

G R E T A

GRETA(2023)11_ROM_rep

Group of Experts on Action
against Trafficking in Human Beings

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

Fourth evaluation round

Thematic focus: Addressing vulnerabilities to trafficking in human beings

Adopted by the Group of Experts on Action against
Trafficking in Human Beings (GRETA) on 30 June 2023

Reply submitted on 28 June 2024

List of frequently used abbreviations in the text:

ANITP	National Agency Against Trafficking in Persons
ANABI	National Agency for the Management of Seized Assets
ANCOM	National Authority for Administration and Regulation in Communications
ANOFM	National Employment Agency
ANPDCA	National Authority for the Protection of Children's Rights and Adoption
CoE	Council of Europe
CP/CPP	Criminal Code/Criminal Procedure Code
CEPEJ	European Commission for the Efficiency of Justice
CSM	Superior Council of Magistracy
DCCO/BCCO/SCCO	Directorate for Combating Organised Crime / Brigade for Combating Organised Crime/ Unit for Combating Organised Crime
DGASPC	General Directorate of Social Assistance and Child Protection
DGA	Anti-Corruption General Directorate
DIICOT	Directorate for the Investigation of Organized Crime and Terrorism
DSA	Digital Services Directive/Digital Services Act
EIL	Local inter-agency teams
HG	Government Decision
IGPF	General Inspectorate of Border Police
IGPR	General Inspectorate of the Romanian Police
IGI	General Inspectorate for Immigration
IM	Labor Inspectorate
IJM	International Justice Mission
JIT	Joint Investigation Teams
MFA	Ministry of Foreign Affairs
MAY	Ministry of Internal Affairs
MMSS	Ministry of Labour and Social Solidarity

MNIR	National Identification and Referral Mechanism
MJ	Ministry of Justice
PNA	National Action Plan
NGO	Non-governmental organisation
IOM	International Organization for Migration
PICCJ	Prosecutor's Office of the High Court of Cassation and Justice
SCTP	Unit for Combating Trafficking in Persons
SNITP	National Strategy Against Trafficking in Persons
SSVI	Crime Victim Support Service
SPAS	Social Welfare and Protection Service
TFU/TP/THB	Trafficking in Human Beings / Trafficking in Persons /Human Trafficking
UNODC	United Nations Office on Drugs and Crime
VMI	Minimum Inclusion Income
VoT	Victim of human trafficking/ victim of trafficking in persons

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by States Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking, in particular trafficking for the purpose of labour exploitation, and the vulnerability of children to trafficking. The third evaluation round focused on trafficking victims' access to justice and effective remedies.

GRETA has decided that the fourth evaluation round of the Convention will focus on **vulnerabilities to human trafficking** and measures taken by States Parties to prevent them, detect and support vulnerable victims, and punish the offenders. This includes a focus on the use of information and communication technology (ICT), which brings structural changes to the way offenders operate and exacerbates existing vulnerabilities.¹

A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. The concept of "vulnerability" appears in Articles 4 (definitions), 5 (prevention of trafficking in human beings) and 12 (assistance to victims) of the Convention. According to paragraph 83 of the Explanatory report to the Convention, "by abuse of a position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim's administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce."

GRETA refers to the ICAT Issue Brief No. 12/2022 on Addressing vulnerability to trafficking in persons which refers to vulnerability as "those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked". It classifies vulnerability factors in three categories: personal (e.g. age, gender, ethnicity, disability), situational (e.g. destitution, unemployment, legal status) and contextual (e.g. discriminatory laws, policies and social norms, armed conflicts, crises) factors, which interact and may increase the risk of human trafficking for certain individuals, groups and/or communities.² Vulnerability to human trafficking is also subject to intersectional factors, such as gender, belonging to a minority group and socio-economic status.

Applying a socio-ecological approach to the analysis of vulnerability to human trafficking demonstrates how different risk factors influence vulnerability, and how protective factors may reduce the risk of victimisation by increasing resilience.³ The socio-ecological model considers the complex interplay between individual, relationship, community and societal factors. It helps to understand how

¹ [Paolo Campana, Online and Technology-Facilitated Trafficking in Human Beings, Council of Europe, April 2022.](#)

² [ICAT Issue Brief No. 12 on Addressing vulnerability to trafficking in persons - Search \(bing.com\)](#)

³ https://www.avoiceforcentraloregon.com/uploads/1/3/9/9/139904528/socio_ecological_model_and_trafficking.pdf

anti-trafficking strategies should: (a) reduce the vulnerability of individuals, (b) work with the communities (which may also include relationships) concerned to ensure that their practices or current dynamics do not exacerbate or contribute to vulnerabilities to human trafficking and, (c) change a number of system-driven or structural elements (such as policies) so that they do not facilitate but discourage an environment conducive to human trafficking.

In addition to the thematic focus on vulnerabilities to human trafficking, GRETA has decided that each State Party will receive **country-specific follow-up questions** related to recommendations not implemented or partially implemented after the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's third evaluation report. **States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.**

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Part 1 - Addressing vulnerabilities to trafficking in human beings

I. PREVENTION (Articles 5, 6 and 7)

1. Do you have specific data/research/analysis of what makes people vulnerable to trafficking in human beings (THB) in your country? Please provide information on the categories/groups of people identified as being at risk of becoming victims of human trafficking, and how they are addressed in the national anti-trafficking strategy and/or action plan. Have you identified geographical regions or economic sectors in your country as particularly vulnerable to THB, and how do you address them in your strategy or policy?

Analysis, context, trends in population vulnerability to trafficking in persons

Following the trends of previous years, Romania predominantly maintains its character as a source country for trafficking in persons, but at the same time it is gradually undergoing a process of transformation from a country of origin for trafficking in persons in Europe to a country of both origin and exploitation of Romanian victims. Currently, there is fertile ground for Romania to also become a destination country for foreign nationals, particularly those from third countries. The main vulnerabilities of the victims remain: poverty, search for better life opportunities, lack of education and access to information or lack of social life experience (minors), naive attitudes and judgments such as "it can't happen to me", victims originating from rural areas, from disorganized or single-parent families (the desire of victims to escape from an abusive or negligent environment), from placement centers, people with disabilities who are easily victimised and migration/immigration for work⁴. Most victims of Romanian nationality are recruited within the country, so that further exploitation can take place in other Western European countries, where there is a demand for cheap labour, for sexual services or where begging is tolerated, thus creating the conditions for victimisation (*pull factors*). There are cases where exploitation begins as a pimping crime, where the relationship between the parties is collaborative, with some sharing of the proceeds, and then, after a certain period of time that builds trust and creates dependency for the victim, true sexual exploitation of the victim for the exclusive benefit of the trafficker really begins. Regarding the domestic exploitation of victims (49.93% of all investigations targeted exclusively domestic trafficking), underage victims are preferred because they are easier to recruit and exploit, particularly by forcing them into prostitution, without the need for external travel or border crossing.

The criminal interest has remained predominantly focused on exploiting females, especially minors, most of them in prostitution and pornography. Thus, the latest national statistics show that 77% of identified victims are female, with the proportion of minor females (40%) exceeding that of adult women (37%) this year. For the first time in the past 5 years, there has been a decrease in the number of trafficked minors under 14 years of age (-23%) and, at the same time, a slight increase (+5.5%) in the number of victims in the 14-17 age group, with more male minors being identified. The 18-25 age group is the largest among adult female victims, with two-thirds being young women from this category. A significant factor contributing to the vulnerability to trafficking is the family situation of the victims, with almost 1 in 5 victims coming from placement centers/ foster care or in the care of relatives at the time of recruitment. In the case of minor victims identified in 2023, the share of those in these situations increased from 17% in 2022 to 22% in 2023. Regarding the relationship with the recruiter, at first contact, most victims knew the identity of the person who approached them (70% of victims were recruited by people within their circle of acquaintances, friends, neighbors or even relatives) while only 30% of victims were recruited by strangers. The offer made during the recruitment

⁴ DCCO input GRETA

process was mainly directed towards prostitution, begging or pornography, with a third of victims receiving offers in these areas and only a quarter of victims being recruited with a job offer, either abroad or in the country. Sexual exploitation of victims through forced prostitution as well as child pornography and online pornography is by far the most common, with 63% of victims exploited in this way, more than half (57.4%) being under 18. A particular aspect of the human trafficking landscape in Romania, in 2023, was the exploitation for financial gain of the vulnerabilities of certain categories of people dependent on supervision (elderly people, adults with chronic illnesses or neuropsychic disabilities).

