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to the Council of Europe Convention
on Action against Trafficking in Human Beings

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**Report submitted by the Romanian authorities
on measures taken to comply with
Committee of the Parties Recommendation CP(2012)7
on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

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**Report concerning the Implementation of Recommendations CP (2012) 7 on the application of
the Council of Europe Convention on Action against Trafficking in Human Beings by
Romania**

Lists of abbreviation used in text:

ANITP	National Agency against Trafficking in Persons
ANOFM	The National Agency for Employment
ANPDCA	National Authority for Child Rights Protection and Adoption
ANR	The National Agency for Roma
CIPC	The Training Centre for Consular Staff
CoE	Council of Europe
COJES	The County Commissions and Bucharest Municipality for equality between women and men
CONES	The National Commission for equality between women and men
CSM	Superior Council of Magistracy
DCCO/SCCO/BCCO	The Directorate for Combating Organized Crime / The Unit for Combating Organized Crime / The Brigade for Combating Organized Crime
DGASPC	The General Directorate of Social Assistance and Child Protection
DGA	The Anti-Corruption General Directorate
DIICOT	Direction for Investigating Organized Crime and Terrorism
DNA	The National Anticorruption Directorate
EUROSTAT	European Office for Statistics
FRA	Fundamental Rights Agency
IGPF	General Inspectorate of Border Police
IGPR	General Inspectorate of Romanian Police
IGI	The General Inspectorate for Immigration
IM	Labour Inspection
IO	International Organization
MAE	Ministry of Foreign Affairs
MAI	Ministry of Internal Affairs
MMFPSPV	Ministry of Labour, Family, Social Protection and Elderly
MJ	Ministry of Justice
MP	Public Ministry
OAP	Operation Action Plan
NGO	Non-Governmental Organization
UNODC	United Nations Office for Drugs and Crime
SCTP	The Service for Combating Trafficking in Persons
SNITP	National Strategy against Trafficking in Persons
TFU/TP	Trafficking in human beings / Trafficking in persons
VT	Victim of trafficking in persons

Core concepts and definitions

- 1. GRETA considers that the Romanian authorities should adapt the relevant secondary legislation, including the provisions of the National Identification and Referral Mechanism, in order to ensure that the legal definitions of victim of THB, and its application in practice, are fully in line with the definition set out in the Anti-Trafficking Convention. The authorities should also notify all the parties concerned of the content of the definition in the Anti-Trafficking Law.**

The definition of the „victim”, according to art. 2, letter c. of the Anti-traffic Law no. 678/2001 complies with the Convention of the Council of Europe and applies to the entire secondary legislation, because it is provided in the legislation, more precisely, in the primary legislation, superior legal norm. For this purpose and without being necessary to adjust the secondary legislation as a consequence of the introduction of a new definition, this applies to all the norms and secondary normative documents, even if it is adopted before the definition provided by the law.

Comprehensive approach and co-ordination

- 2. GRETA considers that the Romanian authorities should adopt as a matter of priority the new anti-trafficking strategy.**

GD no. 1142 of 2012 for the approval of the National Strategy against Trafficking in Persons 2012 – 2016 and of the National Action Plan for the implementation of the Strategy in the period 2012 – 2014, sets general objectives as regards the activities in the field of countering, preventing of trafficking in persons and victims’ assistance.

This public policies document offers an answer based on the reality and European legislation in the field and forecasting:

- to redesign the system for the protection and assistance of victims of trafficking,
- to enhance the capacity for early identification of victims and referral to the suppliers of specialized services,
- to increase the percentage of victims included in specialized programmes of rehabilitation and social reintegration,
- to improve the support measures for the victims who are witnesses or aggrieved parties during the criminal trial and to facilitate their access to forms of financial compensation.

The strategic objectives are:

1. To enhance the prevention activities and the involvement of civil society
2. To improve the quality of protection and assistance given to victims of trafficking for social reintegration
3. To improve the institutional capacity to investigate crimes of trafficking in persons, more precisely, of trafficking in minors, as well as tracing the criminal profit gained by criminal investigation bodies
4. To enhance the capacity to collect and analyze data on trafficking in persons
5. To improve and extend the international cooperation and the cooperation between institutions to support the implementation of the national strategy against trafficking in persons.

3. GRETA also considers that the Romanian authorities should:

- reinforce co-ordination and co-operation between governmental bodies, as well as between the central government and local authorities, with a view to ensuring that all aspects of trafficking and all parts of Romania are integrated in the efforts undertaken to combat THB;**
- systematically invite NGO representatives to participate in the meetings of the Inter-Ministerial Working Groups on Combating THB and involve them in the development of anti-trafficking policies.**

As regards this recommendation, ANITP/ Regional Centres signed collaboration protocols with numerous public and private actors in order to attain the general objective of the National Strategy 2012-2016 to improve and extend the international cooperation and the cooperation between institutions.

In the period 2012 – 2013, **144 meeting of the anti-traffic interinstitutional teams** were organized.

The themes approached during these activities aimed: the objectives of the National Strategy against Trafficking in Persons 2012 – 2016 and of the National Action Plan, notifications on the dynamics of the trafficking in persons at the national and local level. The high level of representation of the institutions/ organizations – members in the anti-traffic county teams and an increased attendance to meetings prove an increased interest of the institutions/ organizations at the local level for the matter of trafficking in persons¹.

In 2013, at the local level, to solve 455 situations a multidisciplinary approach was needed from at least 3 institutions/ non-governmental institutions for intervention in specific cases.

The collaboration between governmental institutions with nongovernmental organizations represents a proof of the anti-traffic effort at the national level.

All the anti-traffic projects with external non-reimbursable financing implemented by National Agency against Trafficking in Persons are carried out with the direct involvement of the nongovernmental organizations, as partners or participants to various activities.

Also, when the National Strategy against Trafficking in Persons 2012 – 2016 was elaborated, numerous work meetings were organized with all the competent institutions, including NGOs. The work meetings had the purpose to set the objectives, actions and strategic activities for the period 2012 – 2016 at the national level.

4. GRETA urges the Romanian authorities to ensure that the NATP is allocated sufficient human and financial resources, enabling it to accomplish its different tasks in the most efficient way.

The date when this report was elaborated, measures to amend the legal framework for the organization and functioning of National Agency against Trafficking in Persons, have been taken to enhance the capacity of ANITP, with 28 additional positions.

In parallel, steps are taken to unblock the employment of specialists in the field of social assistance (psychologists, social assistants), suspended in 2009 by the Romanian Government and to fill in the empty positions within ANITP.

The available budgetary resources have been directed to co-finance several European projects. This measure resulted in providing sustainability of current anti-traffic activities.

¹ Source: ANITP

5. GRETA also encourages the Romanian authorities to take measures to allocate and secure appropriate funds in the central budget and the budgets of the local authorities dedicated to action against THB, in consultation with all relevant actors, and reflecting the actual needs.

At the present moment, a draft was elaborated to amend the Law no. 350/2005 regarding the regime of non-reimbursable financing, through public funds, of non-profit activities of general interest, law which represents the legal basis necessary to grant this financing. The changes provided by the draft are necessary for to improve the system of non-reimbursable financing, through public funds and to apply correctly the Law no. 350/2005, and until they are adopted the financing of the assistance programmes (programmes of national interest) can not be performed. We mention the fact that the need to amend the legal framework was observed by ANITP and presented to the management. Work groups were set up with the specialized units: financial, legal and logistic. Representatives of other public authorities interested in law enforcement participated in these work groups. The Ministry of Justice acknowledged the situation and took measures to amend the legal framework in the matter and initiated the draft of normative document.

After the law is adopted, the elaboration and the implementation of the national interest programmes will be resumed.

6. Moreover, GRETA invites the Romanian authorities to introduce, in addition to the governmental reports on the implementation of the national anti-trafficking strategies, a periodic independent evaluation as a tool for assessing the impact of these activities and for planning future policies and measures to combat THB.

There were no financial resources necessary for an independent assessment. ANITP monitors the impact of anti-traffic policies within an annual report on trafficking in persons at the national level and supports, through data and information supply, the elaboration of several reports at the European and international level (EUROSTAT, COM, UNODC, WALK FREE FOUNDATION, FRA etc.).

Training of relevant professionals

7. GRETA invites the Romanian authorities to design future training programmes with a view to improving the knowledge and skills of relevant professionals, which enable them to identify victims of trafficking and to assist and protect them, by placing a particular emphasis on multidisciplinary training sessions for law enforcement officials and judges. Training should also be provided to staff working in shelters for adult and child victims, as well as staff working with children in difficult situations or under institutional care.

In the period October 2011 – September 2013, National Institute of Magistracy and ANITP were partners in the project “Reinforcing the French and Romanian authorities’ capacity in combating trafficking in human beings” – HOME/2010/ISEC/AG/057 – REFRACT, carried out by the Prosecutor’s Office attached to the High Court of Cassation and Justice in collaboration with the Romanian Ministry of Administration and Interior, French Ministry of Justice, French Ministry of Interior and the National School of Magistracy in France.

The project had the objective to stimulate, promote and develop tools necessary for strategically preventing and fighting human trafficking through direct contact facilitation and best practice between France and Romania.

Starting from the legal mechanisms and instruments for cooperation, the project facilitated the contact between prosecutors’, officers and policemen in the 2 states. The project had the following results:

- 80 French and Romanian magistrates, police officers and gendarmes were trained during 4 joint trainings in the field of trafficking in persons, with a special focus but not limited to sexual exploitation,
- 20 French and Romanian magistrates, police officers and gendarmes were trained as trainers;
- a comparative study of the two judiciary systems French and Romanian, from the perspective of trafficking in persons, as well as a best practice manual in the field of trafficking in persons, disseminated among partner institutions;
- the results of the project were disseminated within a 1 day international conference.

Joining the efforts of the National Institute of Magistracy to answer the needs of the legal system, in the period 21st – 26th of July, in partnership with the High Council of Magistracy, the Summer School for young judges, prosecutors and other law professionals, within the project “Enhancement of Legal Cooperation for the protection of victims of crimes” – JUST/2012/JPEN/AG/2949.

