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GRETA(2015)5

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

Second evaluation round
(Reply submitted on 15 April 2015)

**Questionnaire for the evaluation of the implementation
of the Council of Europe Convention on Action against
Trafficking in Human Beings by the parties**

A doua rundă de evaluare

Second evaluation round

2 attachments:

1. *Report on the impact assessment of the campaign implemented under P(revention)I(dentification)P(rotection) Project addressing anti-trafficking in Romania*
2. *Report on the impact assessment of the campaign implemented under „Integrated approach for prevention of labour exploitation in origin and destination countries” Project*
3. *National Strategy against Trafficking in Persons 2012-2016 and it’s subsequent National Action Plan for the implementation for the period of 2012-2014*

A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- **the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment: methods, countries of origin or destination of the victims);**

The downward trend noted since 2011 is maintained at a constant rate.

The predominant exploitation method is *sexual exploitation*, for forced prostitution, case in which classic operation modes are maintained (false promises regarding well paid jobs abroad, as waitresses, exotic dancers, babysitters, hostesses etc.). This form of exploitation had a share of 49%¹ of the total number of victims identified during 2010-2013.

In the field of *exploitation for forced labour* we note the maintenance of traditional modes of operation (recruitment under the pretext of providing well-paid jobs abroad, transport and the obligation to forced labour mostly in agriculture, constructions, selling newspapers or forestry without the payment of the originally promised salary, under the pretext of debts arising from transport, accommodation, etc.) This form of exploitation recorded a weighted value of 41%² of the victims identified in the period 2010_2013. In some cases it may not only fall within the crime of trafficking in persons (not only the crime of trafficking in persons is ascertained), and also/or labor law violations³.

Casistry in the field of *exploitation for forced begging* occurs in a lower weight compared to the main exploitation types described above, begging being often found in the form of isolated and voluntary elements, without an organized framework. This form of exploitation records a weighted value of about 7%⁴ of the total victims identified during 2010-2013, with a downward trend from year to year.

No new types of exploitation were registered or identified during the last few years.

The same way of recruitment, through false promises regarding the nature of jobs, is still the most frequently used by traffickers. At the same time, there is a higher proportion of recruits from among those with previous experience in prostitution or begging.

Other trends identified in the evolution of the phenomenon:

- Romania maintains its prominent character of source country of trafficking in persons in Europe, despite the steadily decreasing number of victims recorded by Romanian authorities the share being towards external traffic to European countries, due to the constant demand on the segment of sexual exploitation and black labor;
- The decrease in the number of specialized groups with complex structure due to the efficiency and reaction improvement of specialized police officers/prosecutors in deconstructing such networks in recent years and due to the number of final convictions delivered by the courts of law;

¹ Source: SIMEV

² Source: SIMEV

³ Source: DCCO

⁴ Source: SIMEV

- Structural changes in criminal groups by their creation based on family, kinship and ethnicity criteria, so that each stage of trafficking can be handled by any of them, and all the profits of criminal activities of trafficking in persons stay in the possession of a small group of people/families/relatives;
- The trend of criminal groups focused on trafficking in persons is to give up organizing a structured group, with a leader that coordinates the activities of executants that are part of a well-defined chain of command. Instead, we find associations of criminals, with no organizational structure, with interchangeable roles and without pre-established subordination relationships;
- Maintaining the operating mode, i.e. avoiding committing the crime of trafficking in persons in its classic manifestation or using threats followed by putting into practice and acts of extreme violence, kidnapping and total confinement;
- Collaboration between criminal groups principally engaged in the trafficking of persons is reduced, so as not to overlap in certain areas of destination countries and to influence the amount of earnings; exception: trafficking in minors - where collaboration with document forgers is needed, in order to obtain different identities for victims and labor contracts or documents necessary for border crossing;
- Maintaining the mobility of criminal groups acting in destination/exploitation countries, by the reorientation of criminal groups to new destinations where there is a greater demand on the market for sexual exploitation, for exploitation for forced labor and for forced begging;
- Regarding the issue of transfers of money obtained from trafficking, in the recent years, there is a tendency for traffickers to accompany their victims in countries where the practice of prostitution is legal, and later to return home from where they travel regularly and personally take the money obtained, to prevent leaving "traces" specific to electronic bank transfer systems;
- Incomes obtained by the traffickers from the criminal activity were invested in immovable property (land, houses, apartments, etc.), movable property (luxury cars, gold jewelry, luxury clothing, electronics, etc.) but not the least, in having an extravagant way of living;
- In cases of trafficking in persons, for forced labor in agriculture, constructions and service industry, it was found that some victims recruited in the first phase indirectly help traffickers by identifying persons, especially neighbors, relatives and acquaintances who want to work in these destination countries and through the intermediation of contacts with these people, thus unintentionally facilitating the recruitment of many people by a small group of traffickers;
- A significant proportion of victims are identified within domestic traffic (internal trafficking); the share of domestic traffic (internal trafficking) was 35% of the total number of victims identified and registered in SIMEV.
- The main vulnerability prerequisites of victims (risks) still remain: poverty, the search for better living opportunities, the lack of jobs, the influence of successful stories, socio-economic inequalities between Romania and developed countries, the lack of education and access to information or lack of social life experience (minors), naive attitudes and judgments, the provenience of victims from broken families or single parent families (the willingness of victims to escape an abusive or neglectful environment);
- The particularities of the recruitment process of victims (which traffickers follow in choosing "the right target") are: misleading injured parties by false promises to obtain well-paid jobs, gaining the confidence of victims through sentimental servitude ("lover boy"); after recruiting victims, traffickers use different methods and mechanisms of coercion: abuse and emotional blackmail, sometimes physical violence but also sexual abuse by traffickers, the seizure and retention of documents, constant surveillance of brothels, regular movement to other locations and engendering fear of severe reprisals if they ask the police for help.

- **any changes in your country's laws and regulations relevant to action against THB;**

Romania has recently adopted a series of measures designed to restructure and update the **legal framework** so as to be harmonized with the relevant European legislation, namely the *Council of Europe Convention on Action against Trafficking in Human Beings*, by adopting the following regulations in February 2014:

- The new **Criminal Code** - Law no. 286 of 17 July 2009 on the Criminal Code as amended and supplemented - namely Art. 182 on the *Exploitation of persons*, Art. 210 on *Trafficking in persons* and Art. 211 on *Trafficking in minors*, Art. 367 on the *Organized criminal group*.

- **The Criminal Procedure Code** - Law no. 135 of 1 July 2010 as amended and supplemented - regarding offenses in the jurisdiction of the Directorate for Investigation of Organized Crime Offences and Terrorism.

Strengthening the domestic legal framework by applying the provisions of new Criminal Code and the regulations of the Criminal Procedure Code on trafficking in persons, in 2014, will ensure that the offenses of trafficking in persons and trafficking in minors are investigated and prosecuted effectively, so as to lead to proportionate sanctions⁵.

The latest amendments and supplements have been made to the relevant legislation regarding the status of foreigners by Ordinance no. 25 of 26 August 2014 on the employment and deployment of foreigners in Romania and by amending and supplementing certain normative acts on the the status of foreigners in Romania, which entered into force on 28.11.2014⁶.

-the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;

Changes from the first evaluation in relation to the structure and mandate of institutions with responsibilities in the anti-trafficking field and of their functions are as follows:

The National Agency against Trafficking in Persons was reorganized as a structure subordinated to MAI, with legal personality, through GD 460/2011 on the operation and organization of ANITP.

The Department for Child Protection, within MMFPSV was reorganized as the **National Authority for Child Protection and Adoption**, with legal personality, through GD 299/2014, attributions in the anti-trafficking field being maintained.

In accordance with art. 1 of GD 639/2007 regarding the organization and attributions of the **General Inspectorate for Immigration**, IGI is the specialized structure, with legal personality, organized within the Ministry of Internal Affairs, which exercises its attributes assigned by law to implement Romania's policies in the areas of migration, asylum and integration of foreigners and the relevant legislation in these areas⁷.

Regarding the other institutions with responsibilities in the field, listed below, there were no changes in their structure and responsibilities relative to trafficking in persons.

At national level, the following institutions are engaged in preventing and combating trafficking in persons, and in assistance and reintegration of victims, according to the Strategy:

The Ministry of Internal Affairs, through its specialized structures: the National Agency against Trafficking in Persons, the General Inspectorate of Romanian Police and the corresponding units in

⁵ Reply: DCCO

⁶ Reply: IGI

⁷ Reply: IGI

the territory, the General Inspectorate of Border Police with its subordinate units, the General Inspectorate for Immigration, the Prefect Institution.

The Ministry of Justice through its specialized structures: *Probation Department, International Law and Judicial Cooperation Department, Office of Crime Prevention and cooperation with Asset Recovery Offices in the Member States of the European Union, European Affairs Department.*

The Ministry of Labor, Family, Social Protection and Elderly through its services and institutions, as well as their territorial entities: the National Authority for Child Protection and Adoption, Department for Protection of Persons with Disabilities, National Agency for Employment, Labour Inspection.

The Ministry of National Education

The Ministry of Foreign Affairs

The Ministry of Health

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

-an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

The analysis of the provisions of Directive no. 36/2011 of the European Parliament and of the Council on preventing and combating trafficking in persons and protecting its victims was an important element in the efforts of developing the National strategy against trafficking in persons - for 2012-2016. The document was approved by Government Decision no. 1142 / 27.11.2012, which contains, in its second part, the **National Action Plan 2012-2014** for the implementation of the **National strategy against trafficking in persons for the period 2012-2016**.⁸ The strategy was developed at the initiative of the National Agency against Trafficking in Persons with the participation of public institutions active in the field of trafficking in persons and of nongovernmental organizations which are engaged in prevention and assistance to victims of this phenomenon.

The National strategy aims to reduce the impact and dimensions of trafficking in persons at national level by prioritizing and streamlining its activities to combat this phenomenon and it is built on five lines of action: prevention of trafficking in persons, protection and assistance to victims, combating, monitoring and evaluation of the phenomenon and policy implementation, institutional and international cooperation.

In order to implement the National strategy, we have developed a national action plan in the medium term, i.e. the National Action Plan 2012-2014 for the implementation of the National Strategy against trafficking in persons for 2012-2016. In the content of the Plan, we can find the main action areas and general objectives in the field of trafficking in persons. The general objectives are detailed on specific objectives, activities, responsible institutions, deadlines, monitoring and evaluation - evaluation indicators

⁸ Source: ANITP

The Strategy is structured in five lines of action which have certain general goals and specific objectives:

1. The stimulation of prevention activities and civil society participation in their implementation

1.1. Increasing the level of information and awareness of the general population and of risk groups on the implications of trafficking in persons

1.2. Reducing risk factors that lead to victimization

1.3. Monitoring the activity of economic operators in professional fields with high fluctuation of labor (construction, agriculture, wood exploitation, tourism etc.)

2. Improving the quality of protection and assistance to victims of trafficking in persons in respect of their social reintegration

2.1. Reconfiguration of the system of protection services and assistance to victims of trafficking in persons

2.2. The harmonization of the national legislation in the field of assistance to victims of trafficking in persons with that of the European Union

2.3. Strengthening the capacity of the National Agency against Trafficking in Persons to monitor and evaluate, at national level, service providers of protection and assistance to victims of trafficking in persons

2.4. Improving early identification and referral of victims to special service providers

2.5. Providing protection and assistance to adult victims of trafficking in persons in respect of their social reintegration.

2.6. Providing protection and assistance to child victims of trafficking in minors in respect of their social reintegration

2.7. Ensuring the sustainability of the program meant to coordinate activities of the participation of victims of trafficking in persons in criminal proceedings

2.8. Improving measures meant to support access of victims of trafficking in persons to different types of financial compensation

3. Improving institutional capacity for investigating crimes of trafficking in persons, particularly cases of trafficking in minors, and the pursuit of criminal profit by criminal prosecution bodies

3.1. Developing the strategic analysis capacity regarding trafficking in persons, of the Romanian Police

3.2. Developing the capacity of the Directorate for Investigating Organized Crime and Terrorism of coordinating the investigation and prosecution activities related to trafficking crimes

3.3. The harmonization of the national legislation in the field of combating trafficking in persons with that of the European Union

3.4. Intensification of the use of international judicial cooperation instruments in the cases of trafficking in persons

3.5. Improving cooperation between units meant to combat cybercrime and those meant to combat trafficking in persons in order to monitor Internet use for child pornography through computer systems and recruitment for the production of child pornography through computer systems

3.6. Ensuring continuity and sustainability of education programs in combating, and of professionals in law enforcement structures

3.7. Tracking assets and profits coming from the offense of trafficking in persons

4. Increasing the capacity of collecting and analyzing data on trafficking in persons

Aggregation of data collected by institutions with responsibilities in the field

Improving the quality of evaluation reports

The creation of National Rapporteur institution

5. Optimization and extension of the institutional and international cooperation process to support the implementation of the national strategy against trafficking in persons.

5.1. Strengthening cooperation between relevant institutions responsible for preventing and combating trafficking in persons and providing protection and assistance to victims of trafficking

5.2. Develop communication channels and functional and interinstitutional cooperation with EU and non-EU countries and international organizations in the global fight against trafficking in persons

5.3. Improving and supporting activities meant to combat trafficking in persons at national and transnational level by attracting external funds and an efficient use of internal resources

5.4. Intensification and diversification of cooperation with non-governmental organizations engaged in the prevention of trafficking in persons and victim assistance

5.5. Developing strategic partnerships with countries in the region, members of the European Union and third countries in order for Romania to promote and assume the regional leader status in preventing and combating trafficking in persons

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

- a) Funds from the state budget allocated to each ministry and each institution competent in implementing the National Strategy;
- b) Funds established at EU level to manage trafficking in persons and development of anti-trafficking actions;
- c) Non-reimbursable external funds provided by the European or international sponsors;
- d) Donations and sponsorships offered / accepted in accordance with the law.

⁹Monitoring and evaluation of results of SNITP

In the context of the approval of the National Strategy at the end of 2012 the implementation of planned activities started in 2013.

Monitoring is carried out every six months by ANITP, based on the reports of institutions responsible for the implementation of activities related to objectives.

Evaluation of the results of SNITP in accordance with the procedures of MAI on public policy evaluation is carried out after the implementation period of the strategy.

The Draft GD for the approval of the National Action Plan for the implementation of SNITP during 2015-2016 is now in legislative procedure.

However, the cumulation of data collected for both semesters of 2013 allows shaping a quantitative analysis of the implementation of the National Strategy this year.

Thus, the monitoring process in 2013 concerned a total of 68 activities, 7 of which having a deadline for completion in 2012, 18 activities with a deadline for completion in 2013 and also permanent activities - 22, quarterly - 1, every six months - 6, yearly - 14.

The analysis of results obtained indicates a number of 35 activities achieved, 22 activities not achieved and 2 activities partially achieved. For a number of 9 activities, lack of data or incomplete data did not allow assessment of the degree of achievement¹⁰.

⁹ Source: ANITP

¹⁰ Source: ANITP

B. Cross-cutting questions

Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

In the period 2014 - 2015, the Department of Equal Opportunities between Women and Men (DESF)¹¹ will coordinate the implementation of START Project - A safe quality life, financed under the Sectoral Operational Programme Human Resources Development, Priority Axis 6 - Promoting social inclusion, Major Field of Intervention 6.3 - Promoting equal opportunities on the labor market". The overall project objective is to develop systemic and national approach integrated measures to prevent and combat domestic violence and trafficking in persons. The project addresses a target group of 10,050 people, of which: 1,000 women, 5,000 other people from vulnerable groups (4,000 victims of domestic violence and 1000 children in risk situations), 50 victims of trafficking in persons, 3000 experts from public bodies responsible for preventing and combating domestic violence and trafficking in persons and / or who interact with them, 500 managers and 500 people from central and local public authorities. The main activities carried out within the project aim to: conduct public information and awareness campaigns about the importance of preventing and combating domestic violence, trafficking in persons and promoting equality of opportunity and treatment between women and men; improving knowledge and skills of professionals and staff working in relevant fields; the development of training materials and work methodologies for the development and promotion of networking in the fields mentioned; developing and piloting a single integrated reporting and management information system regarding breaches of the principles of equality and domestic violence cases and the creation of a call center that will permanently assist victims of violence.

Conducting activities within the structures meant to combat trafficking in persons is governed by a set of **unitary procedures for each activity segment** and observes the principle of equity, equality and non-discrimination, while respecting the fundamental rights and freedoms and the principles of democracy. Thus, judicial and criminal investigation activities carried out under delegations ordered by prosecutors, observe the rights of Romanian citizens to free movement, especially in the European area, are carried out without discrimination based on ethnicity, gender, religion, social or professional status or without any other discriminatory criteria of those involved in the trafficking process, and victims of trafficking benefit from the principle of equity, equality and non-discrimination¹².

In the mentioned period (2012-2013), the National Agency against Trafficking in Persons conducted a series of national campaigns and preventive actions for minors at risk, ("Trafficking in Minors Explained to Children" Campaign), for Roma communities, ("Where begging starts, childhood ends" Campaign) for homeless people (campaign held under the slogan "Get involved by getting informed TODAY!") and for the prevention of sexual exploitation of women and demand discouragement ("Indifference makes us accomplices" Campaign - 2014)¹³.

Between the years 2012 and 2013, the National Agency for Roma within the Romanian Government has awarded non-reimbursable grants from public funds allocated for non-profit

¹¹MMFSPV- Department of Equal Opportunities between Women and Men

¹² Source: DCCO

¹³ Source: ANITP

activities, to local authorities in partnership with government organizations for projects in the following thematic areas: the promotion and affirmation of cultural rights of Roma minorities, the education and protection of children, combating discrimination and promoting equality of opportunity, the promotion of health and health education. Among the priority areas and activities funded through this mechanism, we present:

- promoting equal rights for Roma minorities, socio-cultural events dedicated to promoting interculturalism and fight against discrimination, the prevention and combating intolerance towards persons belonging to Roma minorities, training of 400 Roma women in the field of primary and specialized health care
- information and education campaigns of people belonging to the Roma minority, to prevent early marriages, for health awareness, to prevent and combat trafficking in persons (in source areas of migration to foreign countries)
- financing projects meant to prevent child abuse and neglect and other phenomena that can cause child's separation from the family, social projects for the prevention and combating of the "street children" phenomenon, Roma children protection against discrimination that they face, through prevention programs
- projects and actions to promote the participation of Roma women in public life, projects and actions to promote ethnic non-discrimination and many more¹⁴.

Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

See previous answer.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

Since 2014, in accordance with the provisions of Article 3, paragraph (2), letter h) and 1) of GO no. 25/2014, victims of trafficking who are holders of a right of temporary residence and tolerated persons can be employed in Romania without having to obtain the employment notice issued by IGI. We do not yet hold data on the impact of these new provisions, on the one hand, and on the other hand no such cases have been recorded.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

Access to any type of protection, assistance, including hosting is provided to victims of trafficking, without distinction based on gender, ethnicity, religion and others. Thus, male victims have exactly the same assistance rights as females, in this respect being also provided with Support Centers where they can be accommodated.

Training of relevant professionals (Articles 10 and 29)

¹⁴ Source: ANR, information also presented in the **Report on the implementation, by Romania, of the Recommendations CP (2012) 7 on the application of the Council of Europe Convention on Action against Trafficking in Human Beings** sent by the Romanian authorities in June 2014.

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

The needs for training on trafficking in persons are defined as follows

- at institutional level in the context of continuous or initial training
- in the context of transnational projects
- ad hoc, with the identification of institutional needs
- in relation to European requirements and standards (FRONTEX, CEPOL, etc.)