These cases, which were brought to the attention of the media during the previous year, represented efforts by law enforcement authorities to identify the perpetrators and dismantle networks set up to obtain financial benefits from these people, to whom they claimed to provide accommodation and specialist care/recovery services but in reality they kept them in a state of servitude, similar to slavery. This new form of exploitation identified over the past year is reflected in the statistical picture, with a significantly higher percentage of victims with neuropsychic disabilities (14% in 2023, compared to 5% in 2022) and a doubling of the share of victims from placement centers (from 7% to 13.3%). In terms of geographical areas and regions, the latest data indicate that the main counties of origin for the victims of trafficking, identified in 2023 were: Bacău (39 victims), Dolj (24), Braşov (23), Bucharest (21), Vrancea (21), Alba (20), Constanţa (20), Sibiu (19) and Covasna (18), these accounting for 36% of the total cases. As regards the destination of exploitation, in 2023 there were no significant changes in external trafficking. The main destinations for Romanian-origin individuals remained Germany (41 cases), the United Kingdom (33), and Italy (17), albeit with a lower number of cases. Internal trafficking saw a significant increase in 2023, with its share maintaining an upward trend from 58% in 2022 to 72% in 2023. The number of victims trafficked in Romania also increased by 11%, compared to the previous year. Among the victims exploited within Romania, 64% were sexually exploited, including in the realm of pornography. Minors were the primary victims of domestic trafficking (62%), with 9 out of 10 minor victims being identified in domestic trafficking cases.⁵

Measures Taken, Addressing Vulnerabilities in Policies and Strategies:

During the reporting period, the Romanian authorities' efforts were aimed at maintaining the coherence of the initiatives carried out in previous years and at making the Romanian anti-trafficking system more efficient, with specialists and practitioners in the field adopting a proactive approach towards social groups vulnerable to trafficking and, of course, towards potential situations of vulnerability of non-EU citizens arriving on Romanian territory, either as refugees or as labor force. The fight against trafficking in persons is a cross-sectoral responsibility, predominantly under the umbrella of the public-private-civil society partnership and thus, requires sustained efforts and strategic planning between all actors involved, regardless of their legal nature. Therefore, the multi-disciplinary nature of such a process is not confined to a single person, institution or organisation, and a joint, collaborative intervention is essential for ensuring an appropriate response that benefits both the individual and society, by increasing the level of safety and public order.

⁵ Data taken from the Summary Analysis of the Phenomenon of Trafficking in Persons in 2023, https://anitp.mai.gov.ro/ro/docs/studii/Analiza_succinta_victime_2023.pdf

From this unanimous understanding of the importance of continuous and sustained efforts aligned with international and national regulatory frameworks and the dynamics of the phenomenon, the following relevant actions in the field have materialised:

✳ The National Identification and Referral Mechanism of Victims of Trafficking in Persons was approved and implemented by Government Decision no. 88/2023, representing a coherent tool for integrated action involving all relevant stakeholders, with the victim of trafficking in persons as its central objective. This mechanism includes the necessary guidelines to orient professionals in the field, and those whose duties and responsibilities enable them to contribute to reducing this phenomenon. The actions are carried out in a systematic and phased manner, seeking to simultaneously leverage victimological and legal perspectives concerning victims of trafficking, addressing both the facilitating factors and the effects suffered by individuals affected by exploitation, in the context of trafficking.

✳ The National Strategy against Trafficking in Persons 2024-2028, along with a subsequent Action Plan for the period 2024-2026, has been developed, with objectives structured to produce sustainable results beyond the implementation period. Thus, the strategic vision is that, by the end of 2028, a national anti-trafficking system will be in place in Romania, with the necessary resources allocated and efficiently used. Within this system, central and local institutions, in cooperation with non-governmental organisations, civil society and international organisations, will implement effective measures to reduce the phenomenon, identify and assist its victims and punish traffickers. Given the cross-border nature of this phenomenon, and the gradual shift from a "source" country to a "destination" country, Romania will also seek to form partnerships with third countries targeting common objectives to reduce the risks arising from cross-border trafficking in human beings, to protect and assist the victims of this phenomenon, thus providing foreign victims with the necessary protection and assistance for recovery from the trafficking experience and reintegration into a normal life.

2. What specific measures are taken to reduce children's vulnerability to THB by creating a protective environment for children? Please provide information in the following areas:

- a. protecting children's rights from attitudes, customs, behaviour and practices that can have an adverse effect (including child, early and forced marriage, and illegal adoption);

Trafficking in persons remains one of the criminal phenomena with a global impact, causing serious suffering both morally and physically to its victims, especially when we are talking about child victims. In order to protect children's rights against trafficking, it is crucial to pay greater attention to reducing vulnerabilities and discouraging demand. Increasing awareness of the risks associated with child trafficking can help to create a safe and protective environment for the most vulnerable members of society. Regarding demand, as an element fuelling and amplifying the phenomenon of trafficking, it is represented by consumers of sexual services and child pornography, as well as employers seeking cheap or unpaid labour. In the case of exploitation through begging, there is a segment of the population that unwittingly encourages this phenomenon for emotional or cultural reasons by offering money to beggars. The violence inflicted on victims occurs because within that public there are individuals who request and pay for the victims' "services". This does not in any way remove the guilt of the traffickers and the obligation of the authorities to bring them to justice, but it does show the need to also shed light on the third "actor" in trafficking, namely the client. During the evaluation period, ANITP has taken steps to address consumers of services provided by victims of human trafficking and child trafficking in order to raise awareness of the implications of their actions in amplifying the phenomenon. The main campaigns aimed at discouraging demand include:

★ The national campaign *"Prison is not just behind bars!"*, carried out by ANITP in the framework of the transnational project *"Further strengthening the capacity to combat trafficking in human beings with a focus on prevention, cooperation and recovery of the proceeds of crime - WESTEROS 2"*, financed by the European Union through the Internal Security Fund. The campaign activities were carried out in both online and outdoor environments, with the main objective of discouraging the demand for services provided by victims of trafficking. The process of shaping the campaign design involved, among other things, profiling the consumers of sexual services and cheap labor, including the characteristics of this target group and the filters applicable on social media to establish a specific audience. The preventive approach contained a strategy of paid promotion of anti-trafficking messages online, on the social networks such as Facebook, Youtube and Instagram.

★ The international prevention campaign *"Without clients, there's no trafficking!"*, carried out by ANITP in partnership with the General Inspectorate of the Romanian Police and the Spanish National Police, aimed at preventing trafficking in human beings for sexual exploitation by reducing vulnerabilities to trafficking and discouraging the demand that fosters this phenomenon. The campaign addressed both the demand and the supply side of the trafficking mechanism and was carried out both in Romania, as the country of origin, and in Spain, as the country of destination for Romanian victims of trafficking. The activities included online promotion of a video material specifically addressed to consumers of sexual services, as well as information-preventive activities and training sessions, with the aim of raising awareness among beneficiaries about the role of demand in trafficking and how beneficiaries support the perpetuation of this phenomenon.

★ The prevention campaign *"Together for the prevention of human trafficking in the community!"*, carried out in partnership with the Bucharest City Hall and the Bucharest Transport Company, during which video spots were shown on screens in public transport and at waiting stations for passengers, addressing both the demand and supply for all forms of exploitation (sexual, forced labour and forced begging).

★ The prevention campaign *"The Road to Freedom"* in which ANITP with the support of a former victim of human trafficking, exploited for sexual purposes, sent messages to consumers of services, in order to raise awareness about human trafficking and the dramas that an exploited person goes through.

- b. developing children's life skills (including media literacy and online safety skills), knowledge and participation;

In order to provide relevant advice and recommendations for avoiding risks in the online environment and for adopting safety measures on social networks, ANITP conducted direct meetings with representatives of the target group (children and young people) during the reporting period, as well as online activities in the framework of several campaigns and projects for the prevention of human trafficking. Among the most important of these initiatives, we mention the following:

★ In 2022, ANITP implemented the national prevention campaign *"Spread your wings! Information means freedom"*, within the project "PDP2 - Strengthening national capacities in the field of international police cooperation and combating crime", funded from the Norwegian Financial Mechanism 2014-2021. The campaign ran exclusively online via the social networks such as TikTok, Facebook and Instagram, targeting adults and minors at risk/vulnerability to human trafficking as well as the general public. The anti-trafficking messages addressed three main segments: sexual exploitation, forced labour exploitation and online safety of minors. Through paid promotion of anti-trafficking messages by influencers relevant to the youth segment of the population, over 2,700,000 unique users/views of the videos were recorded through TikTok alone. Following the end of the paid promotion phase, the materials were distributed organically on Facebook via the Reels method. The campaign also included a paid promotion phase on Facebook and Instagram, with 3 separate audiences created for targeted delivery of anti-trafficking messages on labor exploitation, sexual exploitation and online child safety. The audiences were created using filters provided by the above mentioned social

networks (gender, age, background, education, interests, behaviours, membership of different groups, etc.). Following the paid promotion process of the materials on the two social networks, an impact of over 1,700,000 unique users was achieved.

✳ The national campaign "*Your safety is not a game*", carried out by ANITP in partnership with Telefonul Copilului Association, was particularly important in raising awareness and informing children and young people. The campaign's primary objective was to prevent child trafficking and child pornography and to increase the safety of children in the virtual environment by conveying anti-trafficking messages and providing information on the risks of the phenomenon and the methods of online recruitment through social networks. Thus, the target groups of the campaign included minors at risk of becoming victims of child trafficking or child pornography, professionals/socio-professional categories that may come into contact with victims or potential victims of child trafficking, as well as representatives of the general public. The slogan of the prevention campaign aimed to deliver a clear and powerful message that the safety of children should not be treated lightly. During the implementation of the campaign, more than 1,900 prevention activities (direct meetings with pupils, teachers and other professionals who may come into contact with victims or potential victims of trafficking) were carried out, resulting in more than 129,000 direct beneficiaries. Additionally, more than 1,140 social media posts on Facebook and Instagram were made to promote anti-trafficking messages online.

