of assistance	Total number of victims	Age and gender distribution			
		MINORS		ADULTS	
		girls	boys	female	male
Victims who received assistance	307	130	55	91	31
Assistance provided by public institution	215	101	51	42	21
Assistance provided by NGO	48	11	2	29	6
Assistance provided in public-private partnership	44	18	2	20	4

Assistance provided to the victims of trafficking in human beings identified in 2018					
Types of assistance	Total number of victims	Age and gender distribution			
		MINORS		ADULTS	
		girls	boys	female	male
Victims who received assistance	236	112	25	69	30
Assistance provided by public institution	133	90	15	21	7
Assistance provided by NGO	70	11	6	36	17
Assistance provided in public-private partnership	33	11	4	12	6

Assistance provided to the victims of trafficking in human beings identified in 2019, 1st semester					
Types of assistance	Total number of victims	Age and gender distribution			
		MINORS		ADULTS	
		girls	boys	female	male
Victims who received assistance	108	55	3	27	23
Assistance provided by public institution	60	43	3	11	3
Assistance provided by NGO	33	5	0	11	17
Assistance provided in public-private partnership	15	7	0	5	3

- **Number of child victims of THB who were appointed legal guardians.**

No such statistics are available.

- **Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).**

There is no disaggregated data on this aspect.

- **Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).**

No such statistics are available.

- **Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).**

No such information are available.

- **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).**

2015					
Reporting indicators	MINORS		ADULTS		TOTAL
	GIRLS	BOYS	WOMEN	MALES	
Number of victims for whom a final court decision was granted for civil damages	6	1	24	24	55
Number of victims who received civil claims	3	0	2	0	5
Number of victims who requested financial compensations, granted by the state according to Law 211/2004	28	0	24	0	52
Number of victims for whom it was granted financial compensations by the state according to Law 211/2004	NA	NA	NA	NA	NA
Number of victims who received financial compensation according to the Law no. 211/2004	NA	NA	NA	NA	NA

2016					
Reporting indicators	MINORS		ADULTS		TOTAL
	GIRLS	BOYS	WOMEN	MALES	
Number of victims for whom a final court decision was granted for civil damages	19	7	44	19	89
Number of victims who effectively received civil claims	0	0	2	0	2
Number of victims who requested financial compensations, granted by the state according to Law 211/2004	43	0	41	2	86
Number of victims for whom it was granted financial compensations by the state according to Law 211/2004	0	0	0	0	0
Number of victims who effectively received financial compensation according to the Law no. 211/2004	0	0	0	0	0

2017					
Reporting indicators	MINORS		ADULTS		TOTAL
	GIRLS	BOYS	WOMEN	MALES	
Number of victims for whom a final court decision was granted for civil damages	26	6	17	5	54

Number of victims who effectively received civil claims	1	0	1	0	2
Number of victims who requested financial compensations, granted by the state according to Law 211/2004	41	4	30	0	75
Number of victims for whom it was granted financial compensations by the state according to Law 211/2004	0	0	1	0	1
Number of victims who effectively received financial compensation according to the Law no. 211/2004	0	0	0	0	0

2018					
Reporting indicators	MINORS		ADULTS		TOTAL
	GIRLS	BOYS	WOMEN	MALES	
Number of victims for whom a final court decision was granted for civil damages	14	22	18	17	71
Number of victims who effectively received civil claims	1	0	0	0	1
Number of victims who requested financial compensations, granted by the state according to Law 211/2004	28	0	41	4	73
Number of victims for whom it was granted financial compensations by the state according to Law 211/2004	0	0	0	0	0
Number of victims who effectively received financial compensation according to the Law no. 211/2004	0	0	0	0	0

2019, 1st semester					
Reporting indicators	MINORS		ADULTS		TOTAL
	GIRLS	BOYS	WOMEN	MALES	
Number of victims for whom a final court decision was granted for civil damages	14	0	9	19	42
Number of victims who effectively received civil claims	1	0	1	0	2
Number of victims who requested financial compensations, granted by the state according to Law 211/2004	12	0	32	1	45
Number of victims for whom it was granted financial compensations by the state according to Law 211/2004	0	0	0	0	0
Number of victims who effectively received financial compensation according to the Law no. 211/2004	0	0	0	0	0

- **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**

- **Number of victims of THB who received free legal aid.**

In 2018, 296 THB victims received free legal aid.

In 2017, 317 THB victims received free legal aid.

In 2016, 188 THB victims received free legal aid..

- **Number of victims of THB who were returned or repatriated to/ from your country (disaggregated by sex, age, country of destination, form of exploitation).**

	2015	2016	2017	2018	2019, 1 st semester
Total number of repatriated victims	134	34	51	19	21
Out of which:					
Women	40	21	34	7	5
Males	94	13	17	12	16
Out of which:					
Minors	4	6	9	2	1
Adults	130	28	41	17	20
NA			1		
Out of which:					
Sexual exploitation	19	12	20	7	4
Labour exploitation	61	10	12	8	16
Exploitation for forced begging	3	1	6	3	
Exploitation by committing thefts	1	0	1		
Other forms	7	5	1		
NA	43	7	11	1	1
Remarks		1 victim was exploited through several forms of exploitation	2 victims were exploited through several forms of exploitation		
Countries					
Germany	3	1	1		
Italy	1	2	1	1	
Spain	37	4	10		1
Belgium		2	3		