Examples:

1. At the level of PFR (Romanian Border Police), police officers participated in a number of 6 training sessions on issues related to trafficking in persons, occasioned by the development and publication by the FRONTEX Agency of the Manual against Trafficking in Persons, for the use of border police officers¹⁵. These trainings were attended by a total of 90 border police workers, categories of staff being from the 1st and 2nd line of control of border crossing points, workers from the green border.

Also, after these training sessions, the FRONTEX Manual against trafficking in persons was included in the training materials required to be analyzed during continuous training activities that take place monthly in each structure of the Border Police.

The following issues related to trafficking in persons were discussed during the training sessions:

- the degree of awareness of the phenomenon of trafficking in persons by Border Police workers, especially by those from the 1st and 2nd line of control of border crossings points;
- the identification of trafficked persons, indicators which should be considered in a possible trafficking situation, the identification of minor victims of trafficking, sending potential victims of trafficking to the 2nd line of control;
- interviewing victims of trafficking, differentially on aspects of age, gender, membership of a particular ethnicity or religion, PEGASUS interview model, referring of trafficked persons, exploitation of the information obtained.

Another important issue that also reaches aspects of trafficking in persons was the preparation and publication of the Manual of Fundamental Rights, also developed by the FRONTEX Agency. The content was also copied for the territorial structures of the Border Police, by organizing a number of 6 training sessions attended by 160 workers of the border police from the 1st and 2nd line of control, green border, maritime border, and staff with leadership positions¹⁶.

2. Within education facilities for initial and continuous training of staff operating under MAI, specific courses are held regularly, including training on trafficking in persons, victim identification measures and the involvement of competent institutions in the research and referral of victims. Thus, the Institute for Public Order and Schengen Multifunctional Center are two examples of institutions which periodically organize such courses and which, in consultation with the staff of ANITP and its contribution, include training courses on trafficking in persons in their annual programs.

Examples in this respect:

¹⁵ Source: Directorate for Combating Illegal Migration and Cross-border Criminality - IGPF

¹⁶ Source: Directorate for Combating Illegal Migration and Cross-border Criminality - IGPF

- The Institute for Studies in Public Order - Bucharest held the **course on trafficking in persons** within the "**International Technical Cooperation Programme**", during 21-25.10.2013, attended by **20** specialists from the Directorate for Combating Organized Crime and from the Brigades for Combating Organized Crime.

The training activity was attended by 2 experts from the National Police in Spain, as lecturers.

- in the first semester 2014 "Combating trafficking in persons" **refresher courses** - through the participation of 3 **specialists** from the CCO central structure as **trainers**, the target audience being police officers within organized crime structures in the territorial units (24) and trainees (3) - involving a total of 28 workers

- at the Multifunctional Schengen Training Centre, they organized courses during which they presented topics in the field of preventing and combating trafficking in persons, as follows:

- "Cross-border supervision and pursuit" Training **Course**, during 01.09-12.09.2013 - **27** police officers from the General Directorate of Bucharest Police and from county police inspectorates;

- "Preventing and combating cross-border crime" Training **Course**, during 01.07-12.07.2013 – **31** police officers from the General Directorate of Bucharest Police and from county police inspectorates;

- "Common policies on visas and residence permits for citizens of third countries" Training **Course**, during 07-11.10.2013 and 16.09-20.09.2013 - **17** police officers of the Department of European Affairs, Programs and International Relations, from the National Office for Witness Protection and from county police inspectorates;

- in the first semester 2014 **refresher courses** on preventing and combating trafficking in persons, the target public being Judicial Police workers within DIC - 20 workers - with the participation of one DCCO **specialist as a trainer**.

3. Strengthening the capacity of internal structures at central and local level was achieved through the continuous training and professional development activities in the field of over 250 officers specialized in combating trafficking in persons¹⁷.

In police schools, school curricula includes human rights issues, namely: "The protection of victims" (description and typology of victims, communication in situations of victimization, victimization prevention, intervention for the protection of victims, protection and self-protection against victimization, informing the victim about his/her rights, drafting minutes regarding the information of the victim about his/her rights), "Legal protection of vulnerable groups" (minors, women, persons with disabilities), "Legal protection of refugees and stateless persons".

Moreover, specialists from structures meant to combat trafficking in persons participated in courses, seminars, training programs or projects having a training component within various non-reimbursable funding projects.

¹⁸Regarding the continuous training actions organized in combating trafficking in persons, in 2012-2013, the Prosecutor's Office attached to the High Court of Cassation and Justice in collaboration with the Ministry of Interior and the National Institute of Magistracy, on the one hand and the Ministry of Justice in France, the French Interior Ministry and *Ecole Nationale de la Magistrature*, on the other hand, have developed the "Strengthening the institutional capacity of Romanian and French authorities in combating trafficking in persons" Project.

¹⁷ Source: DCCO

¹⁸ Source: MJ

The project was part of the overall objective of the fight against trafficking in persons, both in Romania and in France and aimed to stimulate, promote and develop the necessary tools to prevent and combat trafficking in persons by facilitating direct contacts and best practices exchange. Starting from the existing cooperation legal mechanisms and instruments, the project facilitated contact between judges, prosecutors, police officers and police workers of the two countries. The project objective was to create a shared vision on trafficking in persons and to reduce the length of proceedings relating to the investigation of such offenses. Under this program, they developed a comparative study of Romanian and French legal systems relating to trafficking in persons, by organizing joint continuous training sessions in this area, with a particular focus on sexual exploitation of trafficked persons. Funding for this program was made from external funds.

The following activities were organized under this program:

✓ 2 seminars organized in Romania, included in the Continuous training program for 2012. For each of these training activities INM selected 2 judges specialized in criminal law. The selection of prosecutors who participated in these workshops was conducted by the Prosecutor's Office attached to the High Court of Cassation and Justice.

✓ 2 seminars organized in France in 2012, respectively in 2013. For each of these training sessions INM selected 2 judges specialized in criminal law (organized crime). The selection of prosecutors who participated in these workshops was conducted by the Prosecutor's Office attached to the High Court of Cassation and Justice¹⁹.

²⁰. The following results were obtained within the project:

✓ 80 French magistrates, police officers and gendarmes were trained during 4 common training sessions on trafficking in persons, with a focus on, but not limited to sexual exploitation;

✓ 20 French and Romanian magistrates, police officers and gendarmes were specialized in two training sessions for trainers;

✓ they also developed a comparative study of Romanian and French judicial systems relating to trafficking in persons, and a manual of best practices in trafficking in persons, disseminated among partner institutions;

Another way of training Romanian magistrates in combating trafficking in persons is achieved through their participation in international seminars organized in this field. We mention that during 2013-2014, INM selected magistrates for the following training activities in the relevant field:

- the seminar entitled "Towards a European Approach to Judicial Training on Trafficking in Human Beings", organized by the Dutch Centre for Training and Education for the Judiciary System (SSR), the National School for Judges and Prosecutors (KSSIP, Poland) and by the Superior Council of Magistracy (CSM, Italy), which was held in Poland in 2013. Its objective was to debate issues related to Directive 2011/36 / EU on preventing and combating trafficking in persons and protecting victims. The costs of travel and accommodation incurred in attending this seminar were covered by the organizers. INM selected 2 judges specialized in the field of trafficking in persons to participate in this training activity.

- the seminar entitled "Combating Trafficking in Human Beings", which was held in France this year. The seminar was organized by the Council of Europe and the Organization for Security and Cooperation in Europe, and its purpose was to promote a better implementation of the provisions on the non-punishment of victims of trafficking. The costs of travel and accommodation incurred in attending this seminar were covered by the organizers. INM appointed one judge participate in this training activity.

¹⁹ Source: INM, The project and related results were also described in the **Report on the implementation by Romania, of the Recommendations CP (2012) 7 on the application of the Council of Europe Convention on Action against trafficking in persons** sent by the Romanian authorities in June 2014

²⁰ Source: CSM

In November 2014, the INM has selected 10 prosecutors and judges specialized in criminal law to participate in the seminar on "Countering Trafficking in Human Beings in the private sector", which will be held February 26-27 2015 in Trier. The seminar is organized by the Academy of European Law (ERA) and within this seminar they will debate issues concerning the role of the private sector in identifying victims of trafficking and their protection, issues of novelty on criminal liability of legal persons in this area, sanctions applicable, the procedures for recognition of potential victims, exploitation of victims for forced labor, job inspections etc.²¹

Regarding the training of judges and prosecutors, according to the law, the training in the field of combating trafficking in persons is not mandatory for magistrates²².

In addition to the efforts of the National Institute of Magistracy to meet the needs of the judiciary system, from 21 to 26 July 2013, the Summer school for young judges, prosecutors and other law professionals was organized in partnership with CSM, under the "Strengthening judicial cooperation for the protection of crime victims" Project - JUST / 2012 / JPEN / AG / 2949.

Within the Summer school, young judges and prosecutors, recent graduates of magistracy schools and auditors of justice from Spain (8 future judges), the Netherlands (9 future prosecutors) and Romania (14 future judges and prosecutors) were trained, for 5 days, together with 4 prospective court clerks, 4 lawyers and 4 experts - specialized personnel within the Ministry of Justice, for the application of legal instruments of the European Union and Council of Europe which establish the rights of victims in criminal proceedings. The topics addressed within the Summer School were: aspects of trafficking in persons and domestic and international instruments on the protection of children's rights, protection of witnesses during criminal investigation (focusing on minor witnesses), domestic violence, the rights of female victims of domestic violence; Council Directive 2004/80 / EC relating to the compensation of crime victims; the European Parliament and Council Directive 2011/99 / EU on the European protection order, Council Directive 2012/29 / EU establishing minimum standards on the rights, support and protection of crime victims also replacing Council Framework Decision 2001/220 / JHA²³.

²⁴Prevention of victimization is achieved through education institutions, informing teachers about the risks of trafficking in persons being carried out within the collaboration between ISJ and CR ANITP. For example, in the first semester of 2013 - 2014 school year about 1,000 local and regional activities were held, involving 155,000 students, 6,700 teachers and 2,200 parents. The Ministry of Education expresses its readiness to cooperate in any training project on trafficking in persons of the personnel interacting with groups in high risk situations.

Within the transnational Mario Project entitled²⁵ "Joint action to protect Central and South East European migrant children from abuse, exploitation and trafficking in Europe", implemented in Romania by Terre des Hommes, they organized the seminar entitled "Conditions of exit from the country and entry into the country for minor Romanian citizens. Prevention of child trafficking" with the participation of 30 public notaries. The project aims to improve the protection of migrant children in EC / SEE vulnerable to abuse, exploitation and / or trafficking, and the need of public

²¹ Source: MJ

²² Source: CSM

²³ Source: CSM, information also presented in the **Report on the implementation, by Romania, of the Recommendations CP (2012) 7 on the application of the Council of Europe Convention on Action against Trafficking in Human Beings** sent by the Romanian authorities in June 2014.

²⁴ Source: MEN

²⁵ Joint action to protect migrant children in Central and SE Europe against abuse, exploitation and trafficking in Europe, implemented by Terre des Hommes Lausanne Foundation, conducted in 16 countries, along with a network of 19 partner organizations (partner organizations in Romania: Save the Children and Terre des Hommes).

notaries for information and expertise to identify potential trafficking situations, by the nature of performing specific documents necessary for minors to travel abroad. Such training and empowerment of public notaries can support and improve the identification of victims and can also prevent trafficking.²⁶

In order to raise sensitization and awareness of the effects of trafficking in persons and to improve the capacity for early identification and assistance to victims of trafficking, regional authorities organized and supported a total of 194 training sessions for professionals who come into contact with victims / potential victims of trafficking. The proposed topics and course materials developed for each training session were previously submitted to the central institutions for approval. Thus, 3,674 specialists were trained: local police officers, proximity police officers, public order and judiciary police officers, border police officers, gendarmes, school teachers and inspectors, psychologists, social workers, workers in Placement Centres, educational counselors, priests, representatives of city halls, etc.²⁷.

The Consular Department, through its training programs conducted at the Training Centre for Consular Personnel (CIPC), provided the consular personnel that would fill permanent or temporary positions within the diplomatic missions and consular offices, with information of interest on trafficking in persons (legislation, tasks, statistics, risk areas, specific states etc.).

In the period 2012-2013, we organized 553 training / information sessions for professionals who come into contact with victims / potential victims of trafficking. Thus, 7,383 specialists benefited from training / information sessions: local police officers, proximity police officers, public order and judiciary police officers, border police officers, gendarmes, school teachers and inspectors, psychologists, social workers, workers in Placement Centres, educational counselors, priests, representatives of city halls and representatives of other professional groups²⁸.

In 2013 the "Development of joint guidelines and procedures for identifying trafficking victims - EurTrafGuide" Project project was completed. Partners in the project, along with ANITP were: France Expertise Internationale within the Ministry of Foreign Affairs of France (project coordinator), the National Commission for Combating Trafficking in Persons in Bulgaria, the General Directorate for International Cooperation Development in Greece, the Ministry of Security and Justice in the Netherlands, the Government Delegation for Gender Violence in Spain. The overall project objective was to develop and harmonize methods and procedures for the identification of trafficking victims in the Member States participating in the project, by developing common guidelines. Within the project, they organized a training course for trainers, 4 sessions, in identifying trafficking victims, whose Romanian beneficiaries were representatives of ANITP, IGPR, DIICOT, the "Schengen" Multifunctional Training Center (MAI), MAE, MP, IM and NGOs. The number of Romanian beneficiaries (police officers, labor inspectors, prosecutors) of the training of trainers programa was 11. They will provide training for other people in this field²⁹.

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

²⁶ Source: ANITP, information also presented in the **Report on the implementation, by Romania, of the Recommendations CP (2012) 7 on the application of the Council of Europe Convention on Action against Trafficking in Human Beings** sent by the Romanian authorities in June 2014.

²⁷ ANITP - "Annual report on trafficking in persons in 2012".

²⁸ Source: ANITP

²⁹ Information also presented in the **Report on the implementation, by Romania, of the Recommendations CP (2012) 7 on the application of the Council of Europe Convention on Action against Trafficking in Human Beings** sent by the Romanian authorities in June 2014.

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

ANPDCA is the institution responsible for the coordination and monitoring of public policies in the field of child protection, including minor victims. DGASCPs, institutions operating in each county of Romania, and in each of the 6 districts of Bucharest are the institutions responsible for implementing policies and assisting children in need, including minor victims of trafficking. There is no distinct mechanism for referral of minor trafficking victims. References on this intervention can be found in the national MNIR. At the same time, the repatriation of Romanian minor trafficked persons, identified on the territory of other states, is achieved by observing the provisions of **GD 1443/2004 on the repatriation of unaccompanied minors and/or victims of trafficking in persons.**

The institutional framework does not provide a distinct structure specialized in combating child trafficking within DCCO. However, given the vulnerability of minors, structures for combating trafficking in persons prioritize the investigation of all cases of trafficking in minors, without making any difference between exploitation modalities used to victimize minors and considering them all extremely important³⁰.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment³¹ for them, including through:

a. ensuring registration of all children at birth, in particular from socially vulnerable groups;

As pointed out in previous responses, in terms of ensuring the child's right to identity, we mention that the provisions of Law 272/2004 on the protection and promotion of children's rights, republished, contain a number of clear rules on how this right is ensured for all children. According to this law, the child shall be registered immediately after birth and shall have the right to a name, the right to acquire a nationality and, if possible, to know his/her parents and be cared for, to be raised and educated by them.

If it is determined that a child is unlawfully deprived of the constituent elements of his/her identity or of some of them, public institutions and authorities are obliged to immediately take all necessary steps to restore the child's identity.

In order to establish the identity of a child who was abandoned in hospitals or who was found or to establish the identity of his/her parents, the competent police bodies and public community services for person record have the obligation to appoint one or more persons responsible to promptly carry out the arrangements for child birth registration incumbent upon them under the law and to transmit identification data to the General Directorate of Social Assistance and Child Protection or, where appropriate, to the public service for social assistance. The collaboration of the specialists within

³⁰ Source: DCCO

³¹ The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

these institutions must also support performing the necessary steps for the identification of the parents of children abandoned in hospitals, if they were identified but have not filled in the birth certificate. The medical certificate of birth, shall be prepared within 24 hours of birth for children born alive and stillborn. When the birth took place outside health facilities, the family doctor having his/her office registered within the jurisdiction where the birth took place must, at the request of any person, ascertain childbirth within 24 hours and then prepare and issue the medical birth certificate of the child, even if the mother is not on his/her list of patients. If the child is abandoned by the mother in the maternity hospital, the medical facility shall notify the General Directorate of Social Assistance and Child Protection and the police, by telephone and in writing, within 24 hours of becoming aware of the mother's disappearance. Within 5 days of the notification, a report finding child abandonment shall be drawn up. It will be signed by the general directorate of social assistance and child protection, the police and the maternity hospital; when child health allows discharge on the basis of the report, the General Directorate of Social Assistance and Child Protection will establish emergency placement for the child. Within 30 days of drawing up the report, the police are obliged to undertake specific checks regarding the identity of the mother and communicate the result of these checks to the general directorate of social assistance and child protection.

If the mother is identified, the General Directorate of Social Assistance and Child Protection will provide her counseling and support to achieve the necessary arrangements for the issuance of the birth certificate. If, following the police investigation, the identification of the mother is not possible, the General Directorate of Social Assistance and Child Protection sends the file comprising the medical certificate of birth, the report, the emergency placement order and the police response regarding the verification result to the Social Assistance Public Service in whose territorial-administrative jurisdiction the birth occurred. Within 5 days of receipt of documentation, the Social Assistance Public Service is required to obtain the order establishing the name and surname of the child in accordance with the provisions of **Law no. 119/1996 on civil status documents, republished, as amended and supplemented**, and to submit the birth registration statement to the competent civil status service. Within 24 hours of the child's birth registration, the Social Assistance Public Service is required to send the registration document of childbirth to the General Directorate of Social Assistance and Child Protection.

In the case of a child abandoned by his/her parents in other health facilities, whose birth was not registered, the obligation to perform the steps provided by law for child birth registration lies with the Social Assistance Public Service in whose administrative-territorial jurisdiction the child was abandoned.

In the case of a child found within the family or in a public place and also in the case of a child abandoned by his/her parents in other health facilities, whose birth was not registered, the obligation to perform the steps provided by law for child birth registration lies with the Social Assistance Public Service in whose administrative-territorial jurisdiction the child was found or abandoned.

Also to ensure the observance of this right and the limits established by law, in accordance with the provisions of the same law, health care facilities, social protection facilities, residential care services, entities without legal personality, other legal entities and natural persons that hospitalize or receive pregnant women or children into care who do not have documents to help establish their identity are required to notify, within 24 hours, in writing, the local public administration authority in whose jurisdiction they are established or, as appropriate, where they reside, in order to establish their identity. They are also required to notify the General Directorate of Social Assistance and Child Protection to which they belong, for registration.

At the same time, the person who takes a child into temporary care or protection, until the establishment of a protection measure under the law, is obliged to maintain him/her and to notify the local public administration authority in the whose jurisdiction he/she has his/her headquarters or domicile, within 48 hours.

The concerns of MMFPSPV-ANPDCA for the problem of street children is also reflected in the draft National Strategy for the Protection and Promotion of Child Rights 2014-2020, which was subject to public debate and is to be adopted by the Romanian Government, where one of the objectives set out aims at the "Reduction of the street children phenomenon".