✳ The local campaign "*Your safety matters!*", implemented by ANITP in partnership with the General Directorate for Driving Licenses and Vehicle Registration (DGPCI), was carried out between 31.05 - 31.12.2023, both online and outdoors, in Bucharest and Ilfov County, with anti-trafficking messages directed at children and teenagers vulnerable to child trafficking, as well as the population at large. The campaign aimed to prevent child trafficking by improving the public awareness on the risks and implications of this phenomenon, aiming to achieve the following objectives: raising awareness of minors on the risks of child trafficking, in its main forms, both online and outdoors and informing the general population on child trafficking and its implications. To support the campaign's activities, spots, videos and preventive-informational materials developed in previous campaigns, as well as sample driving licences, created specifically for this campaign, were used.

✳ The local campaign "*Internet Safety Day*", launched on the occasion of Internet Safety Day, was implemented by the Targu Mures Regional Centre of ANITP, in partnership with the Mures County School Inspectorate (ISJ Mures). Thus, over the course of a week, the two institutions conducted prevention activities aimed at students in several schools, which brought to their attention tips and precautionary measures for safe Internet use.

- c. putting in place a system for monitoring and reporting cases of abuse;

To enhance the efficiency of searching for and identifying children who voluntarily leave or go missing from the special protection system, the Cooperation Protocol no. 5/26.02.2021 was signed between IGPR and ANPDCA, which ensures the promotion, support and achievement of common objectives, establishing the general framework of cooperation between the two institutions in the field of protection and rights of children in the state special protection system. Additionally, a measure was foreseen for specialists in combating human trafficking within the territorial structures, which consists in "periodically conducting training sessions with personnel from public order, traffic police and school safety structures, on issues related to human trafficking, detection of victims, understanding the victimological perspective, combating stereotypes and prejudices related to the phenomenon, identification of risk situations based on simple indicators of trafficking, preferred modes of operation used by traffickers, etc."

- d. providing training to child care professionals, legal guardians, education professionals;

Cooperation between public institutions, non-governmental organisations and representatives of the private sector is certainly a central tool in the overall national efforts to prevent trafficking in persons. Thus, the participation and involvement of governmental, non-governmental and private sector partners in activities dedicated to the fight against human trafficking has been notable, with over 4,400 collaborative activities being carried out in the period 2019-2023 within existing partnerships. Specialised training provided to professional categories that come or may come into contact with vulnerable persons or victims of trafficking is a continuous and dynamic process aimed at constantly meeting the needs identified in the field. To this end, ANITP specialists have organised training sessions both independently and in collaboration with representatives of other governmental and non-governmental organisations involved in the fight against trafficking in persons.

Between 2019 and 2023, ANITP used its own human, financial and logistical resources to support **870 training sessions**. These were attended by **approx. 21.500 professionals**, from different socio-professional categories who may come into contact with victims or potential victims of human trafficking, among which we can list: teachers and school/educational counsellors, social workers and psychologists, nurses and medical professionals, representatives of the General Directorate for Social Assistance and Child Protection (DGASPC), parents, volunteers from various projects, festivals or other preventive initiatives run by ANITP, workers in associations and NGOs, foreign specialists from international organisations, priests, police officers from the National Police (County Police Inspectorates, Criminal Investigation Structures/Units, Organised Crime Brigades, etc), police officers from the Romanian Border Police and the General Inspectorate for Immigration, local police officers, military officers from the Ministry of National Defence, gendarmes, specialists from the National Administration of Prisons, 112 operators, representatives of the National Union of Romanian Road Hauliers (UNTRR), prosecutors, judges, hotel industry staff, civil servants and representatives of local public authorities, etc.

In addition to the above-mentioned activities, ANITP's efforts to provide specialized information to the actors involved in the fight against trafficking in persons also included, between 2019 and 2023, organizing 250 meetings of the inter-institutional county anti-trafficking teams. Thus, at county level, the meetings brought together representatives from governmental and non-governmental organizations supporting local anti-trafficking efforts, facilitating the exchange of experiences and best practices in preventing and combating trafficking in persons, as well as in assisting and protecting victims, and updating relevant actors with current data on the evolution of the criminal phenomenon.

Inter-institutional cooperation during the reporting period also involved signing 53 cooperation protocols between ANITP and various public or private sector actors, with resources that can be used in the fight against trafficking. These include: Justice and Care Romania Association, Save the Children Romania, Vodafone Foundation, National Airports Company of Bucharest, Romanian Airports Association, Arte Dell'Anima Theatre, Romanian Institute for Human Rights, Romanian Television Society, International Organization for Migration, etc. At regional level, more than 100 action plans were concluded and 158 meetings of inter-institutional anti-trafficking teams were organized and carried out. Among the most important partnerships established by ANITP, as well as

among the most far-reaching activities carried out within the framework of these collaborations, aimed primarily at preventing child trafficking, the following can be highlighted:

- ★ The cooperation protocol between ANITP and *Save the Children*, focuses on cooperation in the field of prevention of trafficking in persons and child trafficking and aims to carry out joint activities aimed at children, parents and teachers at local, regional and national level to inform and raise awareness of the risks and implications of trafficking. As part of this collaboration, ANITP, together with Save the Children, launched two campaigns to prevent trafficking in persons, namely "*Inform yourself to be protected*", aimed at preventing child trafficking by raising awareness of the phenomenon, and "*Work abroad safely*", aimed at protecting children whose parents are working abroad.

- ★ The partnership with *Telefonul Copilului Association* focuses on cooperation in preventing trafficking in persons, with a special focus on child trafficking. For example, ANITP collaborated with the Telefonul Copilului Association on the online campaign "*Happy hands, Not Hurt Hands*" to prevent child trafficking. The campaign message was disseminated through Facebook and included a contest to encourage proactive attitudes towards child trafficking prevention. In addition, from March 2023 to February 2024, the two partner institutions implemented the prevention campaign "*Your safety is not a game*", aimed in particular at children and young people, as well as professionals involved in the fight against trafficking, who come into contact or may come into contact with victims or potential victims of child trafficking. The campaign was carried out both outdoors, through direct meetings with representatives of target groups, and online.

- ★ Within the framework of the cooperation protocol between ANITP and *The Social Incubator Association*, both partners have worked together in the implementation of several activities to prevent human trafficking in schools and high schools at national level and have participated in training sessions for teachers and DGASPC staff across the country. Additionally, ANITP specialists participated in an event organized by The Social Incubator, dedicated to NEET (Not in Education, Employment or Training) young people where, together with representatives of the media, the problem of young people outside the education system, without employment or access to re/qualification courses was debated alongside media representatives.

- ★ ANITP in partnership with the National Company of Bucharest Airports and the "*Gheorghe Lazăr*" National College, organized a preventive flashmob event at Henri Coandă Otopeni Airport. The activity aimed to raise awareness about human trafficking, especially child trafficking, and the need for active social involvement in the fight against this phenomenon. The event was supported by 30 students from the "Gheorghe Lazăr" National College in Bucharest, who channeled their passion for dance to deliver a message about the consequences of human trafficking.

- ★ Every year, within the framework of the partnership with the Angels' Smile Association, ANITP participates in the event "*Help Santa Claus to share smiles!*". The event is aimed at minors in various placement centers or coming from disadvantaged families.

- ★ The cooperation protocol between ANITP and the "*Floria Capsali*" Choreography High School aims to develop activities/campaigns to inform and raise awareness among young people on the phenomenon of human trafficking, as well as participation in events organized and held by ANITP. As an example, in 2023, the Choreography High School "Floria Capsali" participated together with ANITP in the marking of the European Day against Trafficking in Human Beings - 18 October, as well as in the event "Another Kind of School", held in the premises of the Ministry of Internal Affairs. During these events, students from the Contemporary Dance Section of the high school, used their artistic talent and passion for dance to create anti-trafficking flashmobs that had an impact on the general public.

- ★ The cooperation protocol signed with the *Amprenta de Bine Association* aims to achieve an active and effective partnership between the two institutions, in order to carry out and implement campaigns to prevent trafficking in persons and trafficking in minors, as well as to develop preventive

information materials with anti-trafficking information. The collaboration between ANITP and Amprenta de Bine Association started with the invitation of ANITP to participate in the project "*Children's Rights Steps - Be Responsible and Leave Only Good Footprints*". This project has as its fundamental objective the promotion of rights, as well as associated responsibilities, among children and adolescents. Also during the reporting period, ANITP continued its cooperation with the NGO platform ProTECT, a network of more than 20 organisations specialised in prevention, protection, victim assistance, criminal and civil proceedings, lobbying and advocacy for higher impact initiatives in the fight against human trafficking.

✳ Also in the area of training activities is the **Joint MAI Plan of measures at national level to make the activity of combating trafficking in persons and minors more efficient, no. 2141280/14.04.2021**. According to this plan, specialists in combating trafficking in persons within the territorial structures, periodically carry out training/information sessions on the issue of trafficking in persons addressed to all socio-professional categories that, through their service duties, may come into contact with potential victims and can support their detection/identification, namely: beneficiaries within MAI, as well as beneficiaries from other public institutions - NGOs, DGASPCs, Local Police, educational institutions, medical facilities, etc.