Holland	2			1	
Greece	9				
Portugal	9		1		
Great Britain and Northern Ireland	15	13	20	8	5
Norway	1	1	1		
France	1		2	1	
Ireland	8	3	1		1
Poland					
Croatia				1	
Switzerland		1	2		1
Denmark	40		2		1
Austria	2				
Sweden	3	2	6	5	1
Bulgaria					
Cyprus	2	5	1	2	
Luxemburg					
Slovenia					
NA	1				

➤ **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**

Number of criminal cases in which police officers from combat trafficking in human beings have been delegated

YEAR	2015	2016	2017	2018	2019, 1 st semester
Registered, out of which:	721	623	543	498	217
Sexual exploitation, including pimping committed by organized criminal group	601	509	457	422	191
Labour exploitation	69	49	39	39	18
Forced begging	43	28	27	21	3
Committinh crimes/services	0	3	2	4	1
Several forms of exploitation	6	26	7	1	0
Others/not known	0	8	11	11	4

➤ **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**

In 2015, of the 1838 cases to be solved with the object of human trafficking offenses, 794 cases were solved with the object of human trafficking. Of these:

- 62 cases were resolved through the indictment and agreements for the recognition of guilt
- there were sent to trial 464 defendants, out of which 260 defendants were sent to trial in preventive arrested.

The number of victims trafficked for exploitation was 653, of which 254 minors.

In 2016, out of the 1727 cases to be solved with the object of human trafficking offenses, of which 853 newly registered cases during the referenced period, was solved a no. of 552 cases.

Of these:

- were resolved by indictment and agreements for the recognition of guilt a no. of 136 cases (132 + 4);
- with 352 defendants sent to court, of which 208 defendants sent to trial in preventive arrest;

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

In 2017, out of the 1766 cases to be solved having as object crimes of human trafficking, out of which 738 newly registered cases in the reference period, were solved 532.

Of these;

- were resolved by indictment and agreements for the recognition of guilt a no. of 132 cases (113 + 19);
- with 451 defendants sent to court, of which 249 defendants sent to trial in preventive arrest.

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

In 2018, out of the 1,816 cases to be solved related to human trafficking offenses, out of which 695 newly registered cases, in the reference period a number of 601 cases was solved.

Of these:

- were resolved by indictment and agreements for the recognition of guilt a number of 118 (103 + 15),
- with 400 defendants sent to court, were resolved by indictment and agreements for the recognition of guilt, of which 209 defendants arrested preventively sent to court.

The number of victims trafficked for exploitation in 2018 was 312, of which 139 minors.

➤ **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation)**

In 2018, we have the following statistics available:

- there are 130 convicted perpetrators, from which 101 are males, 29 are females, and 6 are minors.

In 2017, we have the following statistics available:

- there are 230 convicted perpetrators, from which 183 are males, 46 are females, and 4 are minors and one is a legal entity.

➤ **Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.**

Files that had the object of **trafficking in persons**, in different procedural stages:

- In 2017, 274 files were registered, 176 files were solved and 56 defendants were finally convicted (for 47 defendants the prison sentence was applied and for 7 defendants the suspension of the sentence was applied).
- In 2018, 223 files were registered, 145 files were solved and 56 defendants were convicted (for 44 defendants the prison sentence was applied and for the 11 defendants the suspension of the sentence was applied).

Files that had as object the **trafficking in minors**, in different procedural stages:

- In 2017, 447 files were registered, 308 files were solved and 176 defendants were finally convicted (for 123 defendants the prison sentence was applied and for 48 defendants the suspension of the sentence was applied).

- In 2018, 357 files were registered, 223 files were solved and 74 defendants were finally convicted (for 43 defendants the prison sentence was applied and for 26 defendants the suspension of the sentence was applied).

➤ **Number of judgments in THB cases resulting in the confiscation of assets.**

Considering that the evidence of the court decisions and judgments by which the security measure of the special confiscation or of the extended confiscation ordered by the Romanian courts, as well as those communicated to the Romanian authorities by the foreign courts, is a general one, without being individualized in according to the offense(s) investigated / detained by the court, we cannot provide this data.

See also the answer to question 5.2

➤ **Number of convictions of legal entities for THB.**

There was 1 legal entity convicted in 2016 and 1 in 2017.

ACRONYMS:

NAATIP- National Agency Against Trafficking In Persons

NAPRCA -National Authority for the Protection of the Rights of the Child and Adoption

CPC- Criminal Procedure Code

CC- Criminal Code

DCOC- Direction for Combating Organized Crime

GDSACP- General Directorate of Social Assistance and Child Protection

DIOCT- Directorate for Investigating the Organized Crime and Terrorism

FNOC- Federation of Non-Governmental Organizations for Children

GD- Government Decision

GIRP- General Inspectorate of Romanian Police

GIBP- General Inspectorate of Boarding Police

GIRJ- General Inspectorate of Romanian Gendarmerie

GII- General Inspectorate for Immigration

JIT- Joint Investigation Team

NA - Not available

IOM- International Organization for Migration

NGO- Non-governmental organization

IMESV- Integrated Monitoring and Evidence System for Victims of Human Trafficking

EU- European Union