The measures needed to achieve the aim at developing services for street children, in line with existing needs and at reducing the causes leading to their becoming street children and the activities proposed in this respect concern the assessment of the street children phenomenon in order to establish the scale of the phenomenon and of the main causes of this phenomenon, strengthening the network of mobile teams (social street service) within DGASPC, developing day and night shelters and urgent reception centers for street children, helping children at risk to remain homeless, campaigns to discourage begging, developing institutional procedures for immediate intervention in case of street children³².

The problem of minors with parents working abroad is another constant concern of ANPDCA, a proof in this respect being the introduction of a section entirely dedicated to this category of children in Law 272/2004 republished. The new legislative provisions clearly set out the responsibilities of parents that are about to leave for work abroad in relation to the designation of the person in whose care the child will be left during their absence. They also set out the conditions which must be met by this person, his/her responsibilities towards the child, and the responsibilities of local authorities at the place of domicile. Moreover, MMFPSPV along with the Ministry of Regional Development and Public Administration will develop a methodology for the monitoring of the manner in which children with parents abroad are raised and taken care of, as well as services they are entitled to³³.

In addition to these efforts, the Operational Plan related to the future implementation of the National Strategy for the protection and promotion of child rights includes specific objectives dedicated to this category of children namely the "Development of specific measures and support services for children with parents working abroad" and "Increasing the role of schools in compensating the support shortfall caused by the absence of parents". They will be achieved by identifying all children with both parents/ the single supporting parent left to work abroad, developing customized counseling and support programs for children with parents working abroad, by developing customized educational support programs for students experiencing a decline in school performance because their parents are abroad, all these being set out within two actions³⁴.

b. raising awareness of THB through education

See also the answer to question no. 7

Prevention activity is essential in the fight against trafficking in persons, an antisocial phenomenon that requires complex promotion of a systematic approach and a coordinated and comprehensive involvement of all public authorities and institutions, NGOs and other civil society representatives

³² Source: MMFPSPV National Authority for Children Rights Protection and Adoption, information also presented in the **Report on the implementation, by Romania, of the Recommendations CP (2012) 7 on the application of the Council of Europe Convention on Action against Trafficking in Human Beings** sent by the Romanian authorities in June 2014.

³³ Source: MMFPSPV National Authority for Children Rights Protection and Adoption, information also presented in the **Report on the implementation, by Romania, of the Recommendations CP (2012) 7 on the application of the Council of Europe Convention on Action against Trafficking in Human Beings** sent by the Romanian authorities in June 2014.

³⁴ Source: MMFPSPV National Authority for Children Rights Protection and Adoption, information also presented in the **Report on the implementation, by Romania, of the Recommendations CP (2012) 7 on the application of the Council of Europe Convention on Action against Trafficking in Human Beings** sent by the Romanian authorities in June 2014.

who are competent in the fight against this type of crime. Prevention of trafficking in persons is a strategic objective, the actors involved in anti-trafficking efforts in Romania thus aiming at ensuring the reduction of the amplitude of trafficking in persons by strengthening the self-protection capacity of citizens and society against the threats of this phenomenon and boosting the activities of prevention and the participation of civil society in their implementation.

Preventive actions undertaken aimed to cover the most important forms of exploitation, thus meeting the information needs of all categories of persons at risk. Depending on the specificity of knowledge improvement campaigns, certain preventive components are carried out by and with the participation of teachers in educational establishments, thus ensuring a vertical approach to inform the public and particularly vulnerable people (children), through the involvement of those people being able to influence and invested with the confidence of learning.

Regarding trafficking in persons, one of the most vulnerable social groups is represented by minors (children and teenagers). This consideration determined ANITP to carry out preventive actions exclusively focused on children, namely:

The prevention campaign entitled *"Trafficking in minors explained to children"*, developed in partnership with Child Helpline Association was meant to meet the information needs of children, parents and teachers in rural areas, on the issue of trafficking in persons in general and trafficking in minors in particular. The implementation of this preventive action (April-June 2012) offered the possibility of transmitting anti-trafficking messages to one of the most vulnerable categories of persons. The direct meetings with children ensured their information about the risks and implications of trafficking in minors, as well as about the opportunity to request help through the Hotline 0800.800.678 managed by ANITP, when they may be in danger.

In March-May 2013, the National Agency against Trafficking in Persons, in partnership with Child Helpline Association and the Institute for Crime Prevention within the General Inspectorate of Romanian Police, implemented the prevention project entitled *"Where begging starts, childhood ends"*.

The project objectives were to identify the main problems caused by the begging phenomenon and raising awareness about the negative effects of the begging phenomenon among children.

The project was implemented in rural communities in five counties and target groups were 500 children (aged 8-14 years) and 120 representatives of local authorities and communities concerned (police officers, mayors, counselors, school inspectors, social workers, informal leaders).

The prevention campaigns mentioned above are accompanied by other activities designed to reduce the risk of victimization of minors and other vulnerable groups (women, elderly, disabled, etc.). Thus, ANITP conducted a series of specific activities during the European Day for Combating Trafficking in Persons, during the International Day Against Sexual Exploitation and Trafficking in Women and Children, during the "School in a Different Way" Week, etc., and it actively supported the global campaign entitled "Stop Sexual Exploitation of Children and Youth People", conducted by ECPAT.

At legislative level, MEN was interested in creating a safe environment for children, through the observance of children rights and preventing all forms of violence against them. This is achieved by³⁵:

- the integration of the provisions of international normative acts in the field of children's rights ratified by Romania in specific education legislation (National Education Law no. 1/2011 as amended and supplemented, its subsequent legislative documents as: MO no. 4925/2005 for the approval of the Rules of organization and functioning of pre-university education institutions

³⁵ Source: MEN

approved by MO no. 5567/2011 for the approval of the Rules of organization and functioning of education institutions offering extracurricular activities, MO no. 6552 / 13.12.2011 approving the Methodology for the assessment, psycho-educational assistance, educational and vocational guidance of children, pupils and young people with special educational needs, MO no. 5555/2011 approving the Rules of organization and operation of county/Bucharest centers for resources and educational assistance, etc.);

- the development and implementation of the National Strategy on reducing violence in preuniversity education institutions approved by MO no. 1409/2007 - also addressing the dimension of violence and sexual abuse and under which each education institution draws up its own plan of action to prevent and combat violence, according to existing problems;
- the establishment of the National Council for preventing and combating violence in schools by MO no. 4390/2012;
- MEN representation within the National Steering Committee for preventing and combating exploitation of children for forced labor, approved by Government Decision no. 617/2004 as amended and supplemented, which since 2009 has expanded its responsibilities in preventing all forms of violence, including sexual violence and abuse.

Regarding specific measures for children, all children and young people in Romania are granted non-discriminatory access to education, according to the National Education Law no. 1/2011: Art. 16 (1) compulsory general education is of 10 grades and includes primary and secondary education. (2) The obligation to attend the 10 grade education, frequency form, ceases at the age of 18; (3) in order to achieve the aims of education and professional training through the national education system, public secondary education is generalized and free." In order to reintegrate victims of trafficking, they are offered several types of facilities: registration opportunity in another school unit than the one frequented before the traffic situation; individual and family psychological counseling; the signing of a confidentiality agreement; remedial actions for the recovery of missed school subjects. The most important thing in the recovery of a victim is his/her desire to return to a normal social life and the avoidance of joining the same entourage. Schools greatly focus on privacy policy compliance, its failure being able to generate the manifestation of stereotypes and prejudices among students and adults, which threaten the entire school reintegration effort³⁶.

c) training provided to professionals working with children.

See also the answer to question no. 7

Regarding the possibility of continuous training for professionals working with child victims of trafficking, we mention that ANPDCA has also included this category among professionals who have received training courses within some projects implemented by it, which were financed from external funds³⁷.

In the same context, we mention that under the decentralization principle governing the organization of children rights protection system, the provision of training opportunities lies with local authorities which are also direct providers of services, including for child victims of trafficking.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

³⁶ Source: MEN

³⁷ Source: ANPDCA

Regarding the case in which the exact age of the victim is not known and when there are reasons to suspect that the victim is a child, during age verification, according to **Law 300/2006 for the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings**, it will be assumed that the person is a child and he/she shall be granted specific protection measures³⁸.

No situations of this kind have been registered.

- 10. What steps are taken in your country to ensure that the rights of the child and his/her best interests³⁹ are duly taken into consideration, in particular when it comes to:**
- a. identification of child victims of trafficking;**
 - b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;**
 - c. locating the child's family;**
 - d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;**
 - e. access to appropriate and secure accommodation, education and health care;**
 - f. issuing residence permits for child victims of trafficking;**
 - g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;**
 - h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;**
 - i. special protection measures for children.**

From the perspective of child rights protection, according to the provisions of Law no. 272/2004 on the protection and promotion of children's rights, republished every child has the right to be protected against abuse, neglect, exploitation and all forms of violence:

Thus, he/she has the right to be protected from abuse, neglect, exploitation, trafficking, illegal migration, kidnapping, violence, pornography via the Internet, as well as all forms of violence, regardless of where he/she is to be found: family, education, health, protection institutions, crime research environments and rehabilitation / detention environments, the internet, media, jobs, sports media, community etc.

Any natural or legal person and children can notify the General Directorate of Social Assistance and Child Protection in the home county / district to take appropriate measures to protect the child against all forms of violence, including sexual violence, harm or physical or mental abuse, maltreatment or exploitation, abandonment or neglect.

Employees of public or private institutions who, by the nature of their profession, come into contact with the child and have suspicions about a possible case of abuse, neglect or mistreatment **have the obligation** to urgently notify the General Directorate of Social Assistance and Child Protection.

The child's parents or, where applicable, other legal representative, public authorities and private bodies are required to take all appropriate measures to facilitate the physical and psychological rehabilitation and social reintegration of any child who was the victim of any form of neglect, exploitation or abuse, of torture or punishment or any other cruel, inhuman or degrading treatment.

³⁸ Source: DCCO

³⁹ "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

Also, according to article 45 of **Law 272/2004 on the protection and promotion of children's rights** - Legal guardianship is established according to the law by the court within whose territorial jurisdiction the child resides or was found.

Regarding the appointment of a custodian / legal guardian, the identification of the family, the measures to protect identity data or other information that may lead to the identification of minors and ensuring that these data will not be made public through the media or otherwise, we mention that in the case of Romanian minors, the identification of the family of Romanian children is performed by the police and by the competent public community services for person record, which have an obligation to designate one or more persons responsible to promptly carry out the arrangements incumbent upon them under the law, and to transmit identification data to the General Directorate of Social Assistance and Child Protection or, where appropriate, to the public service for social assistance.

The provisions of Law no. 677/2001 on the protection of individuals with regard to the processing of personal data and the free movement of such data will also be observed.

At the same time, article 27 of Law (r1) 272/2004 on the protection and promotion of the rights of the child states that every child has the right to the protection of his/her public image and his/her intimate, private and family life. Under the provisions of the same laws, any action affecting the public image of the child or his/her right to intimate, private and family life is prohibited.

Children may not be used or exposed by parents, legal representatives and other persons responsible for their upbringing and care, by private bodies accredited as providers of social services, public or private institutions, in order to gain personal/institutional benefits or to influence decisions of public authorities.

Regarding the provision of special protection measures for child victims of trafficking, when necessary, their establishment takes place in compliance with Law 272/2004 on the protection and promotion of children's rights, republished, their protection being ensured either in a foster family or in a residential institution.

Special child protection measures are:

- (1) placement;
- (2) emergency placement;
- (3) specialized supervision.

In terms of ensuring adequate protection of refugee children, the same law contains provisions dedicated to this distinct category of beneficiaries.

Thus, children seeking refugee status as well as those who have achieved this status benefit from appropriate protection and humanitarian assistance for the achievement of their rights. They benefit from a form of protection provided by the specific legislation on asylum in Romania.

According to the provisions Law 272/2004, if the child who applies for refugee status is unaccompanied by parents or other legal representative, the support of his/her interests during the procedure for granting refugee status shall be provided by the General Directorate of Social Assistance and Child Protection in whose jurisdiction the administrative territorial body of the Ministry of Internal Affairs where the request is to be submitted is located.

In order to adequately support the interests of this category of children, the General Directorate of Social Assistance and Child Protection appoints a person with legal or social assistance higher education from its own personnel or from an authorized private organization who shall support the rights of the child and participate by his/her side during the entire procedure for granting refugee status. If it is determined that the person designated by the general directorate of social assistance and child protection does not properly fulfill his/her obligation to defend the interests of the child or proves bad faith in carrying out his/her obligation, the General Inspectorate for Immigration may ask the general directorate of social assistance and child protection to replace this person.

Until the final and irrevocable settlement of the application for refugee status, accommodation of this category of children is achieved in a residential service provided by law, belonging to the general directorate of social assistance and child protection or to an authorized private body. At the same time, children over the age of 16 can be also accommodated in the reception and accommodation centers subordinated to the General Inspectorate for Immigration.

Children who have been granted refugee status, enjoy special protection of children temporarily or permanently deprived of parental protection, as provided by this law.

If the application for refugee status is rejected definitively and irrevocably, the General Directorate of Social Assistance and Child Protection notifies the General Inspectorate for Immigration and asks the court to determine the placement of the child in a special protection service. The measure of placement lasts until the return of the child in the country of residence or in the country of residence of his/her parents or in the country where other family members willing to take the child were identified.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

With regard to Romanian minors, when leaving Romania they are subject to the conditions set out by **Law 248/2005 on travel conditions for Romanian citizens traveling abroad**⁴⁰.

If the child who applies for refugee status is unaccompanied by parents or other legal representative, the support of his/her interests during the procedure for granting refugee status shall be provided by the General Directorate of Social Assistance and Child Protection in whose territorial administrative the authority where the request will be submitted is located. The analysis of the request for refugee status of the child is discussed primarily. In order to adequately support the interests of this category of children, the General Directorate of Social Assistance and Child Protection appoints one of its representatives (preferably a person with legal or social assistance higher education) to support the rights of the child and to participate by his/her side during the entire procedure for granting refugee status. If the asylum seeker declares that he/she is a minor and there are no serious doubts about his/her minority, he/she will be considered a minor⁴¹.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

Ensuring service delivery designed to ensure the protection of child victims of trafficking is conducted by the General Directorate of Social Assistance and Child Protection in accordance with the statutory provisions. According to the provisions of Law 272/2004 on the protection and promotion of children's rights, DGASPC is required to monitor the progress of the child, in the case of establishment of a special protection measure, and in case of detection of changes of the circumstances which led to its establishment DGASPC shall propose its modification or termination. If the child's reintegration in the natural family is not possible or is not in his/her best

⁴⁰ Source: IGPF- DCMIIT

⁴¹ Source: ANPDCA

interests, then the extended family placement measure will be established, if appropriate, in the care of a professional maternal assistant or in a residential institution⁴².

When identifying the child victim of trafficking, regardless of his/her country of origin, the representative of DGASPC or of the Specialized service for child victims of abuse, neglect and trafficking shall be informed for taking special protection measures. If the child victim is a foreign citizen, he/she will benefit from the same measures of assistance and protection as all child victims of trafficking, without discrimination. If there are several victims of the same nationality / citizenship, including children, their assistance is recommended to be performed by the same social services provider. In case of unaccompanied foreign minor victims of trafficking, in order to establish the legal regime applicable to them, IGI (the former ORI) cooperates with other institutions and with national and international organizations specialized in the protection of minors, as provided by GEO no. 194/2002 on the status of foreigners in Romania⁴³.

MNIR establishes specific procedures for referral of trafficked persons depending on where and how the victim was identified and on the institutions and organizations which identified the victim. Minor victims of trafficking benefit from specific protection measures under the rules of the national system of protection and promotion of children's rights.

C. Questions related to specific articles

Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

We have not encountered difficulties in identifying and investigating cases of trafficking in persons for forced labor⁴⁴.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

Article 210 of the new Criminal Code regulates "*Trafficking in persons*" maintaining the provisions of article 12 of Law no. 678/2001 and adding the way of achieving the offense "*taking advantage of...the obvious position of vulnerability of that person*"⁴⁵.

There is no specific definition for "the abuse of a position of vulnerability". The obvious position of vulnerability of a person is referred to as the way in which a person can be recruited for trafficking and exploited. This position of vulnerability can be conditioned by various factors, including isolation of the victim, his/her difficult economic, mental condition, family problems or lack of social resources, etc.⁴⁶.

The obvious position of social vulnerability underlies risk factors for each person who is a victim of trafficking, so that conditions supporting traffickers are generated by the habitat, school education and training, material and moral needs of victims.

⁴² Source: ANPDCA

⁴³ Source: DCCO

⁴⁴ Source: DIICOT

⁴⁵ Source: DCCO

⁴⁶ Source: DIICOT

By the position of vulnerability of the victim, we understand any kind of vulnerability: mental, emotional, family, social or economic. We envisage the range of desperate situations that may make a person accept his/her exploitation.

We believe that the abuse of a position of vulnerability means excessive taking advantage of a position of economic (extreme poverty), legal (lack of confidence in law enforcement bodies and lack of knowledge regarding legal provisions for the protection of trafficked persons), affective (the victim's confidence in the promises of close person who turns out to be the author of trafficking in persons or an accomplice to the offense) or other (illness, infirmity, physical or mental deficiency, etc.) vulnerability.

Persons abusing such a situation commit a flagrant violation of the rights of the individual and prejudice his/her dignity and integrity, which cannot be normally waived.

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

Forced marriage and illegal adoption are not mentioned in the anti-trafficking legislation as aim of trafficking in persons. We must not forget that the purpose of trafficking in persons is exploitation (sexually speaking, for forced labor, slavery, for forced begging, removal of organs, tissues or cells of human origin, illegally). In each individual case of trafficking a careful analysis on how the victim was recruited and in what form he/she was exploited must be made⁴⁷.

Forced marriages and illegal adoptions are not included in trafficking in persons in national law, not being mentioned as a goal of exploitation, but sanctions are imposed by other governing rules⁴⁸.

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

⁴⁹ In accordance with article 182 of the New Criminal Code, exploiting a person means:

- a) the submission to the execution of an activity or performance of services, by force;
- b) keeping in slavery or other similar methods of deprivation of freedom or servitude;
- c) forced prostitution, pornographic manifestations for the production and dissemination of pornographic materials or other forms of sexual exploitation;
- d) forced **begging**;
- e) unlawful removal of organs, tissues or cells of human origin.

In conclusion, yes, exploitation for forced begging is a form of trafficking in persons, recognized and regulated in Romania, for which there is a constant concern in both intervention and in the prevention of such acts.

The provisions of the new Criminal Code also include separate offenses regarding the criminalization of exploitation of begging, which do not include trafficking in persons:

Thus, articles 214 and 215 regulate the the exploitation of begging

Art.214 The exploitation of begging

(1) Any person who causes a minor or a person with physical or mental disabilities to repeatedly appeal to public charity for material help or who benefits from economic benefits as a result of this activity shall be punished with 6 months to 3 years imprisonment or with a fine.

⁴⁷ Source: DIICOT

⁴⁸ Source: DCCO

⁴⁹ Source: DIICOT

(2) If the offense is committed in the following circumstances:

- a) by the parent, guardian, trustee or by the one who takes care of the person who begs;
- b) by coercion, the punishment is one to five years imprisonment.

Art.215 Using a minor for begging purposes

The action of a major, who while having the ability to work, repeatedly appeals to public charity for material help, using the presence of a minor, for this purpose, shall be punished with 3 months to 2 years imprisonment or with a fine.