Within the Summer School, young judges and prosecutors, recent graduates of magistracy school, as well as justice auditors in Spain (8 future judges), in Netherlands (9 future prosecutors) and in Romania (14 future judges and prosecutors) were trained for 5 days, together with 4 future court clerks, 4 lawyers and 4 experts – speciality personnel in the Ministry of Justice, in order to enhance the legal instruments of the European Union and of the Council of Europe which state the victims’ rights during criminal trial.

The themes approached during the Summer School were:

- aspects of trafficking in persons,
- national and international tools for the protection of children’s rights,
- witnesses’ protection during criminal prosecution (focused on minor witnesses),
- domestic violence, the rights of women - victims of domestic violence;
- Council Directive 2004/80/EC on the compensation of victims of crimes;
- Directive of the European Council and Parliament 2011/99/EU on the European protection order;
- Directive of the Council 2012/29/EU to set minimal norms regarding the rights, support and protection of victims of criminality and to replace the Framework Decision of the Council 2001/220/JAI².

Within the transnational project Mario³ -”Joint action to protect Central and South East European migrant children from abuse, exploitation and trafficking in Europe”, implemented in Romania, by Terres des Hommes, the workshop „Country entry and exit conditions for Romanian minors. Prevention of trafficking in children” was organized and 30 public notaries participated. The project aims to increase the level of protection for the children migrants in Central and South-Eastern Europe, vulnerable to abuse, exploitation and/or traffic. The project also covered the need for information and specialization of public notaries for the identification of possible traffic situation, during the travels abroad of the minors⁴.

In order to sensitize people and to raise awareness about the effects of trafficking in persons, as well as to improve the capacity for early identification and assistance of victims of trafficking, the regional authorities organized 194 training sessions for specialists who come in contact with

² Source: High Council of Magistracy

³ Joint action for the protection of children migrants in Central and South-Eastern Europe against abuse, exploitation and trafficking in Europe, project implemented by the Foundation Terre des Hommes Lausanne, carried out in 16 countries, together with a network made up of 19 partner organizations (partner organizations in Romania: Save the Children and Terre des Hommes)

⁴ Source: ANITP.

victims/ potential victims of trafficking in persons. The themes proposed and the materials used for each training has been previously approved by central institutions. Thus, 3.674 specialists were trained: community policemen, proximity policemen, public order and judiciary policemen, border policemen, gendarmes, teachers and school inspectors, psychologists, social assistance, workers in foster homes, educational councillors, priests, representatives of the city halls etc⁵.

In 2012, within the Schengen Multifunctional Training Centre, an intensive course on countering trafficking in persons, within Schengen area, was organized. The objectives of the training were:

- to identify vulnerability factors and risks of victimization for trafficking in persons;
- to develop the abilities to collect data of interest for the field of trafficking in persons;
- to learn the provisions of the National Identification and Referral Mechanism for victims of trafficking in persons;
- to coordinate the victims' of trafficking involvement throughout the criminal trial⁶;
- to implement the Schengen *acquis* relevant for the issue of trafficking in persons.

In the year 2013, in only 6 months, 148 policemen were trained in the field of trafficking in persons, with focus on the themes described above. 98 of them were policemen from the General Inspectorate of Romanian Police and 50 were border policemen from the General Inspectorate of Border Police.

The consular department, through the training programmes carried out in the Training Centre for Consular Staff, offered information of general interest (legislation, tasks, statistics, risk areas, state with specific) in the field of trafficking in persons for the consular staff who was about to have a permanent or temporary position within the diplomatic missions or consular offices.

In the same period, 553 training sessions were organized for the specialists who come in contact with the victims/ potential victims of trafficking in persons. Thus, 7383 specialists were trained: community policemen, proximity policemen, public order and judiciary policemen, border policemen, gendarmes, teachers and school inspectors, psychologists, social assistance, workers in foster homes, educational councillors, priests, representatives of the city halls etc and of other professional categories⁷.

In 2013, the project „Development of common guidelines and procedures on identification of victims of trafficking - EurTraGuID”, coordinated by France Expertise International within the Ministry of Foreign Affairs in France, ended. ANITP was a partner in this project and so were: Bulgarian National Commission for Combating Trafficking in Human Beings, Spanish Ministry for Equality, Hellenic Aid, Ministry of Foreign Affairs, Ministry of Security and Justice – Netherlands.

The overall objective of this was is to enhance and harmonize the methods and procedures for the identification of victims of trafficking within the EU through the development of common “Guidelines and procedures for the identification of victims of trafficking”.

Within this project, 4 sessions of a train-the-trainers programme in the field of identification of victims' of trafficking were organized. The Romanian beneficiaries of this programme were: ANITP, General Inspectorate of Romanian Police, Directorate for Investigating Organized Crime and Terrorism, Schengen Multifunctional Training Centre (Ministry of Internal Affairs), Ministry of Foreign Affairs, Public Ministry, Labour Inspection as well as NGOs. The number of the Romanian beneficiaries (policemen, labour inspection, prosecutors) was 11. They will provide further training to professionals working in this field.

⁵ Source: ANITP, Annual Report 2012

⁶ Source: ANITP, Annual Report 2012

⁷ Source: ANITP

At the Institute for Public Order Studies in Bucharest, a training course in the field of trafficking in persons was organised within the „International Cooperation Technical Programme”. 20 specialists from the Directorate for Combating Organized Crime and from the Brigade of Combating Organized Crime: Alba, Bacau, Brasov, Cluj-Napoca, Constanta, Craiova, Galati, Iasi, Oradea, Pitesti, Ploiesti, Mures, Timisoara, Suceava and Bucuresti took part in the training. The trainers were 2 experts from the National Police in Spain.

8. GRETA also considers that during the training particular attention should be paid to overcoming entrenched negative attitudes and prejudices vis-à-vis victims of trafficking, including those of Roma origin.

ANITP initiated the project „Best Practice Model on Assistance for Victims of Trafficking in Human Beings – pilot project” which is financed by the Norwegian Financial Mechanism and implemented in partnership with Council of Europe, institutions and nongovernmental organizations in Norway and Romania. The project has a distinct component dedicated to raising awareness about risks associated with trafficking in persons, with a special focus on the vulnerable groups, including Roma population⁸.

The curriculum of schools for police agents: Vasile Lascar” Campina and “Septimiu Muresan” Cluj-Napoca (series 2012-2014) included themes in the field of human rights as: Human Rights – historical perspective and basic provisions, legal protection of vulnerable groups (minors, women, persons with disabilities), observance of human rights within the police activity, legal protection of refugees and stateless persons⁹.

9. As regards training for law enforcement officials, GRETA considers that the Romanian authorities should aim at developing skills for proactive investigative work, particularly in the field of THB for the purpose of labour exploitation.

The curriculum of Police Academy provides, for classes specialized in countering organized crime, themes related to investigations in the field of trafficking in persons.

The National Agency against Trafficking in Persons implemented, as beneficiary, the project JLS/2009/ISEC/AG/207 “Integrated approach for prevention of labour exploitation in origin and destination countries”, as beneficiary. The project lasted 36 months, starting February 2011 and was financed by the European Commission Programme „Prevention of and Fight against Crime” 2009.

The main objective of the regional seminar was to improve the interinstitutional cooperation and to increase the capacity to fight against trafficking in human beings for labour exploitation. Thus, the stakeholders of the seminars were: labour inspectors, judges, policemen, social assistants, NGOs representatives. They took part in the activities to improve their knowledge and the cooperation between law enforcement authorities and civil society in the field of labour exploitation.

Data collection and research

10. GRETA considers that the Romanian authorities should pursue their efforts in improving the collection of statistical data on compensation granted to victims of THB. Further, the Ministry of Justice should analyse the data collected on investigations, prosecutions, and convictions. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.

In 2012, ANITP, through the Regional Centres, elaborated an analysis of the situation of victims who received court decisions to be financially compensated by the traffickers. Thus, for the years 2010, 2011 and 2012 a number of 73, 56 and 53 received this kind of decisions. The analysis was carried out on the basis of the total number of the victims supported through the programme

⁸ Source: ANITP

⁹ Source: ANITP, Annual Report, 2012

implemented by ANITP in cooperation with other institutions for victims' coordination during criminal trials.¹⁰

11. Further, GRETA considers that the Romanian authorities should continue to support research on THB-related issues as an important source of information for future policy measures. Areas where research is needed include national trafficking, trafficking in men, and trafficking of foreigners for the purpose of labour exploitation.

The initiatives for multidisciplinary applied research, within various partnerships with relevant social actors in EU countries and third countries, resulted in documents analysing various incidents, causes, effects or dimensions of the trafficking in persons. These aimed to radiograph the deepest and various levels of interaction, which govern either the criminal dimension of the phenomenon of trafficking in person or the psychological, social and economic or border or junction areas.

In 2012, the Agency made public a study regarding the labour exploitation, forced labour and politics in the field of trafficking in persons for labour exploitation was made within a transnational project. The study covered 4 other MS countries (Bulgaria, Hungary, Greece and Cyprus) and 1 third country (FYROM), each national study being performed by the partners of the project. The project addresses the specific objective of the EU plan¹¹ on best practices, standards and procedures for combating and preventing trafficking in human beings: “to prevent trafficking in countries of origin, transit and destination by raising awareness of the dangers involved and publicising crime prevention and criminal justice in the EU, including successful prosecutions, to deter traffickers.”

The link for the transnational study is available here:

<http://anitp.mai.gov.ro/en/docs/studii/Studiu%20Engleza.pdf>

ANITP was involved, as partner in the project “Capacity Building for Combating Trafficking for Labour Exploitation“. The aim of the project was to support relevant national institutions of the target countries in combating trafficking in human beings for labour exploitation. The project aimed to increase the capacity of national institutions to act within their mandate to tackle trafficking for labour exploitation and promote the diversification of actors working on this issue. Moreover, the project seeks to enhance cooperation among relevant counterparts at the national, regional and European (EU) level, thus ensuring an efficient resolution of cross-border cases, effective prosecution of perpetrators and adequate protection of trafficked persons. 14¹² countries participated within project. An analysis regarding forced labour and labour exploitation across EU, especially in states from South-East Europe, highlights the needs in the field of combating labour exploitation, trans-national cooperation and other supplementary information used for planning the seminars and trainings. Raising awareness and training labour inspectors and other relevant officials on the identification and referral of victims of trafficking for labour exploitation was another added value of the project. The representatives of the partners had the chance to participate in trans-national seminars and trainings focused on labour exploitation (identifying victims, investigating cases, prosecuting offenders), to share knowledge and best practices. The trainings fulfilled also the objective to strengthening cooperation among various institutions at the nation, trans-national and regional level.