- e. access to education and health care for vulnerable children, including from minority groups, unaccompanied migrant children, and children of migrant workers;

Regarding unaccompanied minors, the national legislation on migration (EGO no.194/2002 on the regime of foreigners in Romania), has special provisions, which regulate the "*Legal status applicable to unaccompanied foreign minors*". This law refers to the treatment of unaccompanied minors, but also to the procedures to be followed in the event of family reunification with family members in the country of origin or in another state, the first stage being to identify them and obtain consent for reunification. In order to comply with the principle of *the best interests of the child* as laid down in the Convention on the Rights of the Child and incorporated into national law, depending on the child's capacity for discernment, the child's consent is also obtained. If this is not possible, the best interests of the child shall be determined by the specialised child protection institutions, which shall take all necessary steps to this end. If the best interests of the child have been determined, the child may or may not be reunited with family members, with priority given to parents, older siblings or other relatives. The diplomatic missions of the country of origin, as well as the Ministry of Foreign Affairs, through the Romanian diplomatic missions accredited abroad, and the Red Cross are involved in the process of identifying the family members of the minor.

According to the *Law no. 122/2006 on asylum in Romania*, as amended and completed, asylum seekers benefit from the following assistance measures:

✳ if the parents have no means of support, they, along with their family can be **accommodated, free of charge, in one of the reception and procedures centres** for asylum seekers operated by the General Inspectorate for Immigration. In these centres, asylum seekers are provided with **personal hygiene and cleaning products**, as well as with the necessary **material goods for preparing, cooking and serving of meals**.

✳ if **unaccompanied minors have not reached the age of 16, they are automatically taken in** by DGASPCs and housed in foster care centres, while in the case of unaccompanied minors who have reached the age of 16, they decide together with their legal representative whether to remain in the IGI Regional Centres;

✳ free **health care under the same conditions as Romanian minors**;

✳ Minor asylum seekers **attend Romanian language courses** for the duration of **one school year**, after which they are enrolled in the compulsory education system under the same conditions as Romanian citizen, minors. To ensure their participation in the courses, IGI provides school supplies;

✳ participate free of charge in cultural adaptation activities and can benefit from IGI support if they need counselling and psychological assistance;

✳ minor asylum seekers benefit from the **state allowance granted to minors under the same conditions as Romanian citizens**;

✳ in order to benefit from **all the rights provided by law** for Romanian minors, **IGI grants them a Personal Identification Number (CNP)**.

✳ **material assistance, which consists of money for food, accommodation, clothing according to the season (hot/cold) and other personal needs.**

Let's detail a number of aspects relating to assistance provided for minors who have obtained some form of protection. Thus, for **complete families (parents together with minors)**, the integration programme offered by IGI runs for a maximum of 12 months and includes the following specific assistance measures:

- accommodation in one of the centres run by IGI;
- material aid for a period of 3 months equal to that of the asylum seekers, and after the end of this period a non-reimbursable aid of 646 lei for 12 months, during the integration programme;
- cultural orientation courses;
- social counselling and psychological support;
- Romanian language courses organised with the support of the Ministry of Education through the school inspectorates;
- after attending Romanian language courses, minors are enrolled in the compulsory school education system under the same conditions as Romanian citizen minors. To ensure participation in the courses, IGI provides school kits;
- minors benefit from the state allowance granted to minors under the same conditions as Romanian citizens.

People who have obtained a form of protection and who fall into the **category of special cases**: unaccompanied minors, people with disabilities, people who have reached retirement age and do not receive a pension, pregnant women, single-parent families with minor children, victims of human trafficking and victims of torture, rape or other serious forms of psychological, mental or sexual violence) can benefit from the **extension of the integration programme, and free accommodation in IGI centres, for an indefinite period**, until the situation of vulnerability ends.

f. birth registration for all children born in the country.

In Romania, these aspects are specifically provided for in the legislation, thus according to Law no. 119/1996 (republished), in articles 28 and 29, it is stipulated that the birth of a child must be declared within 30 days for a live- born child and within three days for a stillborn child, and the registration of the birth is conducted by the civil status structure of the Local

Community Public Service for Personal Records or, where appropriate, by the civil status officer of the town hall of the administrative-territorial unit where the event occurred.

3. What measures are taken in your country to address vulnerabilities related to the gender dimension of human trafficking?

In order to ensure accurate and adequate information on trafficking in persons and to prevent the vulnerability of certain groups, the campaigns carried out by ANITP during the reporting period aimed to avoid legitimizing and perpetuating harmful stereotypes about what victims of trafficking and traffickers might look like. Equally important, challenging these prejudices targeted both the reintegration of victims into the community and prevention efforts, as these biases (when coupled with other enabling factors) can push or maintain vulnerable people at risk/exploitation. In this respect, ANITP focused on communicating the real profiles of victims and traffickers, based on types of exploitation, gender, age, environment and other indicators resulting from reports, studies and research on human trafficking.

By way of example, the campaigns "*Prison is not just behind bars*" and "*Spread your wings! Information means freedom*" have also targeted, among other things, the emotional side of the target groups, by sending as many positive messages as possible to vulnerable people, victims or potential victims of trafficking.

Another prevention campaign aimed especially at girls and women, entitled "*Cherish women! Don't tolerate their exploitation!*", was implemented by ANITP in partnership with the National Airports Company Bucharest, and in addition to its informative-preventive role, this campaign also aimed at conveying motivational and encouraging messages to vulnerable girls and women, victims or potential victims of trafficking for sexual exploitation. The most recent preventive approach, aimed in particular at girls and women, is the "Road to Freedom" campaign, implemented with the support and involvement of a former victim of trafficking who wanted to share her story in order to raise awareness among vulnerable people.

4 .What specific measures are taken to reduce the vulnerability to trafficking of persons from disadvantaged minorities? Please provide information on policies and measures in the following areas:

a. research;

In the 2024-2026 National Action Plan, related to the 2024-2028 National Strategy against Trafficking in Persons, under General Objective no. 3 on - Improving protection and assistance to victims of trafficking in persons, which has as a specific objective: "Developing an integrated and unified approach to the protection and assistance to victims of trafficking in persons", there is a specific action involving "*the analysis of assistance and protection measures, implemented from the perspective of the needs of victims from vulnerable groups (systematic discrimination)*", with concrete activities envisaged in this direction, through joint efforts of relevant actors in the field.

b. information, awareness-raising and education campaigns;

The strategic conception of the preventive dimension developed by ANITP aimed at transposing as much as possible the general approach of the international level in the anti-trafficking efforts in Romania, while aiming to meet the intervention needs identified through various national and European strategic documents, namely the National Strategy against Trafficking in Persons (SNITP) 2018 - 2022, the National Action Plan 2020-2022 for the implementation of the SNITP 2018 - 2022, the National Strategy for Public Order and Safety 2023-2027, the EU Strategy on Combating Trafficking in Human Beings 2021-2025, etc. Throughout 2023, the evaluation process of the National Strategy against Trafficking in

Persons 2018-2022 was completed and the National Strategy against Trafficking in Persons 2024-2028 was approved. In designing its prevention actions, ANITP has included addressing both dimensions of the trafficking mechanism, aiming at reducing vulnerabilities of persons at risk of becoming victims ("supply") and discouraging the demand that fosters trafficking, by addressing anti-trafficking measures provided by persons exploited sexually or through forced labour to potential consumers of services. Additionally, addressing the main forms of human trafficking (sexual exploitation, labor exploitation, forced begging, child pornography, etc.) has given these efforts an integrated character. A key element of the preventive dimension was the use of the experiences of former victims of trafficking in persons, who were open to getting involved in anti-trafficking actions and providing useful information for different categories of the target audience.

Between 2019 and 2023, ANITP carried out, individually and in partnership with other public institutions, national and international non-governmental organizations or with representatives of civil society, a number of 753 national and local prevention campaigns, implemented through more than 15,500 preventive-informative activities. Through these efforts, the anti-trafficking message reached more than 940,000 direct beneficiaries from various social and professional categories, including: pupils, students, teachers, parents and carers, volunteers, priests, job seekers, institutionalized youth, asylum seekers, individuals engaged in prostitution, anti-trafficking professionals, as well as representatives of the general public.

The promotion of anti-trafficking messages in the online space, through platforms and social networks (Facebook, Instagram, Twitter, LinkedIn, YouTube, TikTok), was also very complex and substantial, with the actions reaching an impact of approximately 19,380,000 unique users. Among the most significant and extensive preventive and informative efforts implemented at the national level, we mention the following:

- ✦ The national prevention campaign "*Safe Fun!*", an initiative developed by ANITP based on the General Plan of Measures to increase the safety of citizens and ensure public order during the summer season (01.06. - 17.09.2023), aimed to intensify efforts to inform and raise awareness of the general public during large-scale public events with a high number of participants (music festivals - Summer Well, Neversea, Untold, Electric Castle, film festivals, etc.). In order to inform and raise public awareness of the issue, the campaign included clear and accessible information about the signs and dangers of trafficking in human beings, available both online and outdoors, as well as about how such situations can be prevented and reported. More than 320 activities were carried out to implement the campaign, during which 13,800 campaign materials were distributed, reaching over 39,800 direct beneficiaries.