When we discuss about committing the offense of trafficking in persons, we also consider the form of exploitation and the purpose for which it was committed. Article 182 of the new Criminal Code, letter "d" mentions forced begging as a form of exploitation, i.e. forced begging. It is possible that the injured person's family has had an involvement in the trafficking of the victim and, in such cases, the parents and guardians of the injured person are subject to criminal liability.

At the same time: in the new Criminal Code in article 214 (exploitation of begging) and article 215 (using a minor for begging) they distinctly incriminate two offenses whose passive subject of the offense is the minor. These facts are distinct from the offense of trafficking in persons provided by article 210 or trafficking in minors provided by art. 211 of the new Criminal Code and we considered them only if we are facing an offense of trafficking in persons for forced begging.

Casuistry in the exploitation for forced begging occurs in a lower weight compared to the main operating modes presented: sexual exploitation and exploitation for forced labour.

From the casuistry registered and the communications of external partners, we can distinguish a number of modalities in relation to the activity of begging⁵⁰:

- begging for sustenance - where "protagonists" are people with a precarious financial situation with a low level of education and culture, without preparation, who understand the begging activity both at home and abroad as the only way to provide daily living;
- begging "within the family" - where the activity is conducted mainly abroad, in an organized manner, by most family members, including minors within it, as part of a behavior considered normal especially in Roma groups and which aims to provide ample material means for the family, often combined with the request of social security benefits or other benefits;
- begging as purpose of exploitation - where the activity is carried out in an organized criminal group, in which trafficking victims do not beg voluntarily, but as a result of **coercive** actions by members of the criminal group.

Among the modalities identified, **begging as purpose of exploitation and partly begging "within the family" where minors are identified**, could take the forms of trafficking in persons and, consequently, draw a response from law enforcement specialized structures.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

We do not know what was envisaged regarding the exploitation of criminal activities which can be regarded as the goal of trafficking in persons. It should be noted that the legislature specifically mentioned the ways in which trafficking in persons can be achieved, forms of exploitation, and where the main active subject of the offense determines or obliges the injured party to commit other crimes which are covered by the Criminal Code or special laws, these offenses shall be concurrent

⁵⁰ Source: DCCO

with the offence of trafficking in persons⁵¹.

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

All prevention campaigns / projects are assessed either internally, a process conducted by the responsible team within ANITP and/or the implementing partners (based on activity reports) or externally by skilled business operators.

For example, the assessment of the two campaigns conducted in Romania highlighted the efforts made during their implementation and the impact made both from quantitative, but also qualitative perspectives. The campaigns were evaluated by independent evaluators using questionnaires as common working tools⁵².

In Romania, in 2013, the transnational project "*The integrated approach for preventing exploitation for forced labour in the countries of origin and destination*" created the prerequisites for increasing the public awareness of the phenomenon of forced labour by implementing an awareness campaign on the risks associated to illegal work abroad.

In this respect, between May and July 2013 a prevention campaign was conducted in all partner countries of the project _

- the National Agency Against Trafficking in Persons of Romania;
- EPLO – the European Public Law Organization of Greece;
- the Ministry of Interior in Hungary;
- the National Commission for Combating Trafficking in Persons of Bulgaria;
- KISA – the Action for Equality, Support, Anti-racism in Cyprus;
- the Ministry of Interior of FYROM.

The overall objective of the campaign was aimed at decreasing the demand, at changing the public's attitude and awareness of the working conditions abroad, decision makers and employers in the sectors at risk of trafficking.

The specific objectives of the campaign were:

- ☒ Raising public awareness of the risks of exploitation for forced labour;
- ☒ The information of the population about the legal working conditions in the countries of destination;
- ☒ Raising awareness of the decision makers on the extent and forms of expression of exploitation for forced labour. The premises underlying the prevention campaign in each partner state were established by ANITP in close cooperation with the partners, issues covered by the Plan on the campaign for the prevention of exploitation for forced labour, including the target group, the campaign message and the activities undertaken. In Romania, the prevention campaign was implemented through the 15 Regional Centres of the National Agency Against Trafficking in Persons, which spread the campaign message nationwide.
- ☒ For the proper performance of the campaign, the following steps were planned and carried out:
 - The evaluation of the information, of the needs and the identification of the target group at national level;
 - The development of the campaign message and of the communication strategy;

⁵¹ Source: DIICOT

⁵² Source: ANITP

- The development and dissemination of the campaign materials: USB stick, brochures, posters;
 - The development of the TV and radio ads;
 - The implementation of the campaign:
- The organization of the working group (workshop) within the created campaign teams – direct meetings with the representatives of the target group (Romanian nationals who want to work abroad), with decision makers responsible for preventing and fighting trafficking for exploitation for forced labour;
 - The broadcasting of TV and radio ads;
 - The publication of the campaign message in newspapers;
 - The implementation of the campaign locally, nationally and internationally.

The message was short, with reflective and emotional messages. The contents aimed the campaign objectives. It was relevant and easily accessible for the target group and took into account their demands as preconditions. The primary target group of the awareness campaign was the public aged between 18 and 40 years, while the secondary target group was represented by the decision makers responsible for preventing and combating trafficking in persons for the exploitation for forced labour. According to the identified target groups, the campaign aimed at preventing trafficking in persons for exploitation for forced labour and generated prevention behaviours in terms of opportunities regarding the labour abroad. In the background, the campaign aimed to raise awareness among the general public about trafficking in human beings in order to change attitudes and to increase social responsibility.

In order to increase the dissemination of the project, a large number of campaign materials were sent to the partners, issues reflected in the minutes signed with the project partners. The sent materials stressed both the rational elements (awareness) and the emotional element: USB sticks, posters, brochures, radio and TV ads, Facebook, questionnaires pre - and post-activity, direct meetings with the representatives of the target group, press releases and articles. From the dissemination point of view, the campaign message was broadcast over 30,000 times in all countries at local, regional, national levels through television and radio channels. The total number of promotional materials used exceeded 15,000 pieces, and the message of the campaign for the prevention of the exploitation for forced labour phenomenon was published in newspapers, posted on websites, and it is estimated to having reached a number of 5 million people, including the primary target group, the community and the decision makers. The campaign was successfully implemented, while the campaign materials and its message were disseminated in a large number. Moreover, the target groups have become aware of the exploitation for forced labour phenomenon, namely the risks associated with employment outside the country, and prevention actions of the target groups (the NGOs' Roundtable, the National Coordination Mechanism, Press Conferences, Festivals)

The public awareness campaign was created according to the needs of each country (of origin, transit and destination) and of the victims of forced labour. For an objective approach of the results obtained during the campaign developed in each partner country, an assessment of the impact of the prevention campaign has been developed. The results showed an increase in the awareness of the phenomenon of exploitation for forced labour in the countries concerned and the necessary information on the legal conditions of employment abroad, identified during the prevention campaign, stressed that the population was informed about the risks and implications associated with the risks and implications of exploitation for forced labour. The prevention campaign had an important contribution in achieving the overall objective, namely to raise awareness and to inform the decision makers, the employers and the general public, resulting in the changing of the attitudes about trafficking in persons for exploitation for forced labour. Another important aspect indicated that the campaign was focused on the victims of exploitation for forced labour and the migrant communities in general, and particularly the ones vulnerable to trafficking. The recommendations made in the evaluation of the campaign were translated into new activities. Following the fact that,

in terms of the campaign, 76% of the respondents in Hungary, together with the 90% of the respondents in Romania, Bulgaria and FYROM, agreed that other similar campaigns to prevent trafficking in persons for exploitation for forced should be implemented, the materials and, in particular, the radio and TV ads used are already used in extensive national campaigns designed to increase the number of people who are influenced in a positive impact. Moreover, as part of the current activities, Romania already uses radio and TV ads as support materials.

In order to identify the potential victims of trafficking in Romania public campaigns targeted to vulnerable groups were implemented. The evaluation of the prevention campaign implemented under the project "(P)revention, (I)dentification, (P)rotection" developed by the Swiss-Romanian Cooperation Programme carried out by a mandated independent expert represented an assessment tool which stressed the importance of the link between planned and executed results. This was also reflected in the fact that this campaign has been one of the most visible prevention campaigns implemented internationally up to date.

Its aim was to raise awareness of trafficking in persons for sexual exploitation in order to reduce the vulnerability of the main target group represented by young people. The assessment of the needs and the identification of the target group, as well as the relevance of the campaign message "Do not be fooled – you too can become a victim of trafficking!" has led to the information of a number of 27,350 people nationwide, hence contributing to the public awareness of the risks from the perspective of the potential victims (according to the assessment of the impact the prevention campaign has had, which has been conducted during the project implementation). The media representatives' participation in the activities during the campaign and its visibility has been enhanced by the fact that a well-known Romanian actor promoted the campaign. Taking into account the objectives, the magnitude, the campaign implementation period, in conjunction with the large number of materials disseminated, the large number of broadcasts of the video ad and that of the direct beneficiaries who have participated at various seminars, we conclude that the activities have been effectively implemented and that the campaign objectives have been properly fulfilled. Although on the long run, due to the impact of the campaign, we believe a decrease in the number of victims will occur, similar actions are needed in order to increase the sustainability of prevention activities in Romania.

Please see the relevant assessment reports of the joined campaigns aforementioned, materials developed by specialized foreign evaluators (attachments).

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

In Europe, the recent years have been characterized by an intensive activity of the decision makers through initiatives designed to update the legislative framework and the organization of conferences with great impact. Hence, the decision makers of the European Union have called the international community, the regional and national institutions, the NGOs and international organizations, other civil society organizations and the EU institutions and agencies, both to counteract the cross-border criminal challenges and for providing a clear and comprehensive reaction to the coherent multidisciplinary policies with the involvement of all stakeholders in the countries of origin, transit and destination⁵³.

In this respect, Romania has addressed this issue by using the tools of the bilateral, trilateral and regional cooperation with organizations and institutions from countries such as Hungary, Bulgaria, Cyprus, FYROM and Greece. This partnership was developed in the context of providing the

⁵³ Source: ANITP

European grants designed to reduce the dimensions of trafficking for exploitation for forced labour in the countries of origin, transit and destination, and as an alternative, to identify the characteristics of the policies on trafficking in persons for the purpose of exploitation for forced labour. Due to the project description, the exploitation for forced labour study also included national reports in some Member States and EU and non-EU partner countries (Romania, Greece, Hungary and FYROM), with the main objective being the evaluation of the characteristics of policies on trafficking in persons for exploitation for forced labour, the identification of any lacks and needs and the recommendation of actions for their improvement.

The mutual understanding of the specific problems offered has given each partner country (in terms of the country of origin, transit and destination and of the third country) the possibility of evaluating the phenomenon of exploitation for forced labour in a comprehensive manner. Each researcher was able to obtain data and to involve all the stakeholders in the field, hence providing the evidence of compliance with the best practices by issuing a national report that is also reflected in the overall image of the transnational study on exploitation for forced labour.

As an innovative element in the European Union, through a comprehensive research of the legal and institutional framework in some EU and non-EU countries such as FYROM, the study not only identified the gaps and needs, but also proved that no state is able to respond to threats such as trafficking in persons, without the use of instruments of international cooperation with the other countries and international organizations, developing strategic partnerships with the countries in the region, the EU Member States as well as third countries, especially with the specialized bodies of the European Union and the international organizations.

The link to the transnational study is as follows:

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

The study on trafficking for exploitation for forced labour has been available not only in English but also in the language of each partner, becoming the basis of the activities designed to meet future needs. The transnational study results revealed the main actions proposed to eliminate gaps in trafficking in persons, also becoming an important tool in preventing and fighting exploitation for forced labour through the application of questionnaires to the representatives of the public authorities at different positions and the NGOs throughout the implementation period of the campaign. The study reflects the analysis of the characteristics of policies on trafficking in persons for exploitation for forced labour at national and transnational levels (the evaluation of legislation, the cooperation between the institutions and the cases of trafficking in persons) and it contains the results of the actions taken in the field. The study was also a practical tool being used beyond the project findings in the work of the NGOs and of the other stakeholders for information, advice and advocacy purposes.

The multidisciplinary applied research initiatives as part of the various partnership opportunities with the relevant stakeholders in the EU member states and third countries have led to the preparation of the analysis documents of the incidence, causes, effects or multivariable dimensions of trafficking in persons. They were focused on the radiography of deeper levels of multimodal causal or systemic interactions, of various contextual direct or indirect, determined or random variables governing either the criminal dimension of trafficking in persons or on the psychological, social, economic sizes or of the border and intersection area of one or the other.

In 2013, ANITP participated in the works of the project TRAFSTAT "Tools for the validation and utilization of EU statistics on Trafficking in persons" (implemented by Universities of The Netherlands, Spain and Switzerland (the TILBURG University, the Autonomous University of Barcelona and the University of Lausanne). The project is funded by the European Commission and its main objective is to improve and promote comparability of European statistics on trafficking in persons by providing a mechanism designed to support comparability. In the context of the

European need for comparability of the statistical data on trafficking in persons, a system of validation was developed by national experts and experts in statistical data collection in the project. The validation system based on a questionnaire with data and metadata took as its starting point the European methodology for gathering statistical data in the criminal field and jurisprudence. (www.unil.ch/europeansourcebook).

The study on vulnerability to trafficking in persons for exploitation through begging and the criminal mechanisms that contribute to the onset and maintenance of this form of exploitation "Study on the exploitation of begging in relation to trafficking in persons" was started within the Prevention, Identification, Protection project funded by the Swiss Confederation through the Swiss-Romanian Cooperation Programme. The results of the study, accompanied by recommendations to improve performance in the fight against this form of exploitation contribute primarily to the targeting of the prevention activities by major groups or communities vulnerable to this phenomenon, the increased awareness among the general public, regarding the risks of victimization by trafficking in persons. The proactive intervention of the authorities for social integration of vulnerable persons, the conducting of outreach programs to support, assist and protect the victims, lead in the same spectrum to a low incidence of this crime and victimization.

The link to the English version of the publication is as follows:

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

This study presents the causes and aspects of trafficking in persons for exploitation by begging and the vulnerabilities of the potential victims, while being the first to reflect an overview of begging in Romania. The study has become a useful tool for cooperation in this area and in the design of the future prevention campaigns resulting in the immediate improvement of cooperation and the development of activities with France.

Annually and semi-annually, the Agency carries out assessments of the phenomenon of trafficking in persons in terms of the trends and patterns identified in the victims identified in certain periods, in order to substantiate prevention campaigns but also to ensure the measuring of the impact of public policies in the field.

Sample analyzes found at the following link: <http://anitp.mai.gov.ro/en/index.php?pagina=studii>

Links to 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

ANITP is part of a Consortium of organizations for the implementation of a project funded by the Pilon 7 Programme on scientific research. The TRACE Project - TRafficking as A Criminal Enterprise – is a transnational project implemented by a Consortium of partners, from Universities in The Netherlands, Belgium and the UK, to anti-trafficking governmental structures (ANITP-Romania) or police structures (Cyprus) to non-governmental organizations (La Strada – The Netherlands, ANIMUS – Bulgaria) or other international or European regional organizations (CBSS – Sweden). It is the first time the agency is part of a project funded by the European Commission "The 7th Scientific Research Pillar".

The project aims to guide the scientific research activities to the area of demand for trafficking in persons in Europe through analysis and focus on the research methodologies to the trafficking in persons entrepreneurship. The research on the trafficking in persons business, the profiling of the trafficker in Europe and the social, economic, political or other premises that determine or build the appearance and orientation of traffic to certain areas through specific routes are approached mainly through the monitoring of management and criminal action strategies taken by the traffickers. The extent to which trafficking in persons is connected or complementary to other crimes, such as trafficking of drugs, money laundering and corruption, is also addressed during the work packages

developed for each general study topic or theme. This year, the following results on analysis and research policies, anti-trafficking actions and TP dimensions have been met:

- Report on the implementation of the EU Strategy on trafficking in persons by Romania
- Research report on Management of Victims by Traffickers
- Research report on Trafficking Routes
- Research report on Traffickers' Operating Modes for sexual exploitation, exploitation for forced labour, exploitation for forced begging or stealing.
- Research report on anti-trafficking actions that impacted on the criminal orientations of traffickers in persons
- Application of interviews and questionnaires to 39 inmates in the Jilava and Gaesti prisons – the research tools were developed per research dimensions for social and demographic profiling of traffickers and for the identification of incentives and motivation or decision to enter this crime area.

The argument for involving the Agency as a whole in the expansion of applied research curriculum meets the need identified some time ago: to provide a scientific foundation for public policies and follow-up actions of the public institutions, in preventing victimization, fighting trafficking in persons and assisting victims by providing them with scientific research reports on various aspects that define the area of the organized crime - via trafficking in persons.

Beyond the participation of the national institutions in the preparation of the analysis documents for various incidences, causes, effects or statistical dimensions of the trafficking in persons phenomenon, they have assumed multidisciplinary applied research initiatives as part of the various partnership opportunities with relevant stakeholders in the EU countries and third countries, being focused on the examination of deeper levels of multimodal causal or systemic interactions, of various contextual direct or indirect, determined or random variables governing either the criminal dimension of the trafficking in persons phenomenon or the psychological, social, economic dimensions or the border or intersection areas of one or another. For example, as part of the project proposal "Raising awareness with regard to trafficking in persons associated risks within the framework of Schengen enlargement" ANITP forwarded a research proposal on establishing a typology of human traffickers. The project aims to analyze the socio-demographic data held by institutions in the field, conducting interviews with the traffickers and experts interacting with them during the course of research.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

Since 2004 Romania has been implementing strategic documents expressing the general principles and guidelines for establishing the Romanian state policy regarding the admission, residence, leaving the territory by foreign nationals, labour immigration, granting forms of protection and fighting illegal immigration. For coordinating the implementation of these strategic documents, an inter-institutional cooperation mechanism has been developed and approved by the Government Resolution no. 572/2008 as amended and supplemented, respectively. The Group for Coordination of the National Strategy⁵⁴.

This cooperation mechanism ensures the adjustment of the strategy policies based on the changes occurring in the field at national, regional and international levels and the development of the institutional framework needed to implement the policies in the field.

⁵⁴ Source: IGI

The National Immigration Strategy for 2011-2014, approved by the Government Decision no. 498/2011, is consistent with the fundamental objectives of Europe: a strong commitment to a harmonious society based on cohesion and inclusion, which complies with the fundamental rights of the national, within some solid social market economies offering nationals an area of freedom, security and justice without internal borders.

Given the defined period of implementation, the development of a new strategic document was a priority in the year 2014. Currently the project is pending inter-institutional approval and then it shall be approved by the Government.

The general and specific strategic objectives in the new strategic document on migration are:

I. Overall Goal – To promote legal migration for the benefit of all parties: the Romanian society, the immigrants and their countries of origin

Specific Objectives:

- a) To facilitate access to Romania for nationals of third parties who meet the needs of labour employment (creating the legal framework for attracting and retaining the workforce according to the needs identified).
- b) To promote access of third-country nationals to higher education institutions in Romania for the fields and professions identified as deficient.
- c) To facilitate the admission and residence of third country nationals for opening / doing business in Romania in line with the national economic interest.
- d) To ensure better information of third countries nationals on the possibilities and conditions for legal immigration.