In 2013, ANITP took part in the project TRAFSTAT “Tools for the validation and utilization of EU statistics on human traffic” implemented by universities in Netherlands, Spain and Switzerland (TILBURG University, Autonomous University of Barcelona and University of Lausanne).

¹⁰ Source: ANITP

¹¹ [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XG1209\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005XG1209(01):EN:NOT).

¹² **Countries:** Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Kosovo (under UNSCR 1244/1999), Macedonia, Montenegro, Poland, Romania, Serbia, Slovakia and Slovenia

The project is financed by the European Commission and its main aim is to improve and encourage the comparison of European statistics in the field of trafficking in persons, by offering a mechanism to support the comparison.

In the context of the European need for comparison of statistic data in the field of trafficking in persons, a validation system was developed within the project by national experts and experts in the field of collecting statistical data. The validation system, based on a questionnaire with data and meta-data, had as starting point the European methodology for the collecting of statistical data in the criminal field and jurisprudence. (www.unil.ch/europeansourcebook).

The study on the vulnerability to traffic for exploitation through begging and the criminal mechanism which causes and maintains this form of exploitation “Trafficking in persons for begging” was initiated within the project Prevention, Identification, Protection, financed with the support of Swiss Confederation, through the Swiss - Romanian Cooperation Programme.

The results of the study, together with the recommendations to improve the performances in the fight against this form of exploitation, contribute, first of all to direct the prevention activities towards main groups or communities vulnerable to this phenomenon, to the increase of the level of awareness among people, as regards the risks for victimization through trafficking in persons.

The proactive intervention of the authorities, for the social reintegration of vulnerable persons, the performance of outreach programmes to support, assist and protect the victims, causes, low incidence of this crime and of victimization.

The link of the English form of the study is available here:

<http://anitp.mai.gov.ro/en/docs/studii/PIP%20tudiu%20cersetorie%20en%202013.pdf>

A prevention campaign for raising awareness of this particular type of exploitation was based on the results of this study. Vulnerable categories and communities were targeted within the campaign.

Annually and half-annually, the Agency makes public analyses regarding the characteristics of the population of identified victims, the identified trends, prosecuted and convicted traffickers, in order to be used in preparing prevention and combating strategies and to also measure the impact of such initiatives.

Examples for these analyses are available here: <http://anitp.mai.gov.ro/en/index.php?pagina=studii>

Other studies:

<http://anitp.mai.gov.ro/en/docs/studii/Studiu%20Engleza.pdf>,
http://anitp.mai.gov.ro/en/docs/studii/friendly%20report_EN.pdf

The reason for ANITP involvement in the extension of the applied research curriculum is represented by the need identified long ago, namely the need to offer a scientific justification for the public policies and subsequent actions in the field of prevention of victimization, countering trafficking in persons and victims’ assistance, through the scientific research reports on various aspect defining the action areas of organized crime - via trafficking in persons.

The participation of the national institutions participated in the elaboration of documents analysing various incidences, causes, effects or statistic dimensions of trafficking in persons and assumed initiatives for multidisciplinary applied research, within various partnerships with relevant social actors in EU countries and third countries, resulted in documents analysing various incidents, causes, effects or dimensions of the trafficking in persons. These aimed to radiograph the deepest and various levels of interaction, which govern either the criminal dimension of the phenomenon of trafficking in person or the psychological, social and economic or border or junction areas.

Within the project proposal “Raising awareness with regard to human trafficking associated risks within the framework of Schengen enlargement”, ANITP made a proposal to research the typology of traffickers. The project aimed to analyse the socio - demographic data owned by the competent institutions, to perform interviews with traffickers and experts who interact with them during investigations.

International co-operation

12. GRETA considers that the Romanian authorities should step up their efforts to reinforce co-operation with trafficking destination countries in the areas of prevention, protection of victims and prosecution of perpetrators of trafficking, on the basis of existing mechanisms and by introducing further procedures wherever this proves necessary.

In the global context of trafficking in persons, the aim of the Directorate for Combating Organized Crime was to develop communication channels, functional and interinstitutional cooperation with the European Union states, non-EU and with the international organizations. For this purpose activities were performed in the field of prevention and countering labour exploitation, externally and internally, as follows¹³:

In the period January 2012 – March 2013, the Romanian Ministry of Justice coordinated the project “Enhancement of judicial cooperation in the field of countering trafficking in human beings in the European Union”. The project partners were: National Institute of Magistracy, German Foundation for International Juridical Cooperation (IRZ), Ecole Nationale de Magistrature (ENM) – France, European Juridical Network in Criminal Matters (EJN) and EUROJUST.

The objective of the project aimed to improve the knowledge, as well as the exchange of information and best practices between the members of judiciary network in criminal matter and professionals in the EU member states competent in the field of judiciary cooperation for countering organized crime, by organizing joint work sessions with the purpose to elaborate a best practice handbook.

On the other side, we have to mention that in addition to this activity MJ is developing also activities that are arising from its attribute of central authority in the field of judicial cooperation in criminal matters, ensuring communication of Romanian judicial authorities with foreign authorities, including trafficking in human beings. In fact THB and the criminal offenses related to trafficking in human beings represent an important component of the casuistry that Ministry of Justice is facing as central authority.

The project “Capacity Building for Combating Trafficking for Labour Exploitation“, implemented by ICMPD, contributed to the exchange of experience and best practice, as well as the enhancement of the international cooperation between Romania and other states partners in the project.

Through the EURES counselors network, ANOFM provides to job solicitants in UE/SEE all the necessary information regarding working and life conditions in destination countries, for avoiding situations in which persons might be exposed to trafficking.

During investigation of cross-border trafficking cases, with the purpose of exploiting, organized crime structures of the Romanian Police, aimed to strengthen cooperation with international partners, both with law enforcement authorities in neighbouring states as well with Europol, Interpol and SELEC, this collaboration targeting multiple segments like: the exchange of information, joint operations and training.

Cooperation with law enforcement agencies in joint investigation teams (JIT), is achieved in 2014 on cases of human trafficking, JIT with Poland – DIICOT and BCCO Brasov and JIT with Czech Republic – SCCO Vrancea. Same time, with countries of transit and destination of trafficking takes place at EU level Working Group EMPACT priority THB¹⁴.

¹³ Source: DCCO - SCTP

¹⁴ Source: DCCO-SCTP

Evolution of bilateral relation confirms ANITP capacity to be consistently a constructive presence and develop balanced initiatives and responsible reactions.

It was envisaged to strengthen and develop partnerships with United States of America, Great Britain, France, Swiss, Norway, Republic of Moldova, Croatia, Netherlands, Greece, Bulgaria, Spain, Cyprus, FYROM, Belgium, Sweden and Hungary¹⁵.

Through structures responsible for preventing and monitoring of trafficking, Romania took part at the working groups, seminars and meetings organized at the level of European Council, European Commission on trafficking. With the occasion of COSI, GENVAL, CATS, HLWG, COREPER, EMPACT, meetings that approached issues related to trafficking, Romania presented elements of mandate and official positions, which were subsequently reflected in European public policy in preventing and combating trafficking in persons. Among the most important, remember the active participation of Romania at National Rapporteurs and Equivalent Mechanism meetings, organized by European Commission, as well as those organized through EMPACT - Operation Action Plan - THB, coordinated by EUROPOL¹⁶.

During 2012, Romania supported the implementation of strategic objectives of OAP – THB, promoting at European level, national experience in preventing and combating trafficking in persons. By taking over a leading role, along with Great Britain, of the strategic objective no. 8.1, Prioritization and understanding of child trafficking, Romanian authorities took into consideration to promote a channel for data and information on child trafficking by EUROPOL, even more there is no currently a single European system for collecting and reporting on trafficking in persons, especially minors¹⁷.

At the same time, according with European Development Policy, through strategic partnerships with third countries, ANITP representatives provided expertise, training and guidance for the states like Croatia, Albania, Bosnia Herzegovina, FYROM, Moldova, Montenegro, Turkey, Serbia, etc¹⁸.

Through activities developed according with National Action Plan 2012-2014 for implementing SNITP 2012-2016, regarding continuing use of the data exchange with all law enforcement institutions (Europol, Interpol, Eurojust, SELEC etc.) were obtained substantial results related to the period between December 2012 - December 2013:

- 1472** the notifications disseminated through channels of the available police cooperation;
- 3333** international assistance requests received from external partners;
- 23** Task Force- joint teams of investigators external joint investigation teams¹⁹;
- 3** JIT from which
 - 1 JIT with Poland, named ECA;
 - 1 JIT with Great Britain finalized in July 2013;
 - 1 JIT with Czech Republic.
- 92** international rogatory letters requested by foreign authorities;
- 75** international rogatory letters requested from foreign authorities;
- 459** messages exchanged with police / foreign structures (other law enforcement agencies)²⁰;
- 46** requests for assistance to trafficking in persons received;
- 43** requests for assistance to trafficking in persons sent;
- 224** exchanged with police / foreign structures (other law enforcement agencies)²¹.

¹⁵ Source: ANITP

¹⁶ Operational Action Plan created within the EU policy cycle for international organized and serious crime

¹⁷ Source: ANITP, 2012 Annual Report

¹⁸ Source: ANITP

¹⁹ Joint teams of investigators conducted outside of Germany, Austria, the Netherlands, in meetings and operational missions

²⁰ Source: DCCO

Measures to raise awareness

13. GRETA considers that future action in the area of awareness raising should be designed in the light of the assessment of previous measures and focused on the needs identified. In this context, measures should be taken to combat stereotypes and prejudice towards victims of THB, in particular women and Roma. The Romanian authorities should also continue to raise public awareness on the question of equality between women and men and the principle of non-discrimination as a preventive measure against THB.