- ✦ Based on the public-private partnership between ANITP and OLX, the "*Safety First*" campaign was launched with the aim of preventing human trafficking by increasing the awareness of job seekers using online ad platforms. The campaign included two main dimensions, namely informing and educating the target audience about considering and accepting unrealistic job offers with promises of high earnings but full of risks and uncertainty. The campaign activities involved the use of banners to promote the campaign, the posting of fictitious ads in the "Jobs" and "Work Abroad" sections leading to a series of preventive tips for people who might fall into the trap of a "perfect offer", posting articles with useful information in the Help Center section of the OLX platform, as well as promoting messages online through the social media channels of both ANITP and OLX. During the implementation of the campaign, more than 13,000 views of the banners promoted on the OLX platform were registered, as well as approx. 170 reactions from people who requested further information

about the fictitious job ads. In direct dialogue with OLX representatives, these people received advice and recommendations for evaluating job offers and avoiding the risks of a "perfect" job.

✳ National prevention campaign *"Don't give up on yourself! Human trafficking is not an option for the future"*, implemented by ANITP with the support of students from the Alexandru Ioan Cuza Police Academy. The campaign runs from June 2023 to June 2024 and aims to raise awareness of the risks and implications of human trafficking, especially among young people aged 15 to 25, in order to adopt a preventive behavior that can avoid the dangers leading to situations of exploitation, by improving the level of information and awareness about these serious forms of abuse.

✳ The online prevention campaign *"The Road to Freedom"* was launched on the occasion of World Anti-Trafficking Day - 30 July and will run for 12 months, until July 2024, in the online environment, on ANITP's 5 social networks (Facebook, Instagram, Twitter, LinkedIn and TikTok). This preventive approach is based on the real experience of a former victim of human trafficking, the messages and testimonies are 100% authentic and represent the reality experienced by Monica, a 25 year old young woman who was sold for sexual services in Spain, Switzerland and Germany. The campaign aims to raise awareness of the risks and implications of trafficking in persons, with a view to adopting a preventive approach to avoid the dangers that can lead to situations of exploitation, and is aimed in particular at adolescents and young people, especially girls, and the general public, as well.

✳ Within the framework of the project *"Reducing vulnerability to human trafficking for labour exploitation of Romanian citizens living in the country and abroad"*, funded by the National Mechanism for Supporting Crime Prevention, based on Law 318/2005, the national prevention campaign *"Are you looking for a job? Watch out for the traps of human trafficking!"* was implemented. The campaign ran from October to December 2023, in partnership with the Romanian Police - Institute for Crime Research and Prevention and the Romanian Border Police. The campaign activities took place both outdoors and online, on ANITP's social networks (Facebook, Instagram, Twitter, LinkedIn and TikTok), with the aim of raising awareness on human trafficking among Romanian citizens looking for a job in Romania or abroad, and raising public awareness on the implications of human trafficking in its main forms. At the same time, the project's activities involved reducing the vulnerability of children left alone at home due to their parents' departure to work abroad (through anti-victimization training). In order to increase effectiveness of the promotional activity and to target as specifically as possible the recipients of the anti-trafficking messages, a profile of the two target groups of the campaign was compiled, which allowed their characteristics to be transformed into filters applicable on social networks. Thus, online audiences were established on the basis of criteria such as age range, interests, activity, location, behaviour and education. The criteria were based on analyses and statistical data from ANITP, as well as on a range of information provided by ANPDCA and the research report by Save the Children entitled *"Assessing the situation of children whose parents are working abroad"*. The paid online promotion of the materials resulted in an impact of over 755,000 unique users on Facebook and Instagram and over 752,000 views on TikTok. To support the outdoor component of the campaign, a series of 315,000 information-preventive materials (5,000 posters, 5,000 pens, 5,000 maths notebooks, 100,000 triptych leaflets and 200,000 flyers) were produced. During the period of implementation of the prevention campaign, more than 340 information and prevention activities were carried out for both the target groups of the campaign and the general public. As a result of the activities, more than 21,000 direct beneficiaries were registered.

c. socio-economic initiatives targeting underlying and structural causes;

In this regard, we mention the **National Strategy for Sustainable Development of Romania 2030 (SNDD)**, which sets as a strategic target the elimination of all forms of violence against women and girls, in public and private spheres, including trafficking, sexual exploitation and other types of exploitation. The implementation of the gender perspective in the mindset of Romanian society begins by adapting school curricula accordingly, as well as by organizing information and awareness campaigns to combat gender stereotypes among young people. Further on, we present the 17 objectives of the SNDD, aimed at reducing social inequalities, improving living standards and environmental conditions, in the direction of sustainable development in Romania, on all social, economic and educational levels, etc. The strategy mainly addresses the following areas: access for all children to early education, equitable and quality primary and secondary education leading to relevant and effective outcomes, a substantial increase in the number of young people and adults with relevant vocational skills, facilitating employment in decent jobs and entrepreneurship, and, of course, that all pupils acquire the knowledge and skills needed to promote sustainable development. It also aims to support per capita economic growth and support productive sectors and diversification of value-added products, creation of decent jobs, entrepreneurship, growth of micro, small and medium-sized enterprises, technological modernisation and innovation, ensuring decent work for all citizens, including young people and people with disabilities, equal pay for work of equal value, access to finance, etc..



d. education, vocational training and job placement programmes.

Measures to facilitate employment, including for disadvantaged groups of the population, are provided for in the legislation in force, namely in Art. 3 letter c) of *Law No 76/2002 on the unemployment insurance system and the stimulation of employment, as subsequently amended*, and are aimed at ensuring access to information and professional counselling services, job mediation, vocational training, assessment and certification of professional skills acquired by means other than formal ones, advice and assistance in starting a self-employed activity or starting a business, as well as financial incentives for the unemployed, such as bonuses or subsidies for employers who employ people from disadvantaged groups. In order to reduce the risk factors leading to victimisation, ANOFM has developed information and counselling programmes, vocational training, information on the labour market and employees' rights, and information for economic operators on how to hire them. A number of concrete measures in this regard are:

- * job mediation;
- * guiding the victim towards further education or (re)qualification and further training to facilitate access to employment opportunities;
- * enrolment in a qualification/vocational retraining course depending on the person's options and level of education;
- * professional and, therefore, social reintegration of victims of trafficking in persons through job placement with an employer whose job offer has been selected as suitable for the professional training and other conditions contained in the file prepared when registering as a

person looking for a job with the employment agency. In order to be able to provide more attention to persons in need of special support, in 2016, the Act No. 76/2002 on the Unemployment Insurance System and Employment Stimulation was amended, and the measure of profiling was included in the information and professional counselling services. Profiling involves structuring jobseekers into 4 categories (levels) of employability: easy, medium, hard and very hard to employ. Also, for people in the difficult and very difficult to employ categories, the possibility of contracting mentoring services during the socio-occupational integration process in the new job, for a maximum period of 3 months, has been foreseen. These services can be offered upon request and only with the employer's consent.

5. What specific measures are taken to reduce the vulnerability to THB of persons with disabilities? Please provide information in the following areas:

- a. deinstitutionalisation, including community and family-based services for children and support for independent living;

The current regulatory framework provides for a number of measures aimed at reducing the potential vulnerabilities of people with disabilities by providing an incentive framework for employment. Thus, according to Article 17 para. (2) letter (b) of *Law No 76/2002, as subsequently amended and supplemented*, graduates of special schools for the disabled, aged 16 years or older, who have not been able to find employment according to their professional training are treated as unemployed and are entitled to unemployment benefit. The amount is 50% of the social reference indicator⁶ in force at the time the unemployment benefit is determined, and the period of entitlement is 6 months. At the same time, Art. 80 para. (2), in conjunction with Art. 83 para. (1) of the law, provides for a subsidy of 2,250 lei/month, for 18 months, for employers who employ disabled graduates, for an indefinite period, with the obligation to maintain the employment or service relationship for at least 18 months from the date of termination. During the 18-month period, graduates may undergo vocational training organised by the employer, the costs of which are borne, at the employer's request, by the unemployment insurance budget (Article 84 of the Law). In addition, employers who maintain employment or service relationships with graduates from the disabled population after the end of the 18-month period mentioned above receive, for each year of continued employment or service relationships, financial aid equal to the amount of the labour insurance contribution owed by employers for these individuals and paid, in accordance with the law, but not more than 2 years from the date of fulfilment of the obligation provided for in Article 83 para (1). The same facilities are granted, according to Art. 85 para. (2) of the law, and employers who, in relation to the number of employees, have fulfilled their obligation, according to the law, to employ disabled persons, as well as employers who do not have this legal obligation, if they employ disabled persons for an indefinite period and maintain their employment or service relationship for at least 18 months. At the same time, we would like to point out that people with disabilities can register with ANOFM as job seekers and can benefit free of charge from the mediation services offered by the public employment service in Romania, being able to conclude employment relationships according to their work capacity.

A number of benefits that can be accessed by families caring for children with disabilities can be found in:

✳ **The programme for the granting the state allowance for children**, carried out on the basis of *Law no.61/1993, republished, with subsequent amendments and additions*, which is aimed at all children up to the age of 18, young people who have reached the age of 18 and are continuously

⁶ Currently, the ISR is 660 lei

attending secondary or vocational education, organised according to the law, until the end of their studies, as well as young people with disabilities who are attending a form of pre-university education provided for by law, but no later than the age of 26. The monthly amounts of the state child allowance are currently as follows:

- **292 lei** for children between 2 and 18 years of age and for young people aged 18 and over who are attending secondary or vocational education organised under the conditions laid down by law, until the end of their studies, as well as for young people with disabilities who are attending a form of pre-university education provided for by law, but no later than their 26th birthday;
- **719 lei** for children up to the age of 2 or up to the age of 18 in the case of children with disabilities.