II. Overall Goal – The strengthening of the control of legality of third country nationals staying in Romania and the proper implementation of the removal actions and restrictive measures

Specific Objectives:

- a) The continuous information on the risks of illegal migration and undeclared work and the sanctions and restrictive measures that can be applied.
- b) Making the control of legality of third-country nationals residing and working in Romania more effective.
- c) Strengthening cooperation with the Romanian authorities in charge with fighting the illegal immigration and undeclared labour of third country nationals.
- d) The application of actions designed to return the illegal immigrants according to the EU standards.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;

b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;

c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

Law 95 / on healthcare reform, through Article 158 contains provisions on the crime of trafficking in organs:

(1) The organization and/or performing of the removal of organs and/or tissues and/or cells of human origin for transplantation purposes, for the donor or the organizer to gain material profits constitutes the crime of trafficking in organs and/or tissues and/or cells of human origin and is punished with imprisonment from 3 to 10 years.

(2) The same punishment is also valid for the purchase of organs, tissues and/or cells of human origin for resale in order to make a profit.

(3) The attempt shall be punishable.

Probably the National Transplant Agency is the institution in charge with the supervision and monitoring of the medical services related to harvesting, donation of organs and others.

There have been no cases of trafficking in persons for the removal of organs.

Measures to discourage the demand (Article 6)

22. **What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:**

a. educational programmes;

In order to discourage the demand for services provided by the victims of trafficking in persons, ANITP has implemented with the Caritas NGO the project called "Combating trafficking in persons and sex tourism - ETTS". The project was co-financed by the European Commission and implemented in four countries in Europe (Italy, Romania, Spain) and Latin America (Brazil), being coordinated by the Municipality of Genoa, Italy.

The main goal of the prevention campaign "*Indifference makes us accomplices*" was to raise the awareness of the European public opinion on the violation of human rights, which is caused by the trafficking in persons through sexual exploitation and sex tourism.

In Romania, the target group of the prevention campaign included the following categories: the youth in schools, including the whole school community (teachers and parents); and governmental and non-governmental players operating at local level; the general public.

Also in 2014, A.N.I.T.P. launched the campaign "*Exploitation kills souls*". The campaign aims to help reduce demand in terms of the main forms of exploitation (sexual, labour, begging) by informing the target groups and the general public on the condition of the victim, the methods of recruitment and the legal repercussions. The campaign objectives are represented by informing and raising awareness of the wide public on the implications of trafficking, in its main manifestations (sexual exploitation, forced labour and forced begging) and the knowledge of and compliance with the legal provisions in the field.

The target group of the campaign aims at the online public, the user of social networks, but also the targeted audiences in the physical environment who attend environments that can be related to the three types of exploitation: bars, restaurants, hotels, areas around religious institutions (for begging), agencies in charge with recruiting labour at regional level (for exploitation for forced labour).

b. information campaigns and involvement of the media;

"*The NO Project*" is a public awareness campaign mainly aimed at young people in order to increase awareness of trafficking in persons through arts, sports, music, dance, films, educational and social media activities.

Hence, the campaign was meant to inform, to inspire and to motivate young people to proactively act / respond to modern slavery – putting to use their talent, passion and energy in order to raise public awareness. The project was implemented under a public-private partnership bringing together state institutions (the National Agency Against Trafficking in Persons), private companies (Bancpost) and NGOs (ADPARE, e-Liberare).

Through the activities carried out so far, ANITP has managed to cover the most important forms of exploitation, thus meeting the information needs of all categories of vulnerable persons.

Thus, between 2012 and 2013 ANITP implemented 91 campaigns – 12 nationally and 79 regionally / locally – and 24 action plans to prevent trafficking in persons.

The number of direct beneficiaries was about 250,000 and the number of indirect or tangential beneficiaries of approximately 1,500,000. Also, there were 2,500,000 registered beneficiaries of the messages and recommendations online. Moreover, with the support of the Parliamentary Group for Combating Trafficking in Persons in partnership with the Ministry of Foreign Affairs (*in Romanian: MAE*) and various NGOs, A.N.I.T.P performed preventive impact actions involving representatives of various trade unions and employment agencies⁵⁵.

c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption)

d. involvement of the private sector.

ANITP was one of the three partners (the Association for Development of Alternative Practices for Reintegration and Education, the Liberation Association) who were involved in the development, initiation and implementation at national level between 2013 and 2014 of the "**THE NO PROJECT**", the project sustained by BANCPOST. It is materialized through a public awareness campaign designed to increase awareness of trafficking in persons through arts, sports, music, dance, movie, educational and social media activities. The NO Project was designed and is being implemented taking into account the specific needs, the context and realities the offense of trafficking in persons uses in Romania. The aim of the awareness campaign within "The NO Project" is to inform, inspire and motivate young people to proactively act / respond to modern slavery – by making available their talents, passions and energies in order to raise public awareness. The **target group** of the campaign is made up of young people aged between 14 and 30.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

According to the Annual Framework Programme of the Labour Inspection, inspection actions were organized at national level by labour inspectorates, actions focused on⁵⁶:

1. The inspection of the way employers comply with legal provisions relating to the legality of employment both for Romanian nationals and for foreign nationals.
 - the employment and deployment of foreign nationals in Romania.

⁵⁵ Source: ANITP, an information also included in the **Report on the implementation by Romania of the Recommendations CP(2012)7 on the application of the Action Convention of the European Council against trafficking in persons** forwarded by the Romanian authorities in June 2014

⁵⁶ Source: Labour Inspection

- the verification of the way the agencies for employment and job placement abroad comply with the provisions of Law no. 156/2000 – republished, on the protection of the Romanian nationals working abroad.
- 2. The collaboration with the General Inspectorate for Immigration by organizing joint actions.
- 3. The information of the Directorate for Combating Organized Crime – the Service for Combating Trafficking in Persons within the Ministry of Internal Affairs in cases where, following specific control actions, the labour inspectors have suspicions about the possibility of trafficking in persons for exploitation for forced labour.

The specifically targeted business agents were those with a high fluctuation of staff, and the inspections conducted at their premises were being carried out periodically.

The suspicious trafficking situations are brought before the judicial authorities in the field (DCCO, DIICOT), the only structures empowered to conduct investigations related to trafficking for exploitation for forced labour.

Thus, between December 2012 and December 2013, the Labour Inspectorate within MMFPSPV conducted 107,172 national controls in terms of labour relations, during which 36,686 employers were sanctioned.

In order to protect children against economic exploitation, the National Steering Committee for prevention and fight against exploitation for forced labour, and the Intersectoral Local Teams coordinated by the general directorates of social assistance and child protection were created and their duties include the protection of children against economic exploitation.

The National Steering Committee for preventing and fighting child's exploitation for forced labour (CND) coordinates and monitors the programs designed to prevent and fight child's exploitation for forced labour, its main responsibilities being: to set the priorities covered by the policies and programs aimed at this problem, including the areas, the sectors where action programs should be developed and to ensure inter-ministerial collaboration.

The local intersectoral teams (ICTs) are formed in each county or in Bucharest with a mission to identify / refer / monitor cases of child's exploitation for forced labour in their territorial area of competence, as required by the law.

Under the Labour Code, an individual becomes able to work at the age of 16 and can enter into a contract of employment as an employee at the age of 15 too, with the consent of their parents or legal representatives for activities suited to their physical development, their skills and knowledge, if such does not jeopardize their health, development and training. The employment of persons under the age of 15 is prohibited.

Also, under Article 127 of Law 187/2012 for the implementation of Law no. 286/2009 on the Criminal Code, "the employment of a minor in non-compliance with the legal age or their use for the provision of activities in violation of the legal provisions relating to the employment of minors is a crime punishable by imprisonment from three months to two years or with fine".

Border measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. identification of possible victims of THB in the context of border control;**
- b. identification of possible perpetrators of THB offences;**
- c. gathering of first-line information from victims and perpetrators;**

d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

See also the details on training according to the FRONTEX Manual, as described in Question # 7.

The staff working for the border structures, who are in charge with the control of documents, have been regularly trained in specialized units of the Ministry of Internal Affairs on issues aimed at trafficking in persons in all its forms, means of identification and referral of victims and the most important aspects to be considered in the context of border control in order to detect, notify a possible victim of trafficking in persons.

In the Romanian Border Police, the police officers participated in a number of 6 training sessions on issues related to trafficking in persons, arising from the development and publication by the FRONTEX Agency of the Handbook against Trafficking in Persons for use by the border guards, a manual containing the following modules:

- Module I - Raising awareness of trafficking in persons;
- Module II - Identification of victims of trafficking in persons and of traffickers;
- Module III - Ways to interview victims of trafficking in persons⁵⁷.

Another important issue that also covers aspects of trafficking in persons was the preparation and publication of the Handbook of Fundamental Rights, also developed by the FRONTEX Agency. Its content was also forwarded to the territorial structures of the Border Police via 6 training sessions attended by 160 employees of the 1st and 2nd lines of control in the border police, the green border, the maritime border, senior staff.

This Handbook contains the following modules:

- Module I - Introduction to fundamental rights in relation to the activity of the border police
- Module 2 - Interception at sea, on land and in air
- Module 3 - Reception / acceptance and assistance
- Module 4 - Interviewing
- Module 5 – Deprivation of freedom⁵⁸

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

Identification of the victims (Article 10)

⁵⁷ Source: DCMIIIT-IGPF

⁵⁸ Source: DCMIIIT-IGPF

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

The National Mechanism for Identification and Referral of Victims of Trafficking in Persons, approved by the Common Order of Ministers no. MAI 335/2007 exists at the time of the first evaluation round. It has not been changed so far.

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

⁵⁹The activities on identifying victims are based on the responsibilities arising from the provisions of **The National Mechanism for Identification and Referral of Victims of Trafficking in Persons**. The mechanism is provided with an Annex with indicators of the trafficking in persons, which are specific to all forms of exploitation.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

MNIR defines both how to identify victims of trafficking in persons and the indicators that define or signal a possible trafficking situation. According to it, **The victim of trafficking in persons** – indicating any individual known to have suffered physical or mental injury, emotional suffering, economic loss or serious harm to their fundamental rights through acts or omissions that violate the criminal laws in the field of preventing and combating trafficking in persons.

The ways to identify victims of trafficking in persons should be seen from two perspectives: from the legal point of view (the definition of trafficking in persons – the formal identification) and from the victim's point of view (circumstances, particularities of each case and the consequences of the abuses as a result of trafficking in persons provide clues for an informal identification).

The most effective form of identification of the victim is the detailed interviewing of the person alleged to be a victim of trafficking in persons.

30. What measures are taken in your country to encourage self-identification of victims of THB?

The campaigns designed to improve the knowledge provide the information of the wide public both on the explanation of trafficking in persons, how it appears and manifests itself and on the means that can be used a person we know / we do not know is in such a situation.

⁵⁹ Source: DCCO

Also, with the above initiatives, it should be noted that the information provided by the A.N.I.T.P. specialists as part of the preventive actions taken (direct meetings with the representatives of various vulnerable groups, dissemination of informative-preventive materials, participation in radio / TV shows, postings on the website / Facebook, broadcasts of radio / TV ads, etc.), the beneficiary public receives a number of useful recommendations and guidelines that enable an effective analysis and the identification of possible trafficking situations.

Similarly, callers of the anti-trafficking line 0800 800 678, regardless of the information that they require from the operator, receive preventive advice and guidance on the ways to identify dangerous / trafficking situations. This gives the caller the opportunity to self-identify as a victim of trafficking in persons (if any) and to be able to observe whether a person close to / known by him/her is or isn't a victim of this criminal phenomenon.

Via the toll free telephone line ANITP provides to the wide public information on the risks of trafficking in persons, encouraging also the self-identification of the victims by providing them with the opportunity to notify the trafficking situations by free calling on 0800 800 678.

Lately, in the broader context of the labour migration, the Romanian authorities have been faced with a number of cases where they had to intervene through the diplomatic channels in order to assist Romanian nationals working abroad. The increased freedom of movement of the Romanian nationals has led to an increase in their vulnerability to job offers seemingly more favourable, behind which trafficking networks are often hiding. In these circumstances, the dissemination of useful information to the vulnerable groups has become imperative.

- **Information Campaign for Citizens Wishing to Work Abroad**

In this respect a public campaign of the Ministry of Foreign Affairs in cooperation with the National Agency Against Trafficking in Persons (ANITP) started and its aim is to inform the Romanian nationals wishing to work abroad the danger of exploitation for forced labour.

The joint project aimed to support the Romanian nationals who want to find a job abroad by presenting the minimum information that they need to know before moving to an EU Member State or a third country under an employment contract.

Most times, the Romanian nationals travelling abroad for work purposes, not knowing the laws in those areas, accept the verbal promises or unfavourable conditions of employment imposed to them by employers.

The campaign slogan, "**Working is a right. Exploiting work is a crime!**", was focused on the characteristics of the target groups: both population aged 26-40 years, males with high school education coming from rural areas and the general public. The campaign aims to support the vulnerable persons by informing them about trafficking in persons, the conditions to be met in order to work abroad, as well as the ways the Romanian nationals can be supported both inside and outside their country.

In this regard, certain joint activities have been organized and they consisted of meetings with students from several higher education institutions in Bucharest, during which aspects of trafficking in persons, the ways to prevent it and the services provided by ANITP and MAE were presented. The meetings were held at several faculties of the University of Bucharest, the University Politehnica, the University of Medicine and Pharmacy, the Dimitrie Cantemir University and the Titulescu University. The same type of meetings was conducted with high school students in the final grades, mainly from high schools of arts and crafts.

For the support of the campaign a flyer and a guide with useful information were made and the video ad on the prevention of trafficking in persons for exploitation for forced labour was broadcasted via closed circuit television in shopping centres and cinemas.

In addition, ANITP conducted a series of preventive and informative activities also in the 15 Regional Centres by organizing meetings with high school students in final grades or by attending events (such as the "Job Fair" etc.), during which the target groups received the necessary information meant to avoid victimization in the phenomenon of trafficking in persons.

Also, the Consular Department of the MAE has taken a number of actions to promote the campaign through the Romanian diplomatic missions and consular offices abroad.

- **Travel safely, the MAE application for your mobile phone⁶⁰**

The Ministry of Foreign Affairs (MFA) provides the Romanian nationals travelling abroad with the application for smart phones "*Travel Safely*". The application is part of the MFA strategy to diversify the consular services and the means of communication with the Romanian nationals.

"Travel Safely" allows the Romanian nationals:

- to learn about the country of destination: conditions, recommendations and travel alerts, Romanian diplomatic missions in the country they travel to;
- to be alerted when special circumstances arise in the country they are in;
- to be able to alert the nearest Romanian mission in case of an emergency;
- to quickly find out what are the procedures in case of incidents (accidents, illness, loss of documents, etc.) or other useful information.

Once downloaded, the application can be used offline as well if the user has no active data connection. In this case, for countries with high risk, the users can be notified by a text message. For the text messages to be sent the platform provided by the Special Telecommunications Service is being used. To have the latest information at hand, we recommend regular updating of the application.

31 What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

Romania facilitates for the foreign nationals who are victims of trafficking in persons the return to their home countries without undue delay and their safe travel to the Romanian state border, unless otherwise provided in the bilateral arrangements. They are informed in the places they live in, in a language they understand, about the judicial and administrative procedures applied and may benefit from psychological counselling, health care and social support, as well as medicines and food in the same conditions as the victims who are Romanian nationals.

The provisions relating to the Romanian nationals who are victims of trafficking in persons also apply to victims of trafficking in persons who are nationals of a member state of the European Union or the European Economic Area.

The foreign nationals who are seriously believed to be victims of trafficking in persons benefit from a recovery and reflection period of up to 90 days in order to recover, to escape from the influence of

⁶⁰ Source: MAE webpage: www.mae.ro

the perpetrators and take an informed decision on the cooperation with the competent authorities, during which time they are allowed to remain in Romania

During or after the period of reflection, the foreign nationals who are victims of trafficking in persons may be granted, upon request, a temporary residence permit. The minors who are foreign nationals and accompany the victims of trafficking in persons or who are themselves victims shall be properly subject to the provisions concerning foreign nationals in Romania.

The manner of cooperation for the identification and referral of the victims who are foreign nationals are clearly defined in the National Identification and Referral Mechanism, as detailed above, by strictly following the steps that apply in these situations.

Protection of private life (Article 11)

31. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

The confidentiality of information is a *sine qua non* condition to the investigation since the first parts of the criminal investigation.

There have been no conflicts of interest within the meaning given in text⁶¹.

Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. funding;**
- b. victim's safety and protection;**
- c. standards of assistance and their implementation in practice;**
- d. access to medical treatment, psychological assistance, counselling and information;**
- e. translation and interpretation, where appropriate?**

ANITP concludes cooperation agreements with the NGOs in charge for both the protection and the assistance offered to victims and the prevention of this crime among vulnerable groups for both for programs designed to reduce the vulnerability to socio-professional inclusion and for activities designed to improve their knowledge

According to Article 38 of Law 678/2001 on preventing and combating trafficking in persons, updated, the foreign nationals who are victims of trafficking in persons can be accommodated in special centres according to the Government Urgency Ruling no. 194/2002 on the regime of aliens in Romania, republished, with current completions, without the need to take them in public custody. To this end, the administration of these centres arranges special areas separated from those designed the foreign nationals in public custody. However, the content of that article provides that the foreign nationals who are victims of trafficking in persons and who apply for a form of protection in Romania can be accommodated in special centres according to Law no. 122/2006 on the asylum in

⁶¹ Source: DCCO

Romania, as amended and supplemented. At the end of the article it is stated that the victims are accommodated in the IGI centres at the written request of the competent authorities⁶².

⁶³Since January 2015, within the Swiss-Romanian Cooperation Programme designed to reduce the economic and social disparities in the enlarged EU, the National Agency Against Trafficking in Persons, as the beneficiary of the project "Support to NGOs in Romania for direct assistance to victims of trafficking in persons" conducted over a period of 42 months will finance the direct support services provided by non-governmental organizations in Romania.

The total project budget is of CHF 2,084,749.93 of which 1,772,037.44 representing 85% of the total budget is the contribution made by the Swiss partner and the remaining amount of CHF 312,712.49 (15%) being the financial contribution of ANITP.

The project will make a significant contribution to improving the national system of assistance to victims of trafficking in persons by setting the overall objective to assist victims of trafficking in persons through direct support services provided by non-governmental organizations from Romania, by creating an efficient redistribution system (grant mechanism) within ANITP by assisting the NGOs in providing quality services to the victims of trafficking in persons as well as within the national system of assistance given to victims of trafficking in persons.

The activities carried out under the project will develop the ANITP ability to provide funds for the NGOs and to improve the support system for the victims of trafficking in persons.

At the same time, ANITP will fund the applications for funds designed for the NGOs from the state budget at the time they will be available, ensuring the transfer of their funding from the private to the public and therefore the sustainability of the NGO funding. This possibility will be established with the support of the project Steering Committee.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

If the question refers to measures of assistance given to victims who participate in the criminal proceedings, then the assistance services are not different from the victims' procedural status in the criminal proceedings (witness, injured party, civil party).

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

⁶⁵Article 4 of Law no. 211/2004 requires the judicial bodies to inform the victims about their rights and about the institutions they can contact for their rights to become effective. This information mechanism has been provided by the law as the probation services by the nature of the specific tasks do not take direct contact with the victims of the crime immediately after the crime is committed. The judicial bodies, through the policemen, prosecutors, judges, in all phases of the

⁶² Source: IGI

⁶³ Source: ANITP

⁶⁴ Source: ANITP

⁶⁵ Source: MJ

criminal trial come into direct and immediate contact with the victim whom they should inform of the rights that may be granted to him/her.