As was mentioned in the no.11 Recommendation, studies, respectively thorough analyses related to the characteristics of THB, annual patterns and trends, observed, supports permanent activities to improve knowledge on human trafficking, also activities targeted to prevent certain forms of exploitation, prevention activities among certain vulnerable groups as well as other prevention campaigns and to improve knowledge.

Through the activities developed till now, ANITP managed to cover the most important forms of exploitation, thus meeting the information needs of all categories of vulnerable persons.

For the period 2012 – 2013, ANITP implemented **91 campaigns** – 12 at national level and 79 at regional/local level – and **24 action plans** THB.

Number of the **direct beneficiaries** was almost **250.000**, and the **indirect beneficiaries or tangentially**, around **1.500.000**. Also there were registered **2.500.000 beneficiary** of **online** messages and recommendations.

For example during the mentioned period (2012 – 2013), National Agency against Trafficking in Persons, has carried out at the national level, a series of campaigns and preventive actions for minors being at risk situation (campaign “Child trafficking in the teenagers' words”), roma communities (campaign “Where begging starts, childhoods ending”), homeless people (campaign developed under the slogan "Get involved by informing TODAY”), as well for preventing sexual exploitation of women and discourage demand (campaign “The indifference makes us accomplices”).

Also ANITP intensified its efforts to reduce the number of victims of labour exploitation. In this regard, in the frame of the project” Integrated approach for prevention of labour exploitation in origin and destination countries”, co – financed by European Commission, a transnational prevention campaign was achieved “To work is a right! To exploit work is a crime”. This campaign was implemented, **simultaneous in 6 countries** (Romania, Bulgaria, Greece, Cyprus, FYROM and Hungary) and was aimed prevent trafficking in persons for labour exploitation.

Moreover, with the support of Parliamentary Group for Combating Trafficking in Persons in partnership with Foreign Affairs Ministry and different NGOs, ANITP has developed preventive actions with significant impact, attended by representatives of various trade unions and employment placement companies.

Aforementioned prevention campaigns were joined by other **activities, designed to reduce the risk of victimization of minors and other vulnerable persons (women, elderly, disabled, etc.)**. Thus, our structure has developed a series of specific activities conducted during European Day of Action against Trafficking in Persons, International Day against Sexual Exploitation and Trafficking of Women and Children, during alternative school week "Otherwise School", and actively supported the global campaign” Stop Sexual Exploitation of Children and Youth", conducted by the ECPAT.

²¹ Source: DCCO

In 2014, prevention unit of the Agency objective is to initiate 34 THB prevention campaigns, from which 4 at national level (one of this 4 will be focused on reducing the number of women victims of sexual exploitation), another one will pursue prevention of child trafficking through information and awareness. The third campaign that will have a national character and will be implemented through ANITP Regional Centres and is designed to prevent forced begging as a form of human trafficking, and last but not least through another national campaign Agency aims to develop information and prevention activities and prevention through knowledge, to reduce the demand for services provided by victims. We have to mention the fact that all four campaigns are provided with financing, in the forthcoming period the implementation will follow up²².

From an institutional point of view starting with 2005 till 2010 national Agency for Equal Opportunities for Women and Men (ANES) has worked, as institution with legal entity subordinated to the Ministry of Labour, Family and Social Protection. ANES was disbanded due to the Emergency Ordinance no.68 from 30 June 2010, related to the reorganization of Ministry of Labour, Family and Social Protection and those institutions subordinated, coordinated or being under the ministry authority.

Through Romanian Government Decision no.728 from 21 July 2010, to amend and supplement Government Decision no.11/2009, related to organization and functioning of Ministry of Labour, Family and Social Protection, Directorate of Equal Opportunities between Women and Men was established. Directorate has worked till September 2013, when according with Government Decision no.517/2013 for the amendment of labor laws, family, welfare and elderly, Annex 1, the activity on equality of chances and treatment between men and women takes place within the Directorate for Employment and Equal Opportunities. Through Government Decision no.250 from 2nd April 2014 published in the Official Monitor no.248/7 April 2014, Directorate of Equal Opportunities between Women and Men was established.

Department for Employment and Equal Opportunities²³ mission is to develop specific national policies in the field of equality between women and men in different fields of economic and social life, also in order to correct behaviour and attitudes leading to exclusion or marginalization of a particular sex, popularize the benefits of developing a society in which gender is integrated so as to produce positive effects on people's lives and eliminate gender based discrimination directly and/or indirectly.

Equal opportunities and treatment between women and men on labor market is a fundamental principle of human rights and was transposed at both levels legislative and public policy. The principle is set out in law framework, respectively Law 202/2002, related equality of opportunity and treatment between men and women and is regulating the measures to promote equal opportunities and equal treatment between women and men in all spheres of public life from Romania.

In 2013 following legislative acts were supplemented:

- Law 202/2002 concerning equal of opportunity and treatment between men and women;
- adoption of the Law 128/2013 for the repeal of aligned 2-4 from art.7 of OUG no. 61/2008 related to implementing the principle of equal treatment between women and men in terms of access to goods and services and the supply of goods and services;

Project of Government Decision on the approval of National Strategy in the field of equality between women and men for the period 2014-2017 was elaborated and for the General Action Plan for implementing of National Strategy. The Strategy aims to promote national values and principles of non-discrimination on grounds of sex, measures and actions on various specific areas of intervention. The main areas of intervention of the future strategy are: education (including here combatting gender roles and stereotypes), labor market (elimination of the discriminatory condition

²² Source: ANITP

²³ Source: Ministry of Labour, Family, Social Protection and Elderly, Directorate for Employment and Equal Opportunities

of women, combating the wage gap between women and men, conciliation of family and professional life and introducing gender perspective in employment policies, organizing training sessions for involved specialists in formulating employment policies and labor inspectors charged with finding and sanctioning of discrimination based on sex), combating gender violence (in particular harassment and sexual harassment at work) and balanced participation of women and men in decision making (monitoring, developing studies and analyzes).

In order to implement the Government's public policy on equality of chances and treatment between men and women, MMFPSPV has assumed objectives in the field, implemented by means of specific measures included in two previous strategic documents developed by the former ANES: National Strategy for equality between women and men for 2006 – 2009 and National Strategy for equality between women and men for 2010 – 2012. In period 2012 – 2013, have been brought to fulfilment in this field, goals scored in National Strategy in the field of equality between women and men 2010-2012, including concrete measures and activities in a series of specific areas of intervention like: labour market integration, social life, roles and gender stereotypes, the participation of women and men in decision-making.

For the period March 2011 – May 2013, MMFPSPV took part as a implementing partner in the project **” National public awareness campaign on gender equality and opportunities in the labour market and institutional support for developing activities of stakeholders on the issue of equal opportunities and gender-Ş.A.N.S.A.”** which had as main objective raising awareness at social level, towards the promotion long term principle of gender equality and equal employment. In the frame of this campaign, "The Caravan week of equal opportunities" activity has set to raise awareness and informing the workers of the social protection system and information multipliers, was carried out through a number of events like: workshops for the social protection system workers, entrepreneurial and other public authorities (DGASPC, AJOFM, COJES, and others), public debates on the issue of equal and non-discriminatory access on labor market and social life, roundtable with media representatives in which there were discussed ways to eliminate gender stereotypes and discrimination of any kind of the information for the public and Fair of job offers equal opportunities.

In the frame of project ŞANSA, a **Guide to good practice on gender equality** was elaborated, as a tool for improving policy, strategies and measures in the field of non-discrimination and equality between women and men.

MMFPSPV implemented as partner another project, between October 2010 and September 2012 “Empowerment of Roma women on the labour market”, which contributed to achieve the specific objectives, to promote equal opportunities in the labour market. The project proposed to develop the capacity of trade unions to promote equal on the labour market opportunities for women belonging to vulnerable groups, by strengthening of a cooperation mechanism between unions and NGOs. Under the project were developed mechanisms to prevent and improvement of multiple forms of discrimination and to discourage of on the labour market of disadvantaged groups by bringing to the centre of mechanism to promote. In this way were created prerequisites to promote and ensure through the trade union movement, social inclusion of vulnerable groups on the labour market.

Two consultative bodies from MMFPSPV (CONES – National Commission in the field of equality between women and men and COJES County Commissions respectively Bucharest Commission in the field of equality between women and men) ensure at national and local level the promotion of equality between women and men in order to eliminate gender inequalities and discrimination on grounds of sex, assess the implementation of the relevant legislation, drawing up recommendations for public administration authorities in order to implement specific policies and programs to promote the principle of equality between women and men, promote exchange of experience and information and others²⁴.

²⁴ Sursă: Ministry of Labour, Family, Social Protection and Elderly, Directorate for Employment and Equal Opportunities

Between 2012 and 2013, National Agency for Roma Population²⁵ subordinated to the Romanian Government, awarded grants from public funds to non-profit activities, to the local public authorities working in partnerships with NGOs, for projects in the thematic areas like: promoting and affirmation of cultural rights of the Roma minority, education and child protection, combating discrimination and promoting equal opportunities, promoting health and health education.

Among the priority areas and activities funded through this mechanism, we present²⁶:

- promotion of equal rights for the Roma minority, socio-cultural events dedicated to promoting intercultural and anti-discrimination, preventing and combating intolerance towards persons belonging to the Roma minority, training of 400 Roma women in the field of primary medical assistance and specialty;
- information campaigns and education of persons belonging to the Roma minority, to prevent early marriages, for raising awareness in health area, to prevent and combat trafficking (in area sources of migration);
- financing projects for prevention of child abuse and neglect and other phenomena that can cause separation of the child from family, social projects for the prevention and combating of "street children", roma child protection against discrimination through prevention programs;
- projects and actions for promoting the participation of Roma women in public life, actions of promotion against ethnic discrimination and more others²⁷.

14. GRETA invites the Romanian authorities to continue their efforts to discourage demand for services from trafficked persons by targeting, in particular, the most common forms of THB in the country.

ANITP in partnership with Caritas Association Bucharest carried out in 2013 a national prevention campaign – “The indifference makes us accomplices”. This has included within activities, outreach information among potential customers of sexual exploitation in the context of sex tourism.

See also the answer provided for the Recommendations no.13 and 18, which are describing main prevention activities of THB improving knowledge among the general public.