★ **Parental leave and monthly child-raising allowance** (*GEO no.111/2010 on parental leave and monthly child-raising allowance*): the leave and monthly *child-raising* allowance are granted to persons who, in the last two years preceding the date of birth of the child, have earned at least 12 months of income, subject to income tax according to the provisions of the Tax Code. Child-raising allowance is a compensation, provided from the state budget, for parents who decide to interrupt their professional activity and apply for child-raising leave up to the age of 2 years, or 3 years in the case of a disabled child. The minimum amount of the child-raising allowance has been increased to 1,651 lei/month. The maximum amount of the child-raising allowance has been set at 85% of the parent's average net income, but not more than 8,500 lei/month.

★ **Monthly insertion incentive** (*GEO no.111/2010 on leave and monthly child-raising allowance*). This incentive is for parents to return to work before the child reaches the age of 2 years, or 3 years in the case of a disabled child. Persons who are entitled to child-raising allowance and who work and earn taxable income are entitled to a monthly insertion incentive as follows:

- **in the amount of 1,500 lei**, if the entitled persons earn taxable income, at any time before the child reaches the age of 6 months or 1 year in the case of a disabled child, granted until the child reaches the age of 2 years or 3 years in the case of a disabled child;

- **in the amount of 650 lei**, if the entitled persons earn taxable income, at any time after the child reaches the age of 6 months or 1 year in the case of a child with disabilities, granted until the child reaches the age of 2 years or 3 years in the case of a child with disabilities. If the entitled persons earn taxable income any time after the child reaches the age of 2 years or 3 years in the case of a disabled child, the incentive is granted until the child reaches the age of 3 years or 4 years in the case of a disabled child.

★ **Allowances for disabled children:**

- leave and allowance for the upbringing of a disabled child, granted to parents caring for a disabled child aged between 3 and 7, in the amount of **1,651 lei**;

- allowances and benefits for the upbringing of disabled children (Articles 31 and 32 of *GEO No 111/2010 on parental leave and child-raising allowance, as amended and supplemented*), granted to persons caring for disabled children up to the age of 7 or to disabled persons who become parents and have children in their care. The amounts range from **248 lei** to **743 lei**, and are paid to persons caring for a child with a disability who are in employment or wish to return to work on a part-time basis. They receive an allowance equal to 50% of the minimum allowance (**826 lei**), which can be added to the person's salary. In the same register, we also mention the Action Plan on the implementation of the National Strategy for the prevention of institutionalisation and acceleration of the deinstitutionalisation process, for the period 2022-2030 (Annex no. 1 of the Government Decision no. 1.543/2022 for the approval of the National Strategy for the prevention of institutionalisation of adults with disabilities

and acceleration of the deinstitutionalisation process, for the period 2022-2030)-Published in the Official Gazette, Part I no. 1249bis of 23 December 2022. This Strategy also includes aspects of social integration of adults with disabilities, in which context all types of services available in a community will be activated: housing, community mental health services, family planning, childcare, canteens, employment and vocational training, prevention of domestic violence, access to justice, education, accessible transport, shelters for domestic violence or victims of human trafficking.

b. monitoring institutions and foster families accommodating persons with disabilities;

The responsibilities of the Monitoring Board, an institution established by Law 8/2016, are part of the mechanisms provided for by the UN Convention on the Rights of Persons with Disabilities, set out in Article 33. With regard to the monitoring and evaluation procedure, it implies that the National Authority for the Protection of the Rights of Persons with Disabilities (ANPDPD) coordinates both the implementation and the monitoring and evaluation of the Deinstitutionalisation Strategy, with the support of central and local public authorities and institutions. The concrete implementation of the measures is carried out at the level of each authority/institution foreseen in the Action Plan for each measure. The coordination of the implementation of each measure is carried out by the first authority/institution listed under the responsible section, with technical support from ANPDPD. The objectives of monitoring and evaluation refer to:

- measuring the progress of the implementation and results of the Deinstitutionalisation Strategy in order to achieve the targets associated with the key performance indicators, to identify implementation blockages, to correct them, to determine the operational support needs of the professionals involved in implementation at national, county and centre level, and to accelerate the deinstitutionalisation process;
- ensuring the collection and reporting of data necessary to centralize at county and national level information on the process of deinstitutionalization and inclusion in the community;
- monitoring the development of people with disabilities in the deinstitutionalised and residential system in terms of quality of life and the effects on them of person-centred planning of support activities and services;
- measuring the adequacy of community-based support services for people who are deinstitutionalised or at risk of institutionalisation and social exclusion.

c. procedure for the selection and appointment of legal guardians and monitoring of their work;

Protective measures by means of which vulnerable categories of persons can take part in the civil circuit by concluding legal acts are represented by: the protective mandate; assistance in concluding legal acts; legal counselling and special guardianship.

The guardianship mandate establishes that the individual appoints, according to their preferences, the person who will take over the care and administration of their property in the event that they are diagnosed with a progressive degenerative disease that will affect their discernment, believing that, in practice, they will need support in the exercise of their rights and interests, thus preventing any difficulties which might arise in appointing a person to ensure that legitimate rights and interests are respected in the event that the person making the order is wholly or partially incapable of representing their own interests and presupposes the existence of discernment and capacity to act at the time the order is drawn up. Assistance with the conclusion of legal acts, as a protective measure, is intended to provide a lever of protection for the person with intellectual and psychosocial disabilities with a view to the optimal realisation of his interests when drawing up a particular legal act.

Judicial counselling and special guardianship are measures for the protection of the person of a judicial nature whereby the court appoints a person as guardian to take care of the person and property of that person who, due to temporary or permanent, partial or total impairment of mental faculties, established following medical and psychosocial assessments, needs support in forming or expressing his/her will. We note that the regulation of Law 140 of 2022 marks a paradigm shift towards the exercise of rights by this category of persons on an equal footing with others through active participation in the conclusion of legal acts. Thus, by means of these protection measures, new effective support and protection remedies are granted to persons suffering from intellectual and psychosocial disabilities, leading to a better management of the various situations arising in practice, the legislator providing us with a series of new instruments to be followed both through notarial and judicial channels - special guardianship, judicial counselling, protection mandate, assistance for the conclusion of legal acts. It will therefore be possible, depending on the person's wishes, needs and preferences, to opt for the appropriate measure, proportionate and adapted to the factual circumstances, which will ensure full respect for the dignity and fundamental rights and freedoms of the person disadvantaged by the unfavourable context in which they find themselves.

d. access to adequate accommodation, education and work;

Access of people with disabilities to social assistance services is an essential component in the prevention of the risk of vulnerability, being established by Law 448/2006 on the protection and promotion of the rights of people with disabilities. During the specific information and professional counselling activities, the person is profiled and classified in terms of employability level (easy, medium, hard and very hard to employ), and a personalised package of measures to stimulate employment is established, to which they will have access.

ANOFM, through active measures to stimulate employment, ensures equal opportunities on the labour market for all categories of job seekers and especially for people who have difficulty entering the labour market (women, victims of human trafficking, disabled people, Roma, etc.).

e. access to information and reporting/complaints mechanisms which are accessible to persons with disabilities.

In this regard, we mention Law no.197/2012, which regulates the process of evaluation, certification, monitoring and control for quality assurance in the field of social services, intended to support vulnerable persons, persons with disabilities. According to Article 1 (4) of the same law, the Ministry of Labour and Social Solidarity is responsible for organizing, coordinating, implementing the process of quality assurance in the field of social services, as well as for **carrying out control in the field**, in order to ensure compliance with the principle of proportionality, the best interest of the beneficiary, and fundamental human rights and freedoms. The actual monitoring activity involves visits to the premises of the social service in order to ensure compliance with the above-mentioned principles, on the basis of standards, criteria and indicators clearly established in the present law. According to Article 26², the mechanism for anonymous collection, as provided in paragraph (3) letter c), also serves the purpose of facilitating complaints or grievances in all formats accessible to various categories of beneficiaries or caregivers: online, by phone, in writing, in easy-to-read and understandable language.