According to the Order issued by the ANITP Director for the information of the victims of trafficking in persons, the victims are notified on their rights and explained the meaning of their eligible rights according to Romanian legislation in force, on which occasion a standardized protocol is being prepared (see Appendix), a copy of which is given to the victims. This measure has to be applied both by the ANITP personnel and by the DCCO personal during their first contact with the victims.

An analysis of the provisions in the field together with those set forth in the Criminal Procedure Code, Law no. 678/2001 and Law no. 211/2004 on the protection of victims of crimes, it is doubtful that there are legislative provisions to ensure the injured persons' right to information and various forms of assistance and the victims of crime of trafficking in persons are given special physical, legal and social protection and assistance in relation to their age, ensuring their right to physical, psychological and social recovery⁶⁶

At the same time, as shown by the National Agency for Employment (*in Romanian: ANOFM*), certain legislative changes in combating social marginalization and social exclusion, stimulate the social reintegration of the victims of trafficking in persons and the easier access to the labour market or for being granted other specific services.⁶⁷ Law no. 250/2013 amended Law no. 116/2002 on preventing and combating social marginalization. The amendment was to repeal Section 1 "Access to a job" of **Law no. 116/2002 on preventing and combating social marginalization** and the introduction of Section 3¹ "Promoting the participation of young people at risk of social exclusion on the labour market" in **Law no. 76/2002 on the unemployment insurance system and the stimulation of labour employment**.

The main changes concern the definition of categories of young people subject to the measures, thereby introducing the target group – the victim of trafficking in persons.

The employment program for young people at risk of social marginalization for 2014 was based on the proposals made by the county and Bucharest employment agencies after analyzing the local labour market situation and the possibilities of absorption of youth at risk of social marginalization. It provided that 25 young people, victims of trafficking in persons, would be subject of conclusion of solidarity contracts, and 20 of them to be employed as a result of the labour mediation at the employer's job vacancies. On October 31st, 2014 a total of six people received incentives for employment and one person was employed in the County of Tulcea.

ANOFM provides information and professional counselling services to all people looking for a job, who are that is registered in their records, labour mediation services, provides coverage in training programs for acquiring specific theoretical and practical knowledge of new jobs to increase employment opportunities.

Between 2010 and 2014, the situation on the number of victims of trafficking in persons who have received or have been employed as due to the actions provided for in Law no. 76/2002 on the unemployment insurance system and the stimulation of labour employment, is as follows:

In accordance with Law 76/2002 on the unemployment insurance system and the stimulation of labour employment, the National Agency for Employment shall promote the participation of young people at risk of social marginalization on the labour market by: customized social accompaniment,

⁶⁶ Source: MJ

⁶⁷ Source: ANOFM

activities for information and promotion of the interests of young people at risk of social marginalization among employers and the subsidizing of their jobs⁶⁸.

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

The processes for assistance and punishment of offenders in court are independent. A social assistance process which can cover only the provision of services of counselling or information to other assistance services, including accommodation, is not conditioned on the victim's participation in the trial or on his/her cooperation with the law enforcement authorities. This is clearly defined and set forth in Law 678/2001, Chapter V "Protection and Assistance to Victims of Trafficking in Persons"

If – as set forth in the Customized Protection Programme – the victim requires long-term assistance which can span more than the duration of the criminal proceedings, this right is not conditioned during the criminal trial.

Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

The period of reflection under Law 678/2001 on preventing and combating trafficking in persons is granted to all victims, regardless of their nationality (Romanians or foreigners) for a period not exceeding 90 days. The onset of the reflection period is the date when the said Report is filled out, and the decision to cooperate with the legal authorities is solely at the discretion of the victim and can be expressed within the said 90 days.

Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

Regarding the foreign nationals who are victims of trafficking in persons, they may be tolerated to remain in Romania at the request of the prosecutor or the court, according to Articles 102-104 of the Government Urgency Ruling no. 194/2002 on the Regime of Aliens in Romania, republished with subsequent completion. As of November 28th, 2014, after the Government Ordinance no. 25/2014 came into force, the provisions on tolerance are found in Articles 106¹- 106² of the Government Urgency Ruling mentioned above⁶⁹.

However, in accordance with Article 130 of the Government Urgency Ruling no. 194/2002, IGI may grant a temporary residence in Romania for this category of people even if their illegal entry in the country is found, but only at the request of the prosecutor or the court. By the Government

⁶⁸ Source: ANOFM

⁶⁹ Source: IGI

Ordinance no. 25/2014, Article 130 of the Government Urgency Ruling no. 194/2002 was completed by introducing paragraph 4 which provides that if the judicial authorities do not require the extension of the temporary residence right at the request of the foreign nationals who are victims, the temporary residence right granted shall be extended by the General Inspectorate for Immigration successively if the following conditions are cumulatively fulfilled:

- a) the presence of the foreign nationals in Romania is necessary for the fulfilment of the legal proceedings for the recovery of the outstanding remuneration from the employer who committed offenses set forth in Article 264, paragraph (4) or Article 265 of Law no. 53/2003, republished with current amendments and completions;
- b) the foreign nationals are no threat to the public order or the national security.

Similar provisions concerning the toleration or temporary residence permit grant for this category of foreign nationals are found in Article 391 of Law no. 678/2001, updated, on preventing and combating trafficking in persons.

In this regard, the provisions for issuing a residence permit under Directive 2004/81/EC of the Council as of April 24th, 2004 have been transposed into the national legislation (the Government Urgency Ruling no. 194/2002).

The provisions relating to the Romanian nationals who are victims of trafficking in persons also apply to the victims of trafficking in persons who are nationals of a member state of the European Union or the European Economic Area.

The low casuistry of the foreign nationals who are victims of trafficking in persons in our country allows the institutions empowered to monitor their situation and to intervene promptly and in an individualized manner. For example, in 2010 and 2013, 15 foreign nationals were identified (4 victims of Member States (Hungary, Greece, Bulgaria) and the other 11 victims from third countries (Moldova and Bangladesh) who were given repatriation according to the victims' wishes or the right to remain and to benefit from social and professional integration in our country. At the same time, the present situation does not allow the authorities to assess the efficiency of the granting of residence permits, toleration or their right to remain under a certain form of protection in our country.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is “co-operation” interpreted and what does it consist of in practice?

The cooperation consists in the participation of the victims in criminal proceedings.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking in persons should not be made conditional on his or her willingness to act as a witness?

Once the residence permit is issued and during the reflection period, the foreign national who is a victim has the same rights to assistance as the Romanian nationals do.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;

- b. access to free legal assistance and legal aid during investigations and court proceedings;**
- c. compensation from the perpetrator;**
- d. compensation from the state;**
- e. compensation for unpaid wages to victims of trafficking in persons.**

Please provide examples of compensation awarded and effectively provided to victims of THB.

The information about the rights, including the financial compensation was described in question no. 36.

In Romania, Law no. 211/2004 regulates certain measures for the protection of victims of crimes, including compensation for victims of trafficking in persons. Moreover, the same law stipulates the obligation of the judicial bodies to inform the crime victims on their rights. Also, given the requirements of Title I, Chapter II of the New Code for Criminal Procedure, the injured party may seek civil action in criminal cases and is meant to cover the material or moral damage caused by the crime⁷⁰.

Currently, the Ministry of Internal Affairs, as the program operator and ANITP as the project promoter implement the financing agreement related to the "National Approach to compensation to victims of trafficking in persons. The project is implemented with the support provided by the European Council. The project objective is to give the victims of trafficking in persons access to compensation through improved cooperation between authorities and stakeholders in the field of victim assistance, including NGOs. The project aims at implementing the GRETA recommendations, namely the provision of information on the right to compensation granted to victims and the ways to access it and to ensure the victims' access to legal assistance in this regard. This objective will be achieved through 3 project components: the analysis of the current situation, the identification of the procedural gaps, the training of professionals who come into contact with the victims of trafficking in persons and the information of the victims about their rights to financial compensation⁷¹.

In 2012, ANITP, through the Regional Centres, has developed an analysis of the status of the victims who were awarded decisions on financial compensation from the traffickers, following a court ruling. Thus, for the years 2010, 2011 and 2012 a total of 73, 56 and 53 victims were awarded such a decision. The analysis was performed on the total number of victims supported through the program implemented by ANITP in cooperation with other structures for the coordination of victims in criminal proceedings, their information about the applicable legal proceedings, the victims' rights and the support provided to victims during the criminal proceedings⁷².

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

Romania has regulated the institution of tracking, seizure and foreclosure of traffickers' profits and assets as the product of the crimes committed⁷³.

⁷⁰ Source: DCCO

⁷¹ Source: ANITP

⁷² Source: ANITP, an information also included in the **Report on the implementation by Romania of the Recommendations CP(2012)7 on the application of the Action Convention of the European Council against trafficking in persons** forwarded by the Romanian authorities in June 2014.

⁷³ Source: DCCO

The legal framework has recently been completed in terms of the confiscation of the traffickers' assets with the provisions set forth in the Criminal Code that came into force this year. Thus, the provisions set forth in *ARTICLE 112¹* regulate the *Extended Confiscation* by which "*The confiscation shall also refer to assets other than those referred to in Article 112 if the person is convicted of any of the following offenses, if the offense is likely to procure a material benefit and the penalty provided by the law is imprisonment for four years or more*" and for the following offenses:

- b) *offenses of trafficking and exploitation of vulnerable persons;*
- c) *offenses regarding the Romanian state border;*
- e) *offenses set forth in the legislation on preventing and combating pornography;*
- g) *the formation of an organized criminal group;*
- g) *the trafficking in organs, tissues or cells of human origin.*

During the investigative activities, the criminal policemen within DCCO together with the DIICOT prosecutors have pursued and continue to pursue the trajectory of the financial resources and the traffickers' assets resulting from the crimes committed. Thus, during the investigations carried out, one of the objectives is to identify the movable and immovable assets of the members of criminal groups resulting from the crimes committed; the DIICOT prosecutors produced evidence and used them for foreclosures, and the courts will award their decisions in this regard.

Following the completion of the operations for the arraignment and detention of the persons accused for having committed the crimes of trafficking in persons and for having set up an organized criminal group, the measure for the seizure of their vehicles, moneys, objects and various assets in the possession of the criminal group shall be applied.

Thus, only in the period between December 2012 and December 2013, according to the data held by DCCO, the following assets and valuables generated by crimes of trafficking in persons and the formation of an organized criminal group were confiscated by IGPR⁷⁴:

EURO - 177295

US Dollars - 11036

Other currencies (converted in EUR) - 13315

Gold (kg.) - 8.76

Real Estates - 84

Vehicles - 104

Hard drives seized for research (pcs.) - 337

Cash (in RON) from illegal operations (thousand of RON) - 20994.4129

The value of other assets and merchandise (thousands of RON) - 127039.677⁷⁵

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement*)

⁷⁴ Source: DCCO

⁷⁵ Source: DCCO, an information also included in the **Report on the implementation by Romania of the Recommendations CP(2012)7 on the application of the Action Convention of the European Council against trafficking in persons** forwarded by the Romanian authorities in June 2014.

principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

Romania facilitates the foreign nationals who are victims of trafficking in persons their returning to their home country without undue delay and transporting them safely to the Romanian state border, unless otherwise provided for in bilateral arrangements. They are informed in their place of accommodation, in a language they understand, about the judicial and administrative procedures applied and may benefit from psychological counselling, health care and social assistance, as well as medicines and food in the same conditions as the victims who are Romanian nationals⁷⁶.

The victims of trafficking in persons may request assistance from the General Inspectorate for Immigration and the international organizations or NGOs with duties in this field for their assisted humanitarian voluntary repatriation, if they have no necessary funds, and the following provisions are applicable prior to November 28th, 2014: the provisions set forth in Article 93 of the Government Urgency Ruling 194/2002. Later, after the Ordinance no. 25 comes into force on August 26th, 2014, the provisions on the assisted humanitarian voluntary repatriation will be found in Article 95.

IGI together with the international organizations with duties in the field, as well as with the NGOs conduct common programmes designed to identify the concrete ways to support all categories of foreign nationals in vulnerable situations for their assisted humanitarian voluntary repatriation as well as the financial resources necessary for this purpose.

The foreign nationals included in the programmes for assisted humanitarian voluntary repatriation are issued by the General Inspectorate for Immigration repatriation certificates at the request of the international organizations or NGOs with duties in this field.

On September 22nd, 2003 Law no. 374 approved and ratified the Memorandum of Understanding between the Government of Romania and the International Organization for Migration on the cooperation in the field of assisted humanitarian voluntary repatriation and in our country the Programme started to be operational on December 1st, 2005.

As accepted by the Memorandum, voluntary repatriation means the wiling return of a person to his/her country of origin or, if the return is not possible or if the person is a stateless person, his/her voluntarily return to the country where he/she had the last residence or the country which is bound or willing to receive him/her.

Regarding the non-refoulement of the victim in a state to which there are justified fears that the foreign national's life is in danger or that he/she would be subjected to torture, inhuman or degrading treatment and regarding the carrying out of a return risk assessment, please note that the relevant legislation on the status of the foreign nationals contains provisions applicable to all the foreign nationals who are in situations of return. In this regard, we point out Article 87 and after November 28th, 2014 (when Government Ordinance no. 25/2014 came into force), Article 89 of the Government Urgency Ruling no. 194/2002⁷⁷

⁷⁶ Source: DCCO

⁷⁷ Source: IGI

46. Has any victim of trafficking in persons who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

We have no data on such situations.

Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

With regard to the crimes related to trafficking in persons that were mentioned in Law 678/2001, as stated above, Article 17.18, 18¹ were repealed.

In terms of the crime incriminated in Article 18¹ of Law 678/2001, which concerned the corporate liability of the legal person who committed any of the offenses referred to in Articles 12, 13, 15, 17, 18 of the same law, it should be noted that the old Criminal Code also incriminated the corporate liability of the legal person, in Chapter IV entitled "Penalties for legal persons, and in Chapter I of the Criminal Procedure Code entitled "Procedure on the corporate liability of the legal person".

The New Criminal Code, the rules that refer to the legal entity mentioned in Articles 9, 10, Articles 135-151, the latter being referred to in Title VI - Chapter I "Corporate liability of the legal person" and Chapter II "Regime of complementary punishments applied to legal persons"⁵⁵.

Thus, the provisions set forth in Articles 135 and 136 of Title VI, Chapter I – the New Criminal Code regulates the "Conditions applicable to the corporate liability of the legal person" and "Penalties for legal persons".

ARTICLE 135 The conditions applicable to the corporate liability of the legal person

- (1) The legal person, except for the state and the public authorities, is corporately liable for the crimes committed while carrying out the activities or interests or on behalf of the legal person.
- (2) The public institutions are not criminally liable for the crimes committed while carrying out the activities not subject to the private domain.
- (3) The corporate liability of the legal person does not exclude the criminal liability of the individuals who contributed to the committing of the same.

ARTICLE 136 Penalties for legal entities

- (1) The penalties applicable to legal entities are the main and the complementary ones.
- (2) The main penalty is a fine.
- (3) The complementary penalties are:
 - a) the dissolution of the legal person;
 - b) the suspension of the activity or of any activity of the legal person for a period of 3 months to 3 years;
 - c) the closure of some secondary offices of the legal person for a period of 3 months to 3 years;
 - d) the prohibition to participate in public procurement procedures for a period of one to three years;
 - e) the placing under judicial supervision;
 - f) the displaying or publishing of the conviction decision.

According to the data on the number of final sentences for the crime of trafficking in persons and minors, in 2013, 3 legal persons received a final sentence for the crime of trafficking in persons and

minors⁷⁸. One of the companies concerned, which operated under the hat of a massage parlour, received a fine of RON 25,000 and the dissolution decision.

Aggravating circumstances (Article 24)

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

We hold no data on such situations.

Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

Law 678/2001 as amended and completed, Article 20, paragraph 1 sets forth a clause of non-punishment, the text hereof being as follows⁷⁹:

"The person who is the subject of trafficking in persons and who has committed, as a result of his/her exploitation, the crime of prostitution, begging, illegally crossing of a state border or donation of organs or tissues or cells of human origin, as provided in Article 157, paragraph (1) of Law no. 95/2006 on the healthcare reform, as amended and supplemented, shall not be punished for these crimes."

This article was amended with effect from February 1st, 2014, following the entry into force of the New Criminal Code, in that *"The person who is the subject of trafficking in persons and who has committed, as a result of his/her exploitation, the crime of illegally crossing of a state border or donation of organs or tissues or cells of human origin shall not be punished for these crimes. The person who is the subject of trafficking in persons and who has committed one of the offenses set forth in Article 3, paragraphs 3 and 6 shall not be punished."*

The offenses referred to in the text are provided by Law 61/1991 for the sanctioning of the violation of rules on social life, order and public peace, republished.

Thus, according to Article 3 of this law, paragraph 3 and paragraph 6 cover:

- the repeated appeal to the mercy of the public by a person able to work as well as the forcing of a person to commit such acts;
- the attracting of people, in whatever form, committed in bars, parks, on the streets or in other public places for sexual relations in order to gain material benefits as well as the encouraging or forcing of a person to committing such acts the same purpose.

Both under the provisions set forth in the old legal acts and the new acts, the criminal prosecution would not start for such acts or they would have been closed according to the new criminal procedure rules with reference to the victims of trafficking who committed any of the offenses referred to in the text set forth in Article 20 of Law 678/2001. They were not criminally liable for such acts, and a non-punishment principle was specifically provided for by the legislator.

⁸⁰The legal framework has recently been completed in terms of **the non-imputable causes** by the provisions set forth in the New Criminal Code. Thus, the provisions set forth in Articles 23, 24 and

⁷⁸ Source: CSM

⁷⁹ Source: DCCO

⁸⁰ Source: DIICOT

25 of Title II, Chapter III – the Criminal Code governing the "General Provisions", the "Physical Restraint" and the "Moral Constraint"

ARTICLE 23 *General Provisions*

(1) The act set forth in the criminal law is not an offense if it was committed under the conditions set forth in any of the non-imputable causes.

(2) The effect of the non-imputable causes does not extend to participants, unless fortuitous.

ARTICLE 24 *Physical Restraint*

The act set forth in the criminal law is not an offense if it was committed due to physical restraint the perpetrator could not resist.

ARTICLE 25 *Moral Constraint*

The act set forth in the criminal law is not an offense if it was committed due to moral constraint exercised by a threat involving a serious danger to the perpetrator or another person and that could not be removed otherwise.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

⁸¹In case an offense of trafficking in persons is committed in Romania, the legal authority in our country is the competent authority to settle the case. This depends on whether the judicial bodies in the field were notified via a complaint, denunciation or started an ex officio investigation about this. During the investigations being made, a victim who is a foreign national might be identified and he/she shall enjoy the same rights and obligations as the victims who are Romanian nationals do.

If the victim who is a foreign national was not identified during the investigations conducted by the Romanian criminal authorities and he/she notified the offense of trafficking in persons on him/her the authorities in his/her home country, the authorities in Romania, only the criminal prosecution activities requested can be conducted by an application for assistance in criminal matters by the competent authorities in the victim's country of origin. The judicial authorities in Romania cannot act ex officio on the fact committed on a victim who is a foreign national following an international letter rogatory, since it would infringe the principle of "non bis in idem".