Social, economic and other initiatives for groups vulnerable to THB

15. GRETA considers that efforts to prevent trafficking should be stepped up as part of a long-term approach aimed at tackling the root causes of trafficking, especially through fostering access to education and jobs for vulnerable groups, particularly women and Roma.

Public Employment Service from ANOFM provides from unemployment insurance budget subsidies to employers who hire unemployed disadvantaged categories, like: people over age 45 years or single parent that support themselves their families, disabled, recent graduated.

Same time, ANOFM can provide evaluation and certification of professional competences acquired in other ways than the formal for the persons registered at local agencies for employment, according with Law 76/2002 subsequently amended and supplemented.

To the extent that ANOFM is sure that a person belong to “victim of THB” category, can take measures in order to implement the services that suit the individual characteristics and local labour market conditions²⁸.

²⁵ Source: ANR

²⁶ list examples presented in this document for projects financed by the ANR is non-exhaustive.

²⁷ Source: ANR

In educational establishments from economic and social disadvantaged areas, where learns pupils that can be considered “children in vulnerable situations”, annually at the level of each county is organized a calendar of activities for prevention and information for pupils and teachers with collaboration of ANITP regional centres. For example in first semester of 2013 – 2014 school year were organized around 1000 local and regional activities, involving 155 000 pupils, 6700 teachers and 2000 parents²⁹.

Regarding to the access to education of vulnerable persons, in Romania according to Law of National Education 1/2011 is equally to all children and young people: “article (1) Compulsory education is 11 grades and includes elementary school, secondary school and first two years of upper secondary education. High school education will become mandatory no later than the year 2020. (2) The obligation to attend compulsory education of 11 grades cease at the age of 18 years. (3) in order to achieve the aims of education and training through the national education system, secondary education is widespread and free of charge”. To reintegrate victims of trafficking they can benefit from several possibilities, like: the possibility to attend a school unit another one than those where use to go previously the traffic situation; personal and family psychological counselling; confidentiality; remedial action to recover period missing from school³⁰.

Some of the projects targeting women and Roma people were implemented in reference period are mentioned and detailed in answer for Recommendation 13. More over according to Law of National Education 1/2011 access to education is non-discriminatory and compulsory education is 11 grades and includes elementary school, secondary school and first two years of upper secondary education.

See also answer to Recommendation no.8.

16. GRETA also considers that the Romanian authorities should pursue their efforts to strengthen the prevention of trafficking in children, particularly through the recording of all children in the civil status register and by finding solutions for children left behind by their parents who have gone abroad to work, as well as street children.

Law 272/2004 regarding protection and promotion of child rights was recently amended and supplemented by Law 257/2013 as well as by entry into force of Law 187/2012 regarding new Penal Code. The amendments were made in additions regarding capacity building and clarifying the roles of each institution involved in providing every child the right to identity³¹. In this way according with article 12 of Law 272/2004 reissued “in the situation of the child found in a family or in a public place, or abandoned by parents in health units, whose birth was not registered, obligation to perform steps required by law to register the child's birth returns to public social service within whose territorial administrative child was found or abandoned”. Failure to comply with these provisions constitutes a contravention according to article 135 of the same law, and MMFPSPV is responsible for finding and applying this.

Related to street child category, article 23 alin.1 from Law 272/2004 provides that minors “unaccompanied by their parents or another legal representative or that are not under legal supervision of persons have the right to ensure, as soon as possible, return to their legal representatives” and when return alongside their legal representatives do not represent their best interests, shall applied provisions of article 68, according with, Director General of Social Assistance and Child Protection Directorate from territorial administrative unit in which the child is urgently will determined placement measures. If encountering opposition from representatives of

²⁸ Source: ANOFM

²⁹ Source: Ministry of National Education, General Directorate for Education and Lifelong Learning

³⁰ Source: Ministry of National Education, General Directorate for Education and Lifelong Learning

³¹ Source: MMFPSPV, National Authority for Child Rights Protection and Adoption

legal entities or from individuals who care and ensure that child protection, then the court is seized, with the request for issuing an presidential ordinance child placement in case that is established that a situation of imminent danger to the child due to abuse, neglect, exploitation and all forms of violence against children.

The concerns by MMFPSPV – ANPDCA for street child matter is also reflected in project of National Strategy for Protection and Promotion of Child Rights 2014 – 2020, that was subject to public debate and that are to be adopted by the Romanian Government, where one of the objectives is “Reducing street child phenomenon”.

Necessary measures to achieve this objective, aim to develop the services for street children accordingly with existing needs and the reduction of the causes reaching street children and the activities proposed to this end is the assessment of the phenomenon of street children in order to determine the size of the phenomenon and the causes of this phenomenon, strengthening the network of mobile teams (street social service) from DGASPC, developing day and night emergency shelters for street children, support children at risk to remain homelessness, campaigns to discourage begging, drawing up institutional procedures for immediate intervention in cases of street children³².

Issue of the minors with parents working abroad is another constant concern of ANPDCA, for this in Law 272/2004 reissued, is an entire section dedicated to this category of children. Through new legislative provisions are set out clearly the responsibilities of parents to go to work abroad, in terms of appointment of the person in whose care the child will be, the conditions which must be fulfilled by this person, the responsibilities towards the child, as well responsibilities of the local public administration authorities at home. More over MMFPSPV along with Ministry of Regional Development and Public Administration will elaborate through a Government Decision a methodology for monitoring the of growth and care of children with parents working abroad and services that can benefit³³.

In addition to these steps Operational Plan related to the implementation the forthcoming National Strategy in area of protection and promotion of children rights comprises specific objectives dedicated to this category of children” Developing specific measures and support services for children with parents working abroad” and “Increasing the role of the school in the shortfall caused by the lack of parental support”. These will be achieved by identifying all children with both parents/single parent supporter working abroad, developing of customized programs for counselling and support for children with parents working abroad, all of them are set out in two measures³⁴.

Border measures to prevent THB

17. GRETA considers that the Romanian authorities should make further efforts to detect cases of THB in the context of border control measures as well as to reinforce the security of identity, visa and travel documents to prevent and detect trafficking.

Responsible staff with document control from border police has been regularly trained in specialized units of MAI, on the matters aimed at human trafficking in all its forms, identification methods and referral of victim’s also most important aspects that must be envisaged in the context of border control in order to detect a possible victim of THB.

Same time in 2013 at the level of FRONTEX an Anti-Trafficking Manual for the use of border police was elaborated. In order to implement of this manual at national level were organized 5

³² Source: MMFPSPV, National Authority for Child Rights Protection and Adoption

³³ Source: MMFPSPV, National Authority for Child Rights Protection and Adoption

³⁴ Source: MMFPSPV, National Authority for Child Rights Protection and Adoption

training sessions and dissemination of the provision, for external UE borders, activities attended by 62 employees of border police³⁵.

18. GRETA considers that the Romanian authorities should continue to raise public awareness of the dangers of transnational trafficking.

See the answer for the Recommendation no.13 related to the multitude of campaigns to improve public knowledge about risks associated to trafficking.

For example below are described some of the actions organized by the ANITP in partnership with different institution and organizations:

In the frame of project JLS/2009/ISEC/AG/207” **Integrated approach for prevention of labour exploitation in origin and destination countries**”, co – financed by European Commission, a transnational prevention campaign was achieved “To work is a right! To exploit work is a crime”. This campaign was implemented, **simultaneous in 6 countries** (Romania, Bulgaria, Greece, Cyprus, FYROM and Hungary) and was aimed prevent trafficking in persons for labour exploitation. In Romania, specific objectives were represented by the increasing of public awareness about the risks associated with labour exploitation, informing people about the legal conditions of employment in destination countries, and also to increase awareness of decision makers about the size and manifestations of trafficking for labour exploitation. The target group of the campaign consisted of the public aged between 18 and 40 years, generally persons who would like to work abroad, and decision makers in the prevention and combating trafficking in persons for labour exploitation.

In the frame of the partnership with AIDRom – Ecumenical Association of Churches from Romania, ANITP implemented the national campaign **“The right to work is yours. Do not sell to traffickers!!!”** The objective of the campaign was to raise awareness of Romanian citizens who want to work abroad on the risks associated of trafficking for labour exploitation. The target group of the campaign consisted generally from persons who would like to work abroad.

ANITP in partnership with Child Helpline Association and Institute for Research and Crime Prevention from Romanian Police General Inspectorate implemented the project **“Where begging starts, childhoods ending”**. The project also benefited from a 10,000 E grant from the French Embassy. Objective of the project were to identify the main problems caused by the phenomenon of begging, respectively raising awareness about the negative effects of the phenomenon of begging among children. Target group consisted from 500 children (aged 8 – 14) and 120 representatives of local authorities and targeted communities (police officers, mayors, counsellors, school inspectors, social workers, informal leaders).

ANITP use to be one of partners (The Association for the Development of Alternative Practices for Reintegration and Education an Association Eliberare were the other two) that involved in achievement, initiation and implementation at national level in 2013 and 2014 of **THE NO PROJECT**” project supported by BANCPOST. This is materialized by a public awareness campaign in order to increase awareness about human trafficking through art, sport, music, dance, films, educational activities, and social media. „The NO Project” was created and implemented taking into consideration specific needs, the context and realities that takes crime of trafficking in Romania. „The NO Project” campaign aims is to raise awareness, and to inform, inspire and motivate young people to act / respond proactively against modern slavery - putting their talent, passion and energy to raise public awareness. Target group of this campaign consists of young people aged between 14 and 30.

Starting with November 2013 ANITP in partnership with Consular Department of the Ministry of Foreign Affairs implemented a national campaign **“Be informed to work safely abroad!”**

³⁵ Source: IGPf- Directorate for Combating Cross-border Crime and Illegal Migration.

Objective of the campaign is to inform Romanian citizens who intend to find a job abroad, in order to avoid hazards and risks that may expose the labour market in terms of trafficking. The target group of the campaign is formed of population aged 26-40 years, males, high school, coming from rural areas as well as the general public.