6. How do you ensure in practice that an assessment of the vulnerability and special needs of asylum seekers is carried out at an early stage? What procedures are followed when vulnerability to THB is detected? Please provide information on policies and measures in the following areas:

a. provision of comprehensive and accessible information, in a range of relevant languages, on the rights of asylum seekers, indicators of THB, rights of victims of THB, and contacts of relevant

organisations;

In order to inform and raise awareness about human trafficking, as well as to protect the rights and ensure the safety of vulnerable groups, including asylum seekers and migrants on Romanian territory, ANITP carries out activities aimed at providing comprehensive and accessible information in a range of relevant languages. The main aim of these initiatives is to raise awareness of migrants and asylum seekers about the risks of trafficking in human beings and to provide them with guidance on choosing safe ways of living and working in our country. As an example, the national campaign "*Get Informed Correctly to Stay Safe in Romania*" aimed primarily to increase awareness among migrants and asylum seekers in Romania about the risks and implications of human trafficking. The campaign was conducted by ANITP, the General Inspectorate of the Romanian Police, the General Inspectorate of the Romanian Border Police, and the General Inspectorate for Immigration. Within this joint preventive effort, specialists from these four partner institutions aimed to raise awareness among the target group consisting of foreign citizens—migrants, asylum seekers, or beneficiaries of international protection—residing in Romania. They provided a series of tips and recommendations to avoid dangerous situations, information about their rights and obligations in Romania, as well as contact details of institutions for additional information, reporting potential dangers, or requesting assistance when needed. To support the campaign activities and enhance the preventive approach with the target group, 1,000 posters and 20,000 leaflets were produced. These materials were translated into Pashto, Arabic, and English. Additionally, the prevention activities and distribution of campaign materials were supported by partners from the Ecumenical Association of Churches in Romania (AIDRom).

b. access to legal assistance and representation;

As already mentioned, according to GEO 194/2002, art. 80¹, foreigners holding a right of temporary residence, employed, registered unemployed or researchers, benefit, according to the law, from equal treatment with Romanian citizens regarding a series of rights, including those involving access to legal assistance, legal representation. Thus, according to art. 99 of GEO 194/2002, "foreigners accommodated in centres have the right to legal, medical and social assistance and to respect for their own opinion and specificity in religious, philosophical and cultural matters". In the case of minors, Article 131 of the same GEO stipulates that "regardless of the mode of entry into Romania, they shall be represented by a competent institution according to the law, which will also provide them with the necessary protection and care, including accommodation in special centres for the protection of minors under the same conditions as for Romanian minors".

c. access to decent accommodation, health (including psychological) care, work and education.

The beneficiaries of the provisions of *Law no. 76/2002, as amended and supplemented*, are also jobseekers who are in the process of settling their asylum application and have access to the labour market. During the information and professional counselling activity, the person is profiled and classified in terms of employability level (easy, medium, hard and very hard to employ), and a personalised package of measures to stimulate employment is established to which they will have access.

7. What specific measures are taken to reduce the vulnerability to THB of migrant workers (including seasonal workers, seconded/posted workers, domestic workers, diplomatic household employees)? Please provide information on policies and measures in the following areas:

a. provision of comprehensive and accessible information, in a range of relevant languages, on migration and labour laws, worker protection and contacts of relevant organisations;

The General Inspectorate for Immigration annually carries out information campaigns for employers and foreign employees on the status of foreigners in Romania, as well as on the legal conditions for their employment and posting on Romanian territory. At the same time, as part of its strategy to prevent human trafficking, ANTP, in collaboration with the General Inspectorate for Immigration, launched three large-scale national campaigns at the end of January 2024. These campaigns, developed and implemented in parallel, aim to address various aspects of trafficking in persons, in a comprehensive and effective manner. First and foremost, the campaigns aim to increase information and awareness of migrants in Romania about the risks and dangers of trafficking. Secondly, the campaigns also target vulnerable groups, aiming to address those who are particularly at risk of being trafficked for the purpose of sexual exploitation, labour exploitation or begging, by providing them with the necessary resources and knowledge to protect themselves and stay safe. In addition, the campaigns aim to raise awareness among the general public of the complexity and seriousness of the phenomenon of trafficking. In order to ensure the widest possible reach of the prevention messages, the campaigns are implemented on Facebook, Instagram, YouTube and Twitter, supported by paid promotion in order to reach the largest and most diverse audience. In a proactive and targeted approach to the specific needs of different communities, the campaigns have been adapted and translated into several relevant languages, namely Romanian, English, Ukrainian, Arabic, Bengali and Nepali - the languages of origin of the main nationalities in Romania, according to IGI statistics. For the information of foreign citizens, including Ukrainian citizens, wishing to work in Romania, the Labour Inspectorate website (www.inspectiamuncii.ro) contains information on working conditions in Romania concerning: working time/wages/ leave/working conditions for minors. Taking into account the specificity of the countries of origin of foreign workers, the Labour Inspectorate has a constant need to complete/update information, in a number of relevant languages, for the translation of information of interest, to be accessible to foreign workers.

b. provision of clear employment contracts;

According to Article 16(1) of Law no.53/2003 - Labour Code, republished with subsequent amendments and additions, the individual employment contract is concluded on the basis of the consent of the parties, in written form, in Romanian, at the latest on the day before the commencement of the employee's activity. The employer is obliged to conclude the individual employment contract in written form. The framework model of the individual employment contract is approved by Order No. 2171/2022 of the Minister of Labour.

c. access to decent work and housing, health care, social services and education;

Please note that according to the provisions of Article 80¹ of GEO 194/2002, foreigners holding a right of temporary residence, employed, registered unemployed or researchers, benefit, under the law, from equal treatment with Romanian citizens in terms of the following rights:

- access to all forms and levels of education and training, including the award of study grants;
- equivalence of studies and recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force;
- social security;
- social assistance and protection;
- public health care.

We also point out that the employment and secondment of foreigners in Romania is carried out in accordance with the provisions of *Government Ordinance no. 25/2014, on the employment and posting of foreigners on the territory of Romania and for the modification and completion of some normative acts on the regime of foreigners in Romania, with subsequent modifications and*

completions, thus foreigners can be employed on the basis of the employment permit obtained by the employers under the conditions of the mentioned normative act, if the annual quota per type of workers newly admitted to the labour market, established by Government decision, at the proposal of the Ministry of Labour and Social Solidarity, has not been exhausted. Migrants for employment purposes are protected by the provisions of the individual employment contract which the employer is obliged to conclude within 15 working days from the entry of the foreigner on the territory of Romania or, as the case may be, from the obtaining of the new employment permit, in the case of the long-stay visa for employment. Thus, they benefit from the rights and obligations established by law under the same conditions as Romanian workers. Foreign citizens have the possibility to change their employer, but under the conditions provided by Government Ordinance no. 25/2014, with subsequent amendments and additions, i.e. they must obtain a new employment permit, and if no more than one year has passed since the registration of the individual employment contract concluded with the previous employer, a new job with another employer can only be taken on the basis of the written agreement of the previous employer, a document that is submitted by the new employer to the General Inspectorate for Immigration. These provisions do not apply if the termination of the individual employment contract occurred at the initiative of the previous employer or following the agreement of the parties or by the resignation of the foreigner if the employer does not fulfil the obligations assumed in the individual employment contract, under the conditions provided for by Law no. 53/2003 - Labour Code, republished, with subsequent amendments and additions. As a result of their employment relationship under the law, they also benefit from the right to unemployment benefits and measures to stimulate employment provided for by *Law No 76/2002, as subsequently amended and supplemented*, under similar conditions to Romanian workers. As regards foreign workers who are employed in Romania, they benefit from all the rights and obligations arising from labour legislation. Also, according to the provisions of Article 4 of the *Social Assistance Law no. 292/2011, as subsequently amended and supplemented*, **all Romanian citizens who are on the territory of Romania, have their domicile or residence in Romania, citizens of Member States of the European Union, of the European Economic Area and citizens of the Swiss Confederation, as well as foreigners and stateless persons who have their domicile or residence in Romania are entitled to social assistance, under the conditions of Romanian legislation, as well as the regulations of the European Union and the agreements and treaties to which Romania is a party.** At the same time, given the diversity of family benefit systems, there is also uniform coordination at EU level on the issue of family benefits under the provisions of **Regulation 883/2004 on the coordination of social security systems and Regulation 987/2009 laying down the procedure for implementing Regulation 883/2004.**

d. possibility to change employers;

According to Article 17 of Government Ordinance no. 25/2014 regarding the employment and secondment of foreigners in Romania, with subsequent amendments and completions, a foreign national employed based on a work permit, except for seasonal workers, may take up a new job either with the same employer or a different one during the validity period of the single permit or the EU Blue Card. The foreign national is employed in the new position based on a new work permit obtained by the employer in accordance with the provisions of this ordinance. The new work permit is issued to the same employer without meeting the general conditions specified in Article 4(2)(b), (e), and (f), and, where applicable, without meeting the special conditions specified in Article 7(2)(a) or Article 9(2)(a) of Government Ordinance no. 25/2014. The new work permit is issued to a different employer with compliance with the general conditions specified in Article 4(2)(a)-(d) and (f), where applicable, and compliance with the special conditions specified in Article 7 or 9. Specifically, changing jobs to another employer can be done as follows:

1. One year after the registration of the individual employment contract with the previous employer;

2. Before the end of the one-year period, if the employment contract has ended:

- ✳ with the written consent of the employer from whom the foreign worker is leaving;
- ✳ at the employer's initiative by dismissing the foreign worker;
- ✳ by resignation of the foreign worker, if the employer has not fulfilled his obligations under the individual employment contract, as proven by law.

e. access to confidential complaints mechanisms;

According to Article 18(c) of Law 108/1999 *on the establishment and organisation of the Labour Inspectorate*, labour inspectors are obliged to keep confidential the identity of the person who reports non-compliance with the legal provisions in the field covered by this law and not to reveal to the employer, its vicarious agents or other persons the fact that they are carrying out the inspection following a referral.

f. right to join trade unions and to engage in collective bargaining;

According to the provisions of Article 3 of Law 367/2022, persons employed under an individual employment contract or in a legal employment relationship, civil servants and civil servants with special status, cooperative members and farmers, self-employed workers, under the law, have the right, without any restriction or prior authorisation, to form and/or join a trade union. Unemployed persons also have the right to join or remain members of a trade union, and no person may be compelled to join or not to join, to join or not to join, or to withdraw or not to withdraw from a trade union. Also, according to Art. 80¹ para. 1 letter h) of GEO 194/2002, foreigners holding a temporary right of residence, employed, registered unemployed or researchers, benefit, under the law, from equal treatment with Romanian citizens in terms of freedom of association, membership and belonging to a trade union or professional organization.

g. legal avenues for regularising their stay in the country.