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

- a. setting up specialised investigation units and the number of staff involved;**
- b. exchange of information with, and obtaining evidence from, other parties;**
- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;**
- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking in persons victims or the dissemination of child pornography;**
- e. financial investigations to disrupt criminal money flows and ensure asset recovery;**
- f. use of joint investigation teams (JITs).**

⁸²The offenses of trafficking in persons are given to the prosecutor for settlement and pursuit. In this respect there is an institution specialized in combating organized crime, an area also including the

⁸¹ Source: DIICOT

⁸² Source: DIICOT

combating of trafficking in persons, namely the Directorate for Investigating Organized Crime and Terrorism – the Office for Combating Trafficking in Persons and Illegal Migration, and within the police forces, there is the Directorate for Combating Organized Crime, which includes the Office for Combating Trafficking in Persons. The prosecutor is the one delegating the judicial police forces to carry out certain criminal prosecution activities.

⁸³In the investigation of a case of cross-border trafficking in persons, the investigators cooperate with the competent authorities in the countries of transit or destination of the victims of trafficking in persons, through the exchange of information between the judicial police bodies, criminal assistance applications, the formation of joint investigation teams and the conclusion of JITs.

The special surveillance or research methods include those specifically mentioned in Chapter IV - Special methods of surveillance and research, and Article 138, letters a - j of the New Criminal Code properly lists these methods, namely: the interception of communications or any kind of distance communication; the access to an IT system; video, audio or photography surveillance; locating or tracking through technical means; obtaining data on a person's financial transactions; detention, surrender or searching mail; use of undercover investigators and collaborators; authorized participation in certain activities; controlled delivery; obtaining data generated or processed by providers of public electronic communications networks or providers of publicly available electronic communications services other than the contents of communications, retained by them under the special law on the retention of data generated or processed by providers of public electronic communications networks and providers of publicly available electronic communications services.

⁸⁴It should be noted that in the offenses of trafficking in persons, the controlled delivery does not apply, this method being forbidden by all the international conventions on trafficking in persons.

⁸⁵If there is a need to use such a method, the prosecutor shall prepare a report that shall be forwarded to the rights and freedoms judge, who authorizes the use of such investigation methods. The technical survey warrant is issued for a period of 30 days and may be extended, and no extension can exceed 30 days. The total duration of the technical surveillance measures concerning the same person or the same offense shall not exceed six months in the same case, except for the video, audio or photography surveillance in private areas, which can not exceed 120 days.

The authorizing of the use of undercover investigators may be ordered by the prosecutor supervising or conducting the criminal investigation for a period not exceeding 60 days. For each method of surveillance or investigation, the way to achieve it, the competent authority, the duration of the measure, the enforcement bodies are separately provided for etc⁸⁶.

⁸⁷The Directorate for Combating Organized Crime and the corresponding territorial units are structures within the Romanian General Police Inspectorate performing investigative and criminal prosecution activities in the field of trafficking in persons through the judicial police officers specialized in investigating trafficking in persons, trafficking of minors, crimes against the person incriminated by Articles 210 and 211 of the Criminal Code.

The strengthening of the institutional support for combating trafficking in persons was done within *the Directorate for Combating Organized Crime* by establishing the *Service for Combating Trafficking in Persons* within DCCO (at central level) and by deploying the 15 *Services for*

⁸³ Source: DIICOT

⁸⁴ Source: DIICOT

⁸⁵ Source: DIICOT

⁸⁶ Source: DIICOT

⁸⁷ Source: DCCO

Combating Trafficking in Persons (at territorial level) within the 15 *Brigades for Combating Organized Crime* and 27 compartments within the *Services for Combating Organized Crime* (at county level). The judicial police officers specialized in investigating and researching trafficking in persons, trafficking of minors, crimes against the person incriminated by Articles 210 and 211 of the Criminal Code⁸⁸. The police officers use for the documentation of the cases of trafficking in persons all special investigation techniques in order to combat organized crime, as they are proposed by the prosecutor and authorized by the judge in some cases, for them to be used as evidence according to the regulations in force (Article 138 of the Criminal Procedure Code), such as: discrete surveillance of traffickers, undercover investigators (under certain conditions), surveillance of means of communications, monitoring of bank accounts or other financial activities (they are requested and obtained under the law). The most effective special surveillance technique is the interception of calls and communications⁸⁹.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

⁹⁰There were no cases of trafficking in persons with the purpose of organs removal.

Directorate for Combating Organized Crime within our institution, through the structures to combat human trafficking and under the coordination of DIOCT prosecutors had focus in this segment on the crime of *trafficking in persons and trafficking of minors* committed with **the purpose of removing organs, tissues or cells of human origin** in the sense of Law 678/2001 and of the NPC⁹¹.

It should also be pointed out that the acts committed by the persons involved in this type of case law offenses were classified as initiation, establishment, membership or support of an organized criminal group, but were not accepted as trafficking offenses in the sense of the material elements of recruitment, transportation, transfer, harbouring or receipt of persons with the purpose of removing organs, tissues or cells of human origin, with the violation of the legal provisions of Law 678/2001, in these cases there wasn't any trafficking victim (aggrieved party) and it was accepted as offense under the *Law no. 95/2006 on healthcare reform - ART. 157 "It is a crime punishable by imprisonment from 3 to 5 years the act of a person to donate organs and / or tissues and / or cells of human origin, in order to obtain financial benefits or otherwise, for himself or for another."*⁹²

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

National legislation is an appropriate framework for the protection of victims, witnesses and

⁸⁸ Source: DCCO

⁸⁹ Source: DCCO

⁹⁰ Source: DIOCT

⁹¹ Source: DCTP

⁹² Source: DCTP

collaborators. Regarding the aggrieved party in art. 111 of the NPCC it is provided the modality of hearing the aggrieved person and the obligation of notification thereof, at the beginning of the first hearing, the rights and obligations they have, rights and obligations specifically stipulated in the content of article mentioned above. In art. 113 of the NPCC it is mentioned the possibility of disposing the criminal prosecution body to the aggrieved party / civil party, protection measures provided by the art. 125-130 of the NPCC (threatened witness, protected witness, vulnerable witness)⁹³.

Articles on special protection for persons who are victims / witnesses are provided in Section 5, Chapter II of the NPCC, section which is entitled "Witness Protection". Wherever "there is a reasonable suspicion that life bodily integrity, freedom, property or occupation of the witness or a member of his family could be jeopardized as a result of the data they provide the judiciary or its declarations, the competent judicial body gives them the status of threatened witnesses and dispose one or more of the protection measures prescribed by the art. 126 or 127, accordingly. It is noted that even in the case reasonable suspicion exists related with the aggrieved party, the prosecuting authority may dispose in their regard one of the protection measures that is mentioned related with the witnesses⁹⁴.

As protection measures are mentioned specifically the following:

- Surveillance and home security of the witness or providing temporary housing;
- Escorting and protection of witnesses or members of his family while traveling;
- Identification data protection by providing a pseudonym with which the witness will sign his statement;
- Hearing of the witness without being present, by means of audiovisual transmission, voice and image distorted when other measures are not sufficient;

These measures which are disposed during the prosecution may be maintained during trial if the state of danger hasn't passed, and in addition during the inquiry stage there is the measure of non publicity of the court hearing during the hearing of witnesses.

At the same time, the Law 678/2001 as amended with effect starting with 02.01.2014, in chapter V it is mentioned "The protection and assistance to victims of trafficking" specifically states the following:

ART. 26

1. Victims of trafficking in persons offenses are given special protection and assistance, physical, legal and social.
2. Private life and identity of victims of trafficking in persons offenses are protected.
3. Crime victims of trafficking are entitled to recover their physical, psychological and social.
4. Child victims of trafficking crimes are given special protection and assistance in relation to their age.
5. Women who are victims of trafficking crime, and those who are at a high risk of becoming victims of these crimes are given a specific social protection and assistance.

ART. 27

1. Ministry of Internal Affairs ensure physical protection of victims of trafficking, under the conditions of art. 1 of the Criminal Procedure Code.
2. National Agency against Trafficking in Persons, in cooperation with interested institutions and non-governmental organizations, international organizations and civil society representatives engaged in protecting and assisting victims of trafficking, provides them psychological support and

⁹³ Source: DIOCT

⁹⁴ Source: DIOCT

assistance necessary for their social integration.

3. National Agency against Trafficking in Persons monitors trafficking victim assistance and facilitate participation in the prosecution and trial work with activities designed to facilitate administration of justice.

The modality in which these measures find their application in practice is difficult. Getting sincere statements, objectives, is subject to removal of any factor likely to disrupt the victim, the witness. As disturbing factors, we consider the possible threats from traffickers, either directly or through other persons, public hearing by a certain life circumstances on the passive subject (victim), subjecting its public opprobrium (especially if the victim comes from rural area)⁹⁵.

Victim of trafficking and ensure legal aid being appointed a public defender, during hearings may be assisted by a representative ANITP (social worker) and if the situation requires it, this person will be assisted by a psychologist.

⁹⁶Through the new Criminal Procedure Code have been enacted special measures to protect the aggrieved party, the civil party and the witnesses, distinguishing between threatened and vulnerable witnesses. (art. 113, art. 125-130 Criminal Procedure Code).

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

See also the answer given to the previous question.

⁹⁷The Romanian state has taken regulatory action in the Criminal Procedure Code also to protect victims of trafficking who have the quality of standing in criminal proceedings. Such are provided:

- Protection measures disposed during prosecution and during the trial for the **threatened witness (victim of the trafficking in persons)**;
- Hearing of the **protected witness (victim of the trafficking in persons)**;
- Protection measures for **vulnerable witnesses (victim of the trafficking in persons)**.

Simultaneously, the National Office for Witnesses Protection (ONPM) applies all necessary measures in order to include into the witness protection program the witness at risk and it aims to achieve it in the best conditions.

⁹⁸Among the measures provided in the new criminal legislation in order to promote or encourage the participation of victims and witnesses in criminal proceedings are included the measures relating to the manner of their participation in criminal proceedings.

⁹⁹Thus, in the new Criminal Procedure Code it was stipulated the modality of hearing the aggrieved person, being indicated that the aggrieved person has to be informed that it is entitled to be assisted by counsel, and in the cases when the assistance is required, it has the right to an appointed public defender. Also, among others, the aggrieved party has the right to appeal to a mediator when permitted by law, and the right to be faithfully acknowledged on the proceedings, the right to file a prior complaint, and the right to constitute itself as a civil party. (art. 111 Criminal Procedure Code).

Simultaneously, according to art. 124 Criminal Procedure Code, the hearing of the juvenile witness aged up to 14 years takes place in the presence of a parent, guardian or representative of the person

⁹⁵ Source: DIOCT

⁹⁶ Source: MoJ

⁹⁷ Source: DCTP

⁹⁸ Source: MoJ

⁹⁹ Source: MoJ

or of a representative of the institution having custody of the child and if deemed necessary, upon request or ex officio, the prosecution body or the court order that at the hearing of the juvenile witness to attend a psychologist.

Also an encouragement for the victims and witnesses of crimes of trafficking in minors trials can constitute the provisions of the art. 24 of Law no. 678/2001 which stipulates that the hearings in these cases are non-public and according to the art. 25 of the above mentioned Law the hearings of offenses of trafficking, as provided by art. 210 of the Criminal Code, at the request of the aggrieved person, the court may declare a non-public session (not opened to public).

As regards the enforcement regime, art. 20 of Law no. 678/2001, as amended by Law no. 187/2012 for the implementation of Law no. 286/2009 on the Criminal Code states *that a person subject to trafficking, which has committed, as a result of its operation, the crime of illegal crossing a state border or donation of organs, tissues or cells of human origin is not punished for these crimes.*

The project "**AUDIS: for a better minors hearing in Romania**" whose pilot phase was conducted from April 2012 till December 2014, aimed to improve existing practices in Romania regarding cases of minors and particularly hearing minors involved in legal proceedings. The project was coordinated by the Federation of NGOs for Children (FNGOfC) and implemented, based on an inter-institutional cooperation protocol with French Embassy in Romania, the Federation "La Voix de l'Enfant" (France), Ministry of Labour, Family, Social Protection and of the Elderly (MLFSPE) - National Authority for Child Protection and Adoption (NAfCPA), Ministry of Justice (MoJ), Ministry of Internal Affairs - General Inspectorate of Romanian Police (MoIA - GIoRP), Ministry of Internal Affairs - National Agency Against Trafficking Persons (MoI - NAATP), the Foundation "Terre des hommes", General Directorate of Social Assistance and Child Protection from Dolj County and General Directorate of Social Assistance and Child Protection from Cluj County.

The main results of this project were: the development and endowment with audio-video recording of two specialized rooms in hearing minors who are in various legal proceedings and / or administrative, equipped meeting rooms at the General Directorate of Social Assistance and Child Protection (GDoSACP) from Dolj County and Cluj County; organizing two training sessions with experts from France to train 30 professionals (judges, prosecutors, police, social workers, probation counsellors, psychologists, etc.) in minor interviewing techniques and in using the hearing rooms for the minors. A total of 10 practitioners involved in the hearing procedure in Romania, Bulgaria and Republic of Moldova have benefited, in a study tour in France, for an exchange of best practices with French professionals (judges, police officers, doctors, social workers, etc.).

Within the project "**Audis: for a better hearing of minors**", with the support of the Federation "La Voix de l'Enfant" and of General Directorate of Social Assistance and Child Protection (GDoSACP) from Dolj County and Cluj County, were equipped and furnished two hearing rooms for minors in Craiova and Cluj, these being the two pilot locations established for the project.

In the period September-October 2014 in the hearing room of General Directorate of Social Assistance and Child Protection (GDoSACP) from Dolj County were heard 14 minors, including 3 juveniles who were victims of trafficking.

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

There is a project proposal "Preventing re-victimization in the EU of persons who were victims of trafficking in persons" - project proposal for funding 2013 General Session ISEC General Call of Proposals within the programme "Crime prevention and the fight against it", belonging to the General Directorate of Internal Affairs of European Commission¹⁰⁰

Regarding bilateral or multilateral agreements concluded by Romania on mutual legal assistance, we can specify only the agreements concluded for this purpose by DIOCT with the legal authorities from Belgium, Turkey, Republic of Moldova, Italy and the Netherlands, as it follows:

- **Bilateral cooperation agreement** on judicial cooperation in criminal matters, signed on 09.09.2008, between the Directorate for Investigating Organized Crime and Terrorism of the Prosecutor's Office attached to the High Court of Cassation and Justice of Romania and Federal Prosecutor of Belgium;
- **Bilateral cooperation agreement** on judicial cooperation in criminal matters, concluded on 05.18.2011 between the Ministry of Justice of the Republic of Turkey and the Directorate for Investigating Organized Crime Prosecutor's Office attached to the High Court of Cassation and Justice of Romania;
- **Bilateral cooperation agreement** on judicial cooperation in criminal matters, signed on 04.11.2012, between the Directorate for Investigating Organized Crime and Terrorism of the Prosecutor's Office attached to the High Court of Cassation and Justice of Romania and the Prosecutor General of the Republic of Moldova ;
- **Cooperation Protocol** on judicial cooperation in criminal matters, signed on 12.05.2012, the National Directorate of Anti-Mafia and between the Directorate for Investigating Organized Crime and Terrorism of the Prosecutor's Office attached to the High Court of Cassation and Justice of Romania;
- **Bilateral cooperation agreement** on judicial cooperation in criminal matters, signed on 02.05.2013, between Directorate for Investigating Organized Crime and Terrorism of the Prosecutor's Office attached to the High Court of Cassation and Justice of Romania and the National Prosecutor's Office in the Netherlands.

If there is no bilateral cooperation agreement, the judicial cooperation in criminal matters is regulated by Law 302/2004, as amended. This law on international judicial cooperation in criminal matters is transposing into the national legislation the dispositions of the EU framework decision in the field of judicial cooperation in criminal matters. The law applies to the following forms of international judicial cooperation in criminal matters:

- a) Extradition;
- b) Surrender based on a European arrest warrant;
- c) Transfer of Proceedings in Criminal Matters;
- d) Recognition and enforcement of judgments;

¹⁰⁰ Source: DIOCT

- e) Transfer of Sentenced Persons;
- f) Assistance in Criminal Matters;
- g) Other forms of international judicial cooperation in criminal matters.

By law, the jurisdiction of fulfilling the specific attributions by Romanian central authority in the field of judicial cooperation in criminal matters belongs to and are exercised by:

a) Ministry of Justice, through its specialized directorate, if they concern extradition requests, the European arrest warrant, transfer of sentenced persons, preservation order, order for seizure, recognition and enforcement of judicial decisions and criminal, international rogatory commissions, any other form of international judicial assistance that relates to the activity of judgment or enforcement of criminal judgments phase, and regardless of the stage of the proceedings, when, as appropriate, it is provided likewise by the current law or the application is made under international comity or Ministry of Justice is designated as single central authority according to the international treaties to which Romania is a party;

b) The Public Ministry, through specialized structures, when the international rogatory commissions or other forms of international judicial assistance relates to research and prosecution;

c) Ministry of Internal Affairs, specialized structure, if it relates to criminal records.

Inside of the DIOCT there is the Office of cooperation, representation and international judicial assistance which provides reception and transmission of requests for legal assistance in criminal matters.

As of February 1, 2014 (date of entry into force of Law no. 286/2009 on the Criminal Code and Law no. 135/2010 on the Code of Criminal Procedure) there were correlated and modified several articles of the law of international judicial cooperation in criminal matters, as follows:

- The procedure of transfer of criminal proceedings (art. 125 par. 2)
- The proposal of the prosecutor performing or supervising the prosecution or ex officio, if the conditions provided by law are fulfilled, the court orders by a motivated decision, the transfer of criminal proceedings. In the situation of the prosecution transfer, the proposal of the prosecutor conducting or supervising the prosecution is solved in closed session without summoning the parties. The presence of the prosecutor is required;

- ***The demand of taking over the criminal proceedings (Art. 128 par. 2*** - When the offense was committed in Romania, the requests to take over the prosecution or the trial are settled, accordingly, by the prosecutor's offices attached to the courts of appeal or courts of appeal situated in the constituency where the offense was committed or where the investigated person has been identified or the aggrieved person lives. When the offense was committed abroad, the requests to take over the prosecution or the trial shall be settled, accordingly, by the prosecution office from the court of appeal in whose jurisdiction the offender resides or by the court of appeal. If he is not domiciled nor lives in Romania, the jurisdiction belongs to the Prosecutor Office of the Bucharest Court of Appeal or the Bucharest Court of Appeal, as required. Applications for taking over the prosecution concerning acts that by law, are under the competence of the Directorate for Investigating Organized Crime and Terrorism or the National Anticorruption Directorate, shall be settled by them).

- *the object of the international rogatory commissions* (art. 174 par. 1 letter a - locating and identifying the persons and the objects; hearing the suspect, the accused, the aggrieved person, the civil party, the civilly liable party, the witnesses and the experts, and the confrontation; the searches, the seizure of objects and documents, the sequestration and the special or extended confiscation, the crime scene investigation and the reconstruction; the expertise; the transmission of information required in a particular process, the tapping, the examination of the archival documents

and of the specialized files and other acts of procedure);

- *the hearings by video conference* (art. 178 - The competent judicial authorities to execute the requests from authorities of other states are the courts of appeal, during the trial, or the prosecution offices of the courts of appeal, during prosecution, art. 178 par. 9 -) The provisions of this article may apply also in the case of hearing the suspects or the defendants in the case, if the person consents and if there is an agreement to that effect between the Romanian judicial authorities and the judicial authorities of the requested State; art. 178 par. 11 – the statements of the suspect or of the defendant, of the other parties in the criminal case or of the expert who is abroad may be taken by video whenever it is inappropriate or impossible for that person to appear in person in Romania. It is also considered in the state of inability to appear personally in Romania the person in custody in the territory of another State. In this regard, the prosecutor conducting or supervising the prosecution or the court before which the case is to be solved is preparing and submitting directly or through the central authorities referred to in art. 10. the request for judicial assistance in criminal matters. The provisions of par. (3) and (9) shall apply accordingly.