In the frame of the project „**Combating human trafficking and sex tourism – ETTS**” ANITP joined as partner along with Asociația Caritas București, NGO involved in prevention of THB, in implementation of national prevention campaign – “**The indifference makes us accomplices**”. Main purpose of the campaign was to raise awareness of European public opinion on human rights violations, human trafficking involved in sexual exploitation and sex tourism. The target group of the campaign consisted of: young people in educational institutions, including the whole school community (teachers and parents) governmental and nongovernmental actors operating at local level, potential clients of trafficked persons and the general public.

In the frame of partnership with Smile of the Angels Association, ANITP support implementation of the campaign “**Midnight sandwich**” which include also a prevention of trafficking through begging component. The campaign aims informing and empowering the general public about the risks associated with the phenomenon of begging but also feeding people living on the street, thus limiting the pretext that most of them are begging: the need for food. The target group of the campaign consists of homeless people (youth, adults, women and men)

Identification of victims of trafficking in human beings

19. GRETA considers that the Romanian authorities should provide the Border Police with all necessary human and financial resources to ensure that it can duly play its role in the identification and referral of victims of THB. In particular, they should envisage the appointment of specially trained border police officers whose task would be to deal with THB cases and, among others, to identify victims and refer them to the adequate institutions.

20. GRETA considers that the Romanian authorities should pay more attention to the identification of foreign nationals who could be subject to THB and provide training of relevant staff in this respect.

Within the Multiannual Financial Framework 2014-2020, ANITP initiated a project proposal (Human Trafficking – centred victim approach) aimed at improving early identification and referral of victims to specialized service providers. In this project will be carried out a series of trainings with relevant authorities in order to improve early identification of victims of trafficking with a particular focus on foreigners. The project is in contracting process and it will be launched in the second half of this year. The expected results of the project are:

- Improving and developing indicators for the identification and referral of victims of trafficking and standardize the procedures.
- Standardizing the risk assessments on identified victims of trafficking.
- Standardizing the procedures for the assisted repatriation of victims of trafficking.
- Amendment of the National Victim Identification and Referral Mechanism in accordance with standards developed in this context.

- Training for staff of the main authorities responsible for implementation of the National Victim Identification and Referral Mechanism³⁶

21. GRETA also considers that the Romanian authorities should take steps to spread knowledge of the NIRM and ensure that all relevant professionals are trained to apply it, including those who are likely to carry out an informal identification of victims. In addition, police officers who are not specialised in combating THB should be trained in the identification of victims of THB, in particular officers working in the local and rural police.

In the educational units for initial and continuous training of the Ministry of Internal Affairs staffs are periodically organized courses on labour, human trafficking, identification of victims of THB and involvement of the competent authorities in the research process and victims referral mechanism. So, The Institute of Studies for Public Order and Multifunctional Schengen Training Centre are two examples of institutions which periodically organized such training courses and with the contribution and consultation from ANITP include in their Annual Program courses on human trafficking issues.

Assistance measures

22. GRETA urges the Romanian authorities to step up their efforts to provide assistance to victims of trafficking, and in particular to:

- review the system of shelters for victims of trafficking, with a view to assessing, in co-operation with relevant members of civil society, victims' needs in relation to the services currently provided, and to take all necessary measures to ensure that these needs are met throughout Romania, and in particular in Bucharest, for all categories of victims of THB;
- ensure the quality of the services delivered in all state-run shelters;
- ensure that all assistance measures provided for in law, including access to health care, are guaranteed in practice; when assistance is delegated to NGOs as service providers, the state has an obligation to provide adequate financing and to ensure the quality of the services delivered;
- ensure that assistance measures provided for in law are not made, in practice, dependent on the victims' willingness to co-operate with law enforcement agencies;
- facilitate the reintegration of victims of trafficking into society and avoid re-trafficking by providing them with access to education and vocational training, as well as access to the labour market.

One of the main objectives of the National Strategy against Trafficking in Human Beings, is the reconfiguration of the protection and assistance services system for victims of trafficking in persons. This will be a long time process that can be accomplished by evaluating the specialized assistance services for victims, elaborating and promoting functioning and reformation proposals for these services, amending and supplementing the relevant legislation regarding their organization and functioning, as well as developing and implementing National Interest Programmes to ensure assistance for victims of trafficking in human beings.

The analysis and diagnosis of the specialized assistance services for victims of trafficking in persons will be conducted in partnership with European Council, NGOs and other institutions from Norway within the Best Practice Model on Assistance for Victims of trafficking in Human Beings Project. Throughout the same project, the results of the analysis will be able to support the promotion of the reformation and functioning proposals for the specialized assistance services.

³⁶ Source: ANITP

Within the project ANITP aims to create a integrated system of assistance services, provided to victims of trafficking in human beings.

To achieve this aim the following activities should be conducted:

- establishing a center for the assistance of victims of trafficking in persons, located in Bucharest;
- providing assistance for at least 100 persons, victims of trafficking in human beings;
- evaluation of the national assistance system;
- implementation of an awareness campaign, especially within the Romani communities³⁷.

The Ministry of Labour, Family, Social Protection and Elderly as a coordination structure for applying the governmental policies and strategies in the field of labour, family, equality of opportunity, social protection and child rights, through its specialized institutions and other central and local structures, has to ensure the institutional and legal frame with a view to prevent risk situations for the entire population, by taking measures targeting the social protection and security, measures intended to reduce risks among vulnerable groups of population, using the sectorial programmes and strategies, as well as to provide assistance and social protection for the recovery of victims and their social integration³⁸.

The National Agency for Employment, taking active measures to stimulate the employment, will continue to ensure the equality of opportunity on labour market for all categories of persons in search of a job, especially for those persons presenting difficulties entering the labour market (women, victims of trafficking in human beings, disabled, Roma people etc.).

The National Agency for Employment provides information and professional advice services to all persons in search of a job that are held in its records, labour mediation services, and ensures their inclusion in professional training programmes, for acquiring new theoretical and practical skills, meant to increase their opportunities of finding a new job in another area of activity³⁹.

In accordance with art. 38 of Law no. 678/2001, foreigners victims of trafficking in human beings can be accommodated in especially designated centres, established according to provisions of Government Emergency Ordinance no. 194/2002 on status of foreigners in Romania, republished with amendments, without being necessary their transfer into public custody. In this respect the administration of the centres is setting up special spaces, different of those designated for the accommodation of foreigners transferred into public custody.

The same article provides that the foreign victims of trafficking in human beings, applying for any type of protection in Romania, can be accommodated in especially designated centres established according to provisions of Law 122/2006 on application for asylum in Romania, with amendments and supplements⁴⁰. At the end of the article it is stipulated that the victims are accommodated in the General Inspectorate for Immigration centres at the written request of the competent authority⁴¹.

Recovery and reflection period

23. GRETA invites the Romanian authorities to review the legislation, in order to ensure that a minimum period of at least 30 days is clearly established in the Anti-Trafficking Law regarding the recovery and reflection period, as requested in Article 13 of the Convention.

Within the National Action Plan 2012-2014 for the implementation of the National Strategy Against Trafficking in Human Beings 2012-2016, the activity of determining the procedure and competency for granting the reflection period, activity embodied after discussions held in working groups with the competent institutions in the areas of identification, referral of victims of trafficking in human

³⁷ Source: ANITP

³⁸ Source: National Agency for Employment

³⁹ Source: National Agency for Employment

⁴⁰ Source: General Inspectorate for Immigration

⁴¹ Source: General Inspectorate for Immigration

beings and the consultation with NGOs, by formalizing this right in the content of the official report to notify the victims of the rights that they have, in accordance with the legislation.

In this respect, the victims have the right to a reflection period of up to 90 days, starting from the moment of identification/notification regarding their rights, made by the competent authority having the first contact with the victims. The activity of approval of a common procedure for the competent authorities is ongoing having the deadline on December 2014.

In law no.678/2001 there is provided the period of recovery and reflection, for Romanian as well foreign citizen (article 39 paragraphs 1 and 2).

24. GRETA urges the Romanian authorities to ensure that presumed victims of THB and relevant officials are systematically informed of the possibility of a recovery and reflection period and that such a period should be effectively granted.

The possibility to benefit from a recovery and reflection period, as provided in Law no. 678/2001 on prevention and countering trafficking in human beings with all later amendments, and the requirement of notifying the victims regarding this matter, is communicated to victims, on which occasion an official report is filled in, to proof that the victim has been notified regarding the rights that the victim has, signed at the first contact between the victim and the specialist (ANITP, Directorate for Combating Organized Crime, Directorate for Investigating Organized Crime and Terrorism).

Residence permits

25. GRETA considers that the Romanian authorities should take steps to ensure that victims of THB can take full advantage of the right to be granted a temporary residence permit.

Considering Romania's prominent nature of country of origin for trafficking in human beings in Europe and destination Romanian citizens (for internal trafficking), at this point we cannot refer to a practice regarding the protection and assistance provided to foreigners, victims of trafficking in human beings. The national legislation regarding the status for foreigners, as well as the relevant legislation for the protection and assistance provided to foreigners, victims of trafficking in human beings, gives the foreigners victims of THB, the right to apply for a temporary residence permit, the right to be tolerated on Romanian territory together with other rights and the access to services necessary for recovery (shelter, psychological and legal advice).

The reduced number of foreigners victims of THB trafficked on Romanian territory, allows competent authorities to monitor the victims situation individually. For example, in 2012 and in 2013 were identified six people of foreign nationality (one from a Member State and the other 5 from a third state - Republic of Moldova), for whom the competent authorities have taken the necessary measures for the repatriation of victims (according to their will) or their social and professional integration on Romanian territory.

In the same time, this situation doesn't allow Romanian authorities to properly evaluate the efficiency of the temporary residence permit granting procedure, the tolerance or the benefit from a type of protection on Romanian territory.

26. GRETA also encourages the Romanian authorities to consider granting temporary residence permits to victims who, for various reasons, do not co-operate with the competent authorities or when the conditions for carrying out criminal law proceedings are not met, for reasons which have nothing to do with the situation of the victim.

With a view to victims of THB of foreign nationality, General Inspectorate for Immigration may grant toleration on Romanian territory, at the prosecutor's or court's request. Similar provisions on granting toleration or temporary residence permit, can be found on article 39¹ from Law no. 678/2001 – “foreigners, subject to serious reasons to believe they are victims of trafficking in

human beings, benefits from a recovery and reflection period of up to 90 days, necessary to recover, detach from the influence of traffickers and to be able to make a deliberate decision on cooperation with the competent authorities, period of time in which the victims benefit from the toleration to stay on Romanian territory, granted by the General Inspectorate for Immigration⁴²

Compensation and legal redress

27. GRETA urges the Romanian authorities to increase their efforts to provide information to victims of THB about their right to compensation and the ways to access it, and to ensure that victims have effective access to legal aid in this respect.

Through Co-ordination programme for victims - witnesses in the criminal proceedings, as well as through the official report notifying the victims of their rights, the victims are kept informed regarding the rights they have and the legal proceedings applicable. According to the National Victim Identification and Referral Mechanism, to provisions of Law no. 211/2004 on rights of criminal offences victims, to the a/m programme as well as to internal A.N.I.T.P. procedures on co-ordination of victims during the criminal proceedings, each specialist coming in contact with victims has the responsibility and the obligation to inform victims of all their rights including the right to benefit from a financial compensation⁴³.

See also answer to Recommendation no. 10.

As a medium term approach, within the Norwegian Financial Mechanism, the Programme “Schengen Cooperation and Combating Cross-Border and Organised Crime, including Trafficking and Itinerant Criminal Groups” – A.N.I.T.P. has elaborate the project “National approach to compensation of victims of human trafficking”.

The project will be implemented in partnership with the CoE, waiting to be launched this year. Main activities are aiming to:

- elaborate an evaluation of current situation regarding victims’ access to financial compensations and issuance of recommendations to help identify solutions to increase the number of victims benefiting from these compensations;
- training the main actors responsible for the victims’ financial compensation access procedure;
- notify the potential victims concerning the right to receive the financial compensation⁴⁴.

28. Further, GRETA urges the Romanian authorities to ensure that victims of trafficking can effectively exercise their right to claim compensation from the perpetrators.

See also answer to Recommendations no. 27 and 10.

Repatriation and return of victims

29. GRETA urges the Romanian authorities to take additional steps to improve the current institutional and procedural framework for the repatriation and return of victims of THB, with due regard to their safety, dignity and protection and, in the case of children, by fully respecting the principle of the best interest of the child and making an appropriate risk assessment prior to their return. Particular attention should be paid to ensuring financial means for the travel of victims of THB.

During the year 2012, the Procedure on **Transnational Trafficking in Human Beings Victim Referral** was adopted. The procedure is applicable to A.N.I.T.P., the national authority responsible with the adult victim referral coordination and the victims’ support in the criminal proceedings. The procedure sets out the intervention of specialized personnel to ensure the referral in optimal conditions of adult THB victims in order to determine the victim’s best interest, evaluating the risks of each case and the victim’s needs, using the following 3 steps approach: preparation of the

⁴² Source: General Inspectorate for Immigration

⁴³ Source: ANITP

⁴⁴ Source: ANITP

transnational referral, carrying out the referral and taking over the victims and other activities to be conducted after carrying out the referral.

During all these steps, each situation, action and document that needed to be analysed were taken into account in order to ensure the victims' repatriation (transnational referral) and later, the assistance offered to those victims according to the evaluations made⁴⁵.

The development perspective of this capability is followed within the contracted project „Human Trafficking – centred victim approach” where the following activities are planned to be carried out:

- Improvement and development of indicators needed for the THB victims' identification, standardization of victims identification and referral procedures.
- standardization of risk evaluations regarding identified THB victims,
- standardization of assisted THB victims repatriation procedures.

At the same time, third country nationals THB victims may require assistance from the General Inspectorate for Immigration, International Organizations or NGOs, for the humanitarian voluntary assisted repatriation, when they do not possess sufficient financial means, according to article 93 of Emergency Governmental Ordinance no. 194/2002 on foreigners status in Romania.

The General Inspectorate for Immigration together with International Organizations and specialized NGOs, are developing joint programs for the identification of specific assistance means and financial resources necessary for the humanitarian voluntary assisted repatriation all categories of foreign nationals found in vulnerable situations.

At the International Organizations or NGOs request, the General Inspectorate for Immigration is issuing repatriation certificates for foreign nationals included in these humanitarian voluntary assisted repatriation programs.

On 22.09.2013, the Memorandum of Understanding between Romanian Government and the International Organization for Migration on cooperation in the humanitarian voluntary assisted repatriation field, was approved and ratified by Law no. 374/2003, being carried out in 2005.

For purposes of this Memorandum, voluntary repatriation means either the return of a person in his/her native country, either the return to that country where the person had the last residence, or the country bound or willing to accept that person when the return to the native country is not possible, or the person is stateless⁴⁶.

Repatriation of children, victims of THB is performed according to Government Decision no. 1443/2004 **on the procedure of repatriation of unaccompanied Romanian children and the provision of special protection measures on their behalf.**

The Ministry of Labour, Family, Social Protection and Elderly-Child Protection Directorate has specific authority in carrying out the necessary legal demarches for repatriation of unaccompanied Romanian children and/or victims of THB, by requesting and submitting (through the Ministry of Foreign Affairs) the social surveys together with the General Directorate for Social Assistance and Child Protection's proposals, based on the best interest of the child established according to the family situation assessing and the risk potential arising from the return to his family.

At the same time, applying the provisions of **Government Decision no. 49/2011 for the approval of the Framework Methodology on prevention and intervention within the network and the multidisciplinary team, for situations of violence against children and domestic violence and the Methodology for multidisciplinary and interinstitutional intervention exploited children and found in risk of being labour exploited, children victims of THB, as well as Romanian migrant children victims of other forms of violence in other states**, is allowing a better

⁴⁵ Source: ANITP

⁴⁶ Source: General Inspectorate for Immigrations

cooperation between experts of competent authorities offering the possibility of a multidisciplinary approach by coordinating efforts and specific interventions conducted by each authority⁴⁷.

See answer to Recommendations no. 20.

Substantive criminal law

30. GRETA considers that the Romanian authorities should review the legislation, with a view to establishing as criminal offences all acts related to travel or identity documents provided for in Article 20 of the Convention.

The acts referred to in article 20 from the European Council's Convention on fight against trafficking in human beings are not independent incriminated by the Romanian criminal legislation on trafficking in human beings, being not considered separated criminal offences. However, committing any of the a/m acts can have criminal consequences and may lead to specific criminal penalties, based on specific circumstances of each case.

For example, the act mentioned at paragraph a) can be included in the group of criminal offences related to forgery, as provided in the Special Part of the Romanian Criminal Code (Title VI - Forgery related offences). In case this act was committed in order to facilitate another THB criminal offence, to help the trafficker getting the victim across the border, the forgery may become a current offence to complicity to other THB criminal offence.

As well, the acts mentioned at paragraphs b) and c) can be considered complicity to THB criminal offence, if the person committing the act had knowledge of their purpose, that of facilitating the commission of another THB related criminal offence.

Therefore, acts committed in relation with travel or identity documents, with a view to facilitate in any way the commission of a THB related criminal offence, are incriminated by the Criminal legislation even though they are not treated as distinct criminal offences by the Special Part of the Romanian Criminal Code⁴⁸.

31. GRETA considers that the Romanian authorities should explore the reasons why no legal entities have been punished for trafficking-related acts and, in the light of their findings, take the necessary measures to ensure that the liability of legal entities can be acted upon in practice.

According to data regarding the number of convicted persons, 3 legal persons received final sentences for THB and child trafficking offences in 2013. One of these 3 companies, operating as a massage parlor, has also received a 25000 lei fine and the dissolution sentence.

Legal provision for dissolution of the legal entity as additional punishment, dissolution of the legal entity or on the suspension any of its activities, it was provided in article 18 paragraph 1 of the Law 678/2001 on preventing and combating trafficking for offenses referred to in articles 12, 13, 15, 17, 18 from same law. Further, this provision is applicable according to the new Penal Code, related to the general liability of the legal entity.

Examples of relevant provisions of the Penal Code (in force)⁴⁹, Law no.286/2009 related to Penal Code:

ART.138

Implementation and enforcement of the complementary punishments for legal entities.

- (1) Applying one or several additional punishments is disposed when the court finds that, is necessary to apply these measures taking into consideration the nature and gravity of the offense as well circumstances of the case.

⁴⁷ Source: The Ministry of Labour, Family, Social Protection and Elderly- National Authority for Child Rights Protection and Adoption

⁴⁸ Source: ANITP

⁴⁹ Source: MJ

- (2) Applying one or several additional punishments is mandatory if the law provides this penalty.

ART. 139

Dissolution of a legal entity

- (1) Additional punishment, the dissolution of a legal entity, is applied when:

- a) The legal entity was established in order to commit offenses;
- b) The objects of the company have been diverted in order to commit offenses, and the punishment for the offense committed is punishable with imprisonment more than 3 years.

(2) In case of non-execution with bad faith of one of the complementary penalties provided for in article 136 paragraph (3) point b) – e), court shall order the dissolution of the legal entity.

The difference is that according with article 18 paragraph 1 from Law 678/2001, dissolution or suspension of the activity was mandatory to be applied, while in the present according with general rules under the Penal Code, it is up to the judicial body.

32. Further, GRETA considers that the Romanian authorities should review the criminal law provisions concerning THB, as well as those establishing THB-related offences, by conducting a thorough and comprehensive assessment of their effectiveness. The Romanian authorities should be prepared to review, on the basis of such an assessment, the content and/or the application of the relevant provisions, with a view to addressing any shortcomings and/or inconsistencies identified. In particular, the authorities should ensure that all aggravating circumstances provided for in Article 24 of the Convention are reflected.

The acts mentioned at article 24 of the Convention are incriminated as aggravating circumstances or independent criminal offences.

The acts mentioned at paragraphs b) and d) of article 24 are also incriminated as independent criminal offences according to **Art. 211** of the Criminal Code **regarding children trafficking offence** and **art. 367 concerning the establishment of an organized criminal group offence**, the act described at paragraph c) being considered an aggravating circumstance for the trafficking in human beings offence – **art. 210** paragraph (2) of the Criminal Code.