- the territories of other states, the Romanian judicial authority may request the competent foreign authorities to lift objects and documents or to conduct searches and to submit articles or documents delivered or picked up during the search. When it is requested a house search, in the request made according to art. 172, the Romanian judicial body which requested it indicates and confirms the issuing by the competent court of the approval based on which it was availed the performing of the search).

- *the Joint Investigation Teams* (art. 182 par. 8 - When JIT activity takes place in another State, if it considers it necessary the fulfilment of some research activity in Romania, the prosecutor who is a member of the joint team investigation may ask the Romanian authorities to meet those acts without the other participating countries being needed to apply a request for judicial cooperation, unless the person is requesting the arrest for extradition or surrender, as appropriate. The procedures necessary to carry out that activity in Romania will be those applicable to the activities of criminal investigation, according to Romanian law).

- *Cross-border surveillance* (art. 185 par. 5 Supervision referred to in par. (3) can take place only for one of the following actions:

- a) murder and manslaughter;
- b) serious sexual offenses, including rape and sexual abuse of minors;
- c) destruction and destruction, committed by arson, explosion or any other such means;
- d) counterfeiting and forgery of means of payment;
- e) theft and robbery in qualified form and receiving stolen goods;
- f) embezzlement;
- g) illegal deprivation of liberty;
- h) offenses of trafficking in persons, trafficking in minors, using the services of an exploited person, child pornography;
- i) traffic of drugs and precursors;
- j) offenses regarding the trespassing of weapons and ammunition, explosives, nuclear and other radioactive materials;
- k) illegal transport of toxic and dangerous waste;
- l) migrant trafficking, facilitating illegal stay in Romania;
- m) blackmail. ")

- *The principle of specialty* (Art. 186 - (i) the evidences or information obtained by the Romanian judicial authorities on the basis of international legal assistance requests made by the authorities of other states cannot be used in other criminal cases other than that specified in the

request without the prior consent of competent authority of the requested State.

¹⁰¹Romania attains a permanent and continuous exchange of information on countering human trafficking, both internally between institutions with responsibilities in the field as well as internationally with EU Member States and non-EU, through Europol, Interpol, SELEC, and so on.

¹⁰²Another example of cooperation is the Romanian-French Working Group on Unaccompanied Minors, the Romanian-Mexican Committee of cooperation against drug trafficking, pharmacodependency and related offenses and other forms of memoranda, protocols, agreements, bilateral or multilateral format in preventing and combating trafficking.

According to Law no. 302/2004 on international judicial cooperation in criminal matters, international judicial cooperation, including mutual legal assistance may be granted under international treaties, bilateral or multilateral agreements or, in the absence of such instruments under reciprocity¹⁰³.

Requests for mutual legal assistance in cases of trafficking are less present in the workload of the Ministry of Justice, perhaps due to the rather regional phenomenon. The most frequently mentioned are EU instruments that promote direct contact between judicial authorities. MLA 1959 Council of Europe Convention is also an important tool used to obtain evidence in cases of trafficking.

Although there isn't an overview of the applications received or sent by the courts, it was found that, especially Italy, Spain and France are the countries with which we cooperate especially related to cases of trafficking¹⁰⁴.

Videoconferencing has become a widely used tool in order to hear witnesses with protected identity. The International judicial cooperation in trafficking cases is problematic because of the transnational nature of the phenomenon, quite often there are parallel investigations. Sometimes it arises positive conflicts of competence. To avoid such situations, it is important to make use of alternative methods, such as for example JIT – Joint Investigation Teams. Romanian authorities have tried to use more this approach in recent cases. The role of Eurojust should also be mentioned in this context, especially in terms of coordination reunions, but also in terms of preventing the conflicts of jurisdiction.

Many applications are referring to the interviews that should be taken to the victims. Coordination mechanisms should be implemented with regard to victims who move from one country to another and thus cooperation becomes impossible.

On the other hand, we note that in addition to this activity MoJ carries out activities arising from its central authority in the field of judicial cooperation in criminal matters, ensuring communication with the Romanian foreign judicial authorities, including human trafficking. Moreover, human trafficking and crimes related to trafficking in persons is an important component of casuistry facing the Ministry of Justice as central authority¹⁰⁵.

Cooperation with the law enforcement authorities in the context of joint investigation teams (JIT) are accomplished in 2014 on concrete cases of trafficking JIT with Poland - DIOCT and **BCCO** Brasov and JIT with Czech Republic - **SCCO** Vrancea. However, cooperation with countries of transit and destination for trafficking is done at EU level Working Group EMPACT THB priority.

¹⁰⁶

¹⁰¹ Source: DCCO

¹⁰² Source: NAaTiP

¹⁰³ Source: MoJ

¹⁰⁴ Source: MoJ

¹⁰⁵ Source: MoJ, information presented in the **Report on the implementation by Romania, Recommendations CP (2012) 7 on the application of the Council of Europe Convention on Action against Trafficking in Human Beings** sent by the Romanian authorities in June 2014.

¹⁰⁶ Source: DCTP-CSTP, information presented in the **Report on the implementation by Romania, Recommendations CP (2012) 7 on the application of the Council of Europe Convention on Action against Trafficking in Human Beings** sent by the Romanian authorities in June 2014.

and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

¹¹⁰The National Strategy Against Human Trafficking was developed and finalized based on the relevant contribution of several NGOs, including: the Organisation Save the Children Romania, ADAPRE- Association for Development of Alternative Practices for Reintegration and Education, The Association Caritas Bucharest, AIDROM – the Ecumenical Association of the Churches in Romania, Romanian Centre for Missing and Sexually Exploited Children - FOCUS, Terre des Hommes Foundation, Ratiu Centre for Democracy, International Organization for Migration - Mission from Romania.

NAaTiP Action Plans concluded with institutional partners such as the Inspectorate of Local Gendarmerie, the County Police, Public Health Department, County School Inspectorates etc. And also organizational targeted the coordination of the prevention activities by partners, separately and together, as well as training sessions for specialists coming into contact with victims of trafficking. In the period under analysis which is 2010-2014, were signed a number of 30 cooperation agreements between the NAaTiP and private organizations, especially NGOs.

NAaTiP partners were involved in collaborative activities that aim primarily at preventing human trafficking national or regional population especially vulnerable to this phenomenon. Providing specialized assistance to victims of trafficking is another objective of the collaboration with non-governmental organizations.

The most important partners of our institution over the period considered were: the Organisation "Salvați Copiii" (in engl. "Save the Children"), the Association for Promoting Social Inclusion, the Foundation "World Vision", company", Bancpost Corporation, the Association "Caritas" Bucharest, the Association „Zâmbetul îngerilor” (in engl. "The Smile of Angels"), the Ecumenical Association of Churches in Romania – AIDROM, the Association Institute for Social Policies (Bucharest), the Association for Development of Alternative Practices for Reintegration and Education – ADAPRE, the Association for Lifelong Learning (Neamt), the Association for Initiative and Continuing Development - AICD (Ploiesti), the Association Pro Refugiu (in engl. Pro Shelter) (Bucharest), Association "Telefonul Copilului" (in engl. "Child Helpline") (Bucharest), the Association "„Tinerii luptă împotriva viciilor mileniului III" (in engl. "Youth fighting the vices of the third millennium)" (Dolj), the Association „Zâmbetul Îngerilor” (in engl."the Smile of Angels") (Bucharest), the Foundation "People to People" (Bihor), the Foundation „Solidaritate și Speranță” (in engl. "Solidarity and Hope") (Iasi), the Foundation "Terre des homes” (Laussane) - Representation in Romania" (Bucharest), the East European Institute for Reproductive Health (Mures), the Association "Eliberare" (in engl. "Liberation") (Bucharest), the Foundation „Ușă deschisă” (in engl. "Open Door") (Bucharest), the Federation of NGOs for Children (FoNGOfC), the Association "Pro Refugiu" (in engl. "Pro Refuge") (Bucharest), the Romanian Union of Public Transport (Bucharest), the Association "Betania" (Bacau), the Foundation for Community Support (Bacau), the Foundation "Episcop Melchisedec" (in engl. "Bishop Melchizedek") (Bacau), the Teaching Association (Craiova).¹¹¹.

In order to sensitize and to raise awareness of the effects of human trafficking and to improve the capacity of early identification of victims of trafficking and assistance of defining concrete ways to identify and assist victims of trafficking, training sessions organized by representatives NAaTiP covered mainly the educational, the social and the public order domain. Within them, it was followed every time to adapt the debated topics to the specific targeted group currently in training respectively community police, proximity officers, public order and justice officers, border guards, policemen, teachers and school inspectors, psychologists, social workers, workers from orphanages, educational counsellors, priests, representatives of municipalities, military, NGO representatives, volunteers etc.

¹¹⁰ Source: NAaTiP

¹¹¹ Sursă : NAaTiP

Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

No information was provided on this topic

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

Ministry of Internal Affairs

- General Inspectorate of Romanian Police through specialized structure DCTP - Directorate for Combating Trafficking in Persons
- National Agency against Trafficking in Persons
- General Inspectorate for Immigration through the Directorate of Migration
- General Inspectorate of Border Police through the Directorate for Combating Transborder Crime and Illegal Migration

Ministry of Labor, Family, Social Protection and Elderly Persons

- Department for Equal Opportunities for Women and Men
- National Authority for Child Protection and Adoption
- Labour Inspection
- National Agency for Employment

Ministry of Justice

- National Office of Crime Prevention and Cooperation from Recovering the Receivables from Crime
- Bureau of Judicial Statistics

Public Ministry

- Directorate for Investigating Organized Crime and Terrorism

Superior Council of Magistracy

Ministry of Education

- The General Directorate for Education and Lifelong Learning

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

ANITP-persoană de contact GRETA, Ana-Maria TAMAS

E. Statistics on THB (per year, starting with 2010)

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

	2010	2011	2012	2013	1 st Semester 2014
1. Total number of victims identified and registered in SIMEV¹¹²	1154	1048	1041	896	448
Out of which identified by :					
Police (DCCO,BCCO, SCCO)	1125	1015	1020	854	420
Border Police	1	1	2	1	0
NGO	0	5	5	3	2
DIICOT	11	6	6	7	1
ANITP	12	8	4	15	21
Others ¹¹³	5	13	6	16	4
Out of which:					
Men	504	384	366	319	137
Women	650	664	675	577	311
Out of which :					
Sexual exploitations¹¹⁴	488	517	557	450	281
Exploitation for forced labour	503	408	410	375	141
Exploitation for forced begging	112	81	48	38	19
Exploitations for forced thefts or other illegalities	6	11	6	3	3
Other forms¹¹⁵	45	31	20	30	4
Out of which :					
Adults	847	729	671	596	288
Minors	307	319	370	300	160
Out of which :					
Romanians	1152	1041	1037	894	448
Foreign citizens from other EU states	2			1	
Citizens from other states		7	4	1	
Nationalities of the foreign citizens					

¹¹² Sistem Național Integrat de Monitorizare și Evaluare a Victimelor Traficului de Persoane - administrat de ANITP.

¹¹³ În categoria altele au fost considerate următoarele instituții care ar fi putut face identificare: Organizații Internaționale, Inspekția Muncii, Inspectoratul General pentru Imigări, Direcțiile Generale de Asistență Socială și Protecție a Copilului, Spitale, Unități de Învățământ sau altele.

¹¹⁴ Exploatare prin prostituție pe stradă, în cluburi, hoteluri sau în alte spații private precum și pornografia.

¹¹⁵ În categoria altele au fost considerate cazurile de tentativă la exploatare sau posibile alte forme de exploatare care nu se regăsesc în cele comune. Nu au fost înregistrate cazuri de exploatare din sfera traficului de organe

	Moldavian		1	4	1	
	Bangladesh		5			
	Serbian		1			
	Greek	1				
	Hungarian	1				
	Polish				1	
Out of which:						
	Internal Trafficking	305	296	497	344	197
	International Trafficking	849	752	544	552	251

Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

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

All the victims presented above were granted a reflection period

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

Victims identified in the year	Type of social services supplier	Distribution on age and sex			
		Minors		Adults	
		Female	Male	Female	Male
2010	Public institutions	171	26	134	120
	NGO	14	18	39	22

Victims identified in the year	Type of social services supplier	Distribution on age and sex			
		Minors		Adults	
		Female	Male	Female	Male
2011	Public institutions	148	8	154	54
	NGO	29	0	54	6

Victims identified in the year	Type of social services supplier	Distribution on age and sex			
		Minors		Adults	
		Female	Male	Female	Male
2012	Public institutions	128	8	108	39
	NGO	24	2	32	28

Victims identified in the year	Total number of victims assisted	Distribution on age and sex			
		Minors		Adults	
		Female	Male	Female	Male
2013	291	139	8	99	45

Victims identified in the year	Type of social services supplier	Distribution on age and sex			
		Minors		Adults	
		Female	Male	Female	Male
2013	Public institutions	122	7	66	33
	NGO	34	1	42	13

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of victims given refugee status and subsidiary/complementary protection.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

The number of victims who have received during 2010-2012 a decision of the court for compensations from the Trafficker was mentioned at the question 42.

There was not mentioned the data regarding the number of victims that have requested and have received financial compensation from the state.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

The chart related to the number of Romanian citizenship victims repatriated from other states¹¹⁶

	2010	2011	2012	2013	2014
Total number of repatriated victims	77	61	110	121	42
Out of which:					
Women	57	36	37	45	32
Men	20	25	73	76	10
Out of which:					

¹¹⁶ Sursa: ANITP

Minors	17	12	16	10	7
Adults	60	49	94	111	35
Out of which:					
Sexual exploitations		27	33	40	34
Exploitation for forced labour		21	66	76	7
Exploitation for forced begging		10	7	5	1
Other forms		3	4	-	-
Counties					
Germany		4	1	13	4
Italy		-	3	3	1
Spain		19	13	8	4
Belgium		3	1	-	-
Holland		-	2	-	3
Greece		13	38	-	1
Portugal		1	16	55	1
Great Britain		1	12	13	9
Norway		-	6	-	-
France		4	6	-	-
Ireland		2	3	4	5
Poland		11	2	14	3
Croatia		-	2	-	-
Switzerland		1	2	3	1
Denmark		-	1	-	2
Austria		-	1	4	3
Sweden		-	-	-	2
Bulgaria		1	-	-	1
Cyprus		-	-	2	-
Luxemburg		-	-	1	-
Slovenia		1	-	-	-

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of investigations into THB cases.

DCCO: Number of investigations regarding Trafficking in persons

YEAR	TOTAL OF CASES REGISTERED	PERSONS INVESTIGATED in the registered cases
2010	521	1099
2011	541	1296
2012	634	1342
2013	714	1363
1st semester 2014	332	662

Number of prosecutions of THB cases.¹¹⁷Year 2011

The total number of cases in 2011 was 1860, out of which 197 cases related to the internal trafficking in persons, 1663 related to the transnational trafficking in persons, there have been solved 810 cases out of which: 182 cases through the issue of the prosecutor's charge and notification of the court of justice, 622 through non-institution of criminal proceedings, abandonment of criminal proceeding and 6 cases of abandonment of criminal proceedings and application of measures with an administrative character

Year 2012

The total number of cases in 2012 was 1733, out of which 234 cases related to the internal trafficking in persons, 1503 related to the transnational trafficking in persons; there have been solved 676 cases out of which: 178 cases through the issue of the prosecutor's charge and notification of the court of justice, 496 through non-institution of criminal proceedings, abandonment of criminal proceeding and 2 cases of abandonment of criminal proceedings and application of measures with an administrative character;

Year 2013

The total number of cases in 2013 was 1914, out of which 299 cases related to the internal trafficking in persons, 1615 related to the transnational trafficking in persons; there have been solved 798 cases out of which: 186 cases through the issue of the prosecutor's charge and notification of the court of justice, 608 through non-institution of criminal proceedings, abandonment of criminal proceeding and 4 cases of abandonment of criminal proceedings and application of measures with an administrative character;

Year 2014 until September 30

The total number of cases in 2014 was 1749 out of which 310 cases related to the internal trafficking in persons, 1433 related to the transnational trafficking in persons; there have been solved 627 cases out of which: 150 cases through the issue of the prosecutor's charge and notification of the court of justice, 1 agreement of recognition of guilt; 4 abandonment of criminal proceeding; 472 dismissal cases;

¹¹⁷ Sursă: DIICOT

Year	Files on prosecutors office for trafficking in persons	Accused/defendants at the prosecutors offices for trafficking in persons	Sued from the prosecutor offices for trafficking in persons	Convicted
2010	1873	1051	415	<u>203</u>
2011	1891	1115	480	<u>276</u>
2012	1754	984	536	<u>427</u>
2013	1972	1116	552	<u>253</u>

Source of the table: CSM

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Penalties with deprivation of liberty/number of convicts	2010	2011	2012	2013
0-6 months	0	0	0	1
6-12months	1	0	0	0
1-5 years	65	98	134	40
5-10 years	63	82	139	52
10-15 years	17	10	31	23
More than 15 years	0	0	5	0

Number of judgments resulting in the confiscation of assets.

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

3 juridical entities convicted in 2013.

Number of convictions for the use of services of a victim of THB.

ANITP	National Agency against Trafficking in Persons
ANOFM	National Employment Agency
ANPDCA	National Authority for Child Protection and Adoption
ANR	National Agency for Romani
CIPC	Instruction Centre for the Consular Personnel
CoE	European Council
COJES	County Commissions , respectively of the city Bucharest, for equal opportunities between women and men
CONES	National Commission in the filed of equal opportunities between the women and men
CSM	Superior Council of Magistracy
DESF	Department for Equal Opportunities between Women and Men
DCCO/SCCO/BCCO	Directorate for Investigating Organized Crime and Terrorism / The Department against Trafficking in persons / Office for combating trafficking in persons
DCMIIT	Department for combating the illegal migration and transborder criminality
DGAS	General Department of Social Assistance
DGASPC	General Department of Social Assistance and Child Protection
DGA	General Anticorruption Directorate
DIICOT	Directorate for Investigating Organized Crime and Terrorism
DNA	National Anticorruption Directorate
EUROSTAT	European Office of Statistics
FRA	European Union Agency for Fundamental Rights
IGPF	General Inspectorate of Border Police
IGPR	General Inspectorate of the Romania Police
IGI	General Inspectorate for Immigrations
IM	Labour Inspection
MAE	Ministry of Foreign Affairs

MAI	Ministry of Internal Affairs
MEN	Ministry of National Education
MMFSPV	Ministry of Labour, Family, Social Protection and Elderly
MJ	Ministry of Justice
MNIR	National Mechanism for Identification and Reference of the Victims of trafficking in persons
MP	Public Ministry
NCP	The new Criminal Code
NCpp	The new Criminal Procedure Code
OAP	Operational Action Plan
OI	International Organization
ONG	Non-governmental Organization
ONPCCRCPI	National Crime Prevention and Cooperation Office (for the recovery of the debts due to crimes)
UNODC	United Nation Office on Drugs and Crime
SCTP	The Department against Trafficking in Persons
SNITP	National Strategy against Trafficking in Persons
TFU/TP	Trafficking on human beings / Trafficking in Persons
VT	Victim of the trafficking in persons