Should be taken into account also the provisions concerning to the establishment of an organized criminal group which constitute a freestanding crime and according with paragraph (2) from article 367 of Penal Code, that is criminalizing establishment of an organized criminal group, if the act is followed by a crime as an organized group, the rules applied are those for concurrence of offenses. Presence of a concurrence of offenses may lead to aggravation of punishment if the offense was committed in the context of an organized criminal group. This rule has the effect of a more harshly sanctioning regime, even in case that of aggravating circumstances, such kind of sanctioning regime is provided in Law 39/2003 on combating organized crime.

Related to the aggravating circumstances of a minor, THB victim, we have to mention the fact that is considered to be as an autonomous criminal offense and has a more severely sanctioning regime than the crime of human trafficking with adult victims.

33. In addition, GRETA considers that law enforcement officials, prosecutors and judges should be adequately trained on the criminal law provisions applicable to THB-related offence, notably on changes brought to them, such as the criminalisation of the knowing use of service of victims of THB and the criminal responsibility of legal persons.

Professional training of prosecutors and judges will be performed by training courses annually organized by the National Institute of Magistracy⁵⁰.

Non-punishment of victims of trafficking in human beings

34. GRETA considers that the Romanian authorities should assess the implementation of Article 26 of the Convention by the judicial and other relevant authorities. The Romanian authorities should be prepared to review, on the basis of such an assessment, the content and/or the application of the relevant provisions, with a view to addressing any shortcoming identified. GRETA would like to be kept informed of the outcome of this assessment.

Provisions of this article have been properly implemented by the Romanian competent authorities, through article 20 of Law no. 678/2001 on preventing and combating trafficking in human beings, according to which “The person subject to a Trafficking in human beings offence, who, as a result of the exploitation, committed the criminal offence of illegal immigration, human organ, tissue or cell donation, will not be held responsible for these offences”. Victims of trafficking in human beings cannot be held responsible for criminal offences perpetrated as a result of their exploitation, because these acts are not attributable to the persons committing them.

According to the new Criminal Code, one of the main features of the criminal offence is to be attributable to the persons committing the act, otherwise the act cannot be considered a criminal offence and consequently a penalty cannot be applied⁵¹.

Investigation, prosecution and procedural law

35. GRETA encourages the Romanian authorities to prioritise the identification of gaps in the investigation procedure and the presentation of cases in court, with a view to ensuring that THB-related offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions.

Strengthening national legal framework through the implementation of the New Criminal Code and Criminal Procedural Code regulations on trafficking in human beings in 2014 will ensure that the offences of THB and trafficking related offences⁵² are active investigated and prosecuted, in order to be able to lead to equitable penalties⁵³.

36. GRETA invites the Romanian authorities to review the system of confiscation of assets, in order to reinforce its effective implementation to THB-related offences.

Extended seizure was introduced in Romanian Criminal Law through Law 63/17 April 2012 for modification and completion of the New Criminal Romanian Code and through Law 286/2009 regarding the Criminal Code. Therefore, from the legal stand point currently there are available modern instruments for judicial bodies and courts.

Within the investigation activities, judicial police officers from Directorate for Combating Organized Crime together with prosecutors from Directorate for Investigating Organized Crime and Terrorism have been and are still tracing the circuit of traffickers' financial resources and assets resulted from committing criminal offences. Thus, during the investigations, one of the main objectives is to identify movable and immovable property that members of organized criminal groups obtained as a result of their criminal activity, so prosecutors from Directorate for Investigating Organized Crime and Terrorism have order seizure on these assets, measure that will later be determined by the decisions taken by judges in the courts of law.

⁵⁰ Source Directorate for Investigating Organized Crime and Terrorism

⁵¹ Source ANITP – Legal service

⁵² The Criminal Code incriminates a large number of trafficking related criminal offenses, not all of them presenting the constitutive elements of THB criminal offense. At the same time, penalties for THB or other related offenses will be different, according to the gravity of the offense committed.

⁵³ Source Directorate for Combating Organized Crime – Service for Combating Trafficking in Human Beings

After the carrying out activities of detention, sending the accused persons to trial for offences of trafficking in human beings and establishing a organized criminal group, the vehicles, money, objects and other various goods in the possession of the criminal group will be seized.

Thus, only in between December 2012-December 2013, according to data provided by Directorate for Combating Organized Crime, the following assets and values, obtained as a result of THB offences and the establishing an organized criminal group, were seized by the General Inspectorate of Romanian Police⁵⁴:

177295 EUR,

11036 USD,

Equivalent of **13315** EURO in other currencies,

8.76 kg of gold,

84 immovable assets,

104 vehicles,

337 Hard-disks seized for investigation,

20994.4129 thousands RON cash flow resulted from illegal operations,

127039.677 thousands RON the value of other goods and merchandise.

37. GRETA urges the Romanian authorities to investigate any reports of alleged involvement of public officials in THB-related offences or corruption in connection with THB, and to take additional steps to prevent such acts.

According to article 7 of the Criminal Procedural Code, the involvement of a public official in a case of trafficking is an aggravating circumstance, the each investigation of intimation in this respect being mandatory. In the institutional spectrum in Romania there are two authorities empowered to investigate any possible criminal offence committed by public officials, including the trafficking in human beings or THB related offences. These institutions are Anti-Corruption General Directorate and Anti-Corruption National Directorate.

38. GRETA urges the Romanian authorities, including the entities responsible in the field of ensuring respect of the labour legislation, to conduct proactive investigations concerning THB for the purpose of labour exploitation.

Within the specific objective of monitoring companies with permanent personnel fluctuation, checks in the field of labour relations are regularly carried out. Such activities can prevent abuses of employers on employees and may lead to referral of possible situations of violation of law, exploitation or trafficking of employees.

The suspect trafficking situations are brought before the competent judicial authorities (Directorate for Combating Organized Crime and Directorate for Investigating Organized Crime and Terrorism), empowered to conduct investigations related to trafficking for labour exploitation.

Thus, between December 2012 and December 2013, the Labour Inspectorate from MMFPSPV, conducted a number of 107172 checks in the field of labour relations, a number of 36686 employers being sanctioned as a result of these checks.

Directorate for Combating Organized Crime investigates with priority all cases of human trafficking, without any distinction between different types of victims' exploitation, seeing them all highly important. These investigations are also using modern techniques of investigation in strict compliance with the law.

⁵⁴ Source: Source Directorate for Combating Organized Crime.

If the analysis and research of the phenomenon of trafficking in human beings establishes an increased risk related to a particular type of exploitation on a main destination, the necessary measures are taken to combat activity in this segment⁵⁵.

Romania has a comprehensive legislation that protects children from economic exploitation and hard work (ratifications of international conventions – ILO- IPEC program, national legislation on children's rights and specific legislation, including provisions in Labor Code) as well a number of structures that ensure coordination of institutional efforts and specialized interventions in such cases, like National Steering Committee for preventing and combating child labor exploitation, but also Local Joint Teams, coordinated by General Directions for Social Assistance and Child Protection, that are in charge to protect children from economic exploitation.

National Steering Committee for preventing and combating child labor exploitation (CND) is in charge with coordination and monitoring of the programs for preventing and combating child labor exploitation, and its main responsibilities are: to set priorities that are the subject of this policies and programs aimed at this issue, including areas, the sectors where action programs should be developed to ensure interministerial collaboration.

Local Joint Teams (EIL) are established in each county, respectively at the level of each sector of Bucharest, with aim to identify/refer/and monitoring cases of child labor in the area of territorial jurisdiction, according with legislation in force.

According with Labor Code, a natural person becomes able to work at the age of 16, and can conclude a contract of employment as an employee at the age of 15 years, with the consent of the parents or legal representatives, for activities suited to his physical development, skills and knowledge's and if in this way this does not jeopardize the health, development and professional training.

As well according with article 127 from Law 187/2012 to implementing of law 286/2009 on the Penal Code, "the employment of a minor with violation of legal conditions related to the age or put the minor in situation to perform activities breaking the legal provisions regarding labor regime for minors represents a crime and is punished with imprisonment from 3 months till 2 years or with a fine"

39. GRETA invites the Romanian authorities to adopt, as soon as possible, the secondary legislation necessary for the enforcement of the new provision in the Anti-Trafficking Law extending physical protection to members of the NGOs assisting victims of THB.

40. Further, GRETA urges the Romanian authorities to reinforce measures for protecting victims of trafficking, with due regard to the special situation of child victims, regardless of whether or not they have agreed to participate in criminal proceedings. For those who agree to cooperate, the authorities should ensure that full use is made of the special protection measures provided for in the law, in order to afford maximum protection to victims/witnesses. The Romanian authorities should also envisage reviewing the legislation on protection of persons participating in criminal proceedings, in order to ensure that not only witnesses, but also injured parties are adequately protected.

According to article 113 of the Criminal Procedure Code- „Protection of injured party and civil party”, the legislation provided the possibility for the criminal prosecuting body to order protective measures for the injured/civil party, as provided in art. 125-130 of Chapter II, "Witness Protection" when the conditions for protection of private life and dignity, stipulated by the legislation on status of threatened or vulnerable witness are met.

Further, in the chapter II "Witness Protection" it is stipulated that "Whenever there is reasonable suspicion that the life, physical integrity, freedom, property or professional activity of the witness or a member of his family could be endangered as a result of data provided to judicial bodies or his statements, the competent judicial body will grant the status of threatened witnesses and can decide

⁵⁵ Source Directorate for Combating Organized Crime – Service for Combating Trafficking in Human Beings

one or more protective measures, for example: surveillance and home security, protection of identity data, escorting and protection of witnesses or their family members, hearing the witness without being present by audio-video transmission with distorted voice and image, using the closed hearings.

The new Criminal Procedural Code introduces the measure of vulnerable witnesses' protection through article 130 of Law 135/2010 on the Penal Procedural Code. Vulnerable witness is the witness who has suffered trauma as a result of the offence or as a result of subsequent behaviour of the suspect or defendant or is a minor, for whom the prosecutor or the court can decide granting this status and the disposition of the protective measures provided in Articles 126 and 127, summarized above.

In conclusion, even in a case of a prejudiced person for whom there are reasonable suspicions, the criminal prosecuting body may decide the disposition of protective measures provided for witnesses⁵⁶.

⁵⁶ Source Directorate for Investigating Organized Crime and Terrorism