Frequently applicable legislation in the field of labour relations can be accessed at the following link: https://www.inspectiamuncii.ro/documents/66402/123111/Legislatie_2019.pdf/3ddd34a9-4a64-42b2-a668-c4b33b341a04. Please note that the right of temporary residence on the territory of Romania for victims of crimes can be extended in accordance with the provisions of art. 130 of GEO 194/2002, and for unaccompanied minors in accordance with the provisions of art. 131 of the same normative act. At the same time, in accordance with the provisions of Art. 80¹, para. (1) letter a) of GO no. 25/2014 on the employment and posting of foreigners on the territory of Romania, foreigners, holders of the right of long-term residence, benefit, under the law, from equal treatment with Romanian citizens in terms of access to the labour market, including employment and working conditions.

8. Do labour inspectorates and other authorities checking workplace conditions possess a comprehensive mandate, and adequate human, financial and technical resources, to conduct regular, proactive workplace inspections in all economic sectors, with a particular emphasis on high-risk sectors prone to exploitation? How do labour inspectors co-operate with other authorities and trade unions? Is there a separation between labour inspection and immigration control functions?

As regards the control activity of labour inspectors, it is carried out within the limits of competence regulated by Law no.108/1999 *for the establishment and organization of the Labour Inspectorate*, republished with subsequent amendments and additions and GD no.488/2017 on the approval of the Regulation on the organization and functioning of the Labour Inspectorate. Labour

inspectors check compliance with working conditions and health and safety at work in the same way for both Romanian citizens and foreign workers. In analysing requests for the issuance of employment permits, IGI workers carry out checks to identify and combat fraudulent employment offers, and a series of documents are required to verify the legality of the employment procedure. Thus, according to Article 19 letter a) of Law 108/1999, labour inspectors have free, permanent and unannounced access to the premises of any employer and to any other workplace organised by natural or legal persons. In addition, in order to prevent and combat illegal employment of foreign nationals from third countries, the Labour Inspectorate has concluded a protocol of operational cooperation with IGI, which aims to carry out joint activities and control actions. In support of the investigation of cases of trafficking in persons for labour purposes, the Labour Inspectorate can make its contribution if it is cooperated by the police (DCCO) so that the findings of labour inspectors can be used in investigations. Situations of possible cases of trafficking in persons for labour purposes, identified by the labour inspectors through control actions, are communicated to the Directorate for Combating Organised Crime of the Romanian Police (DCCO). With regard to the issue of trafficking for labour exploitation, IGI duties are strictly related to ascertaining compliance with the legality of the employment/deployment of foreigners. However, IGI also provides support to the public order and security structures responsible for combating this phenomenon. If, in the course of their daily work, IGI police officers identify situations of labour exploitation and there is reasonable suspicion that a crime has been committed, they will immediately refer the matter to the criminal prosecution authorities, to whom they will hand over the potential victims.

9. How are employment and recruitment agencies regulated and monitored? Are all stages of the recruitment process, including advertisements, selection, transport, and placement, subject to regulation? Are recruitment fees and related costs prohibited from being borne by workers or jobseekers?

In Romania, the public employment service does not charge fees for recruiting people and the employment agencies carry out free mediation activities for Romanian citizens with a view to employment abroad, without charging them any commission, fee or charge, according to Article 59 of Law 76/2002, the territorial agencies ensuring the pre-selection of candidates according to the requirements of the jobs offered and in accordance with the training, skills, experience and interests of the job seekers. As far as the mediation of Romanian citizens is concerned, it is carried out on the basis of firm job offers from foreign employers, which contain a number of elements, such as: full identification data of the foreign employer; duration of the firm offer; number of jobs abroad; function, trade or occupation; duration of employment in months/days, conditions of employment, termination of employment or re-employment; maximum duration of working time and minimum duration of periodic rest; gross and net remuneration, hourly rate and/or gross and net monthly salary, currency of payment, payment modalities and dates of payment of salary; the minimum wage/minimum rate guaranteed in payment by the legislation of the host State; bonuses, overtime and other salary rights; cases in which salary rights may be pursued; minimum duration of paid annual rest leave, the method of granting it and the monetary rights relating to rest leave; working conditions, climate, health and safety at work, hygiene at work and social security; conclusion and signing of health insurance for Romanian employees under the same conditions as nationals of the host State; the granting of compensation in the event of occupational diseases, accidents at work or death; the specification of the accommodation conditions to be enjoyed throughout the stay, the provision of transport for Romanian workers in the host State, transport from the place of accommodation to the place of work, as well as the conditions of transport and repatriation of Romanian workers, including in the event of occupational diseases, accidents at work or death; local customs and any other specific aspects likely to endanger the life, freedom or safety of Romanian workers; taxes, duties and contributions on the income of Romanian workers, ensuring, where appropriate, the avoidance of double taxation or double

charging of social security contributions; contact details of Romanian embassies/diplomatic missions in the host State; contact details of local authorities in the host State to which the Romanian worker may lodge a complaint about non-compliance with the contract.

According to art. 8 of *GD no. 277/2002, with subsequent amendments and additions*, accredited providers of specialized services for the stimulation of employment are obliged to: allow access to the staff with control duties of the county employment agencies, respectively of the municipality of Bucharest, as well as other institutions and control bodies, in order to exercise their control duties according to the legal provisions, and to submit, at their request, all information, data and documents necessary for the exercise of control; communicate monthly to the county agency data on the number of unemployed mediated and employed, according to Annex no. 2 of the Methodological Norms for the application of *Law no.76/2002 on the unemployment insurance system and employment stimulation*, approved by *Government Decision no. 174/2002, with subsequent amendments and additions*; to communicate to the County Agency or, as the case may be, to the Municipality of Bucharest, within the deadlines, with the periodicity and in the form requested or established, all the data and information necessary for ANOFM to carry out its duties provided for by law; informing the County Agency, respectively the Bucharest Municipality Agency, which granted the accreditation or, as the case may be, was notified by the provider, of the changes as a result of which the conditions for granting the accreditation or, as the case may be, for providing the employment services in Romania are no longer met, including changes of the same nature occurring in the activity of subsidiaries, branches or other secondary offices whose activities fall within the scope of the accreditation regime, within a maximum of 10 calendar days from the date of occurrence; handing over, within a maximum of 3 working days, the accreditation certificate issued to the county employment agency or to the Bucharest municipal employment agency which granted the accreditation, if their accreditation is withdrawn.

With regard to the costs of employment services, it should be noted that the services provided by ANOFM, through the territorial agencies, are borne by the unemployment insurance budget, as are those provided by specialised employment stimulation service providers, provided on the basis of contracts concluded with employment agencies, only if they are accredited. It is also important to note that providers of specialised employment stimulation services financed from funds other than the unemployment insurance budget can only provide these services if they are accredited by the ANOFM.

During the reference period, we mention, by way of example, specific actions carried out by DCCO, documenting the activity of criminal groups acting to trafficking migrants from Vietnam and Sri Lanka, international cooperation through EUROPOL and making contacts with law enforcement authorities in the countries of origin of migrants, through INTERPOL.

10. How do you prevent and sanction abuses of legal constructions such as self-employment, letter-box companies, sub-contracting, and posting of workers, which may be used to commit THB?

In order to inform and raise employers' awareness of the implications of trafficking in human beings, to reduce the risks of labour exploitation of vulnerable persons, and to discourage the demand for cheap or unpaid labour, ANITP carried out campaigns, prevention activities and training sessions during the reporting period, targeting employers, labour recruitment agencies, Labour Inspectorate representatives, etc. By way of example, the *"Prison is not just behind bars!"* campaign, a preventive approach funded by the European Commission, aimed at conveying anti-trafficking messages, with a view to reducing the demand for cheap labour. Two large-scale campaigns to prevent human trafficking for labour exploitation were also carried out with the OLX platform under the names *"The perfect job - a one-way illusion"* and *"Safety first!"*. As part of these efforts, with the support of OLX's anti-fraud team, hundreds of job advertisements were checked, many of which were deactivated

following user referrals and some of the accounts were suspended or even blocked. This measure was implemented to avoid recruitment of vulnerable people through fictitious advertisements, posing various security risks to applicants, or through fake accounts whose identity could not be established.

The Labour Inspectorate also organises annual nationwide campaigns to check the activities of foreign labour placement agents, temporary employment agents and employers operating in areas where undeclared labour is likely to be used. The transnational posting of workers is regulated by Act No 16/2017 *on the posting of employees for the provision of transnational services*, using the Internal Market Information System (IMI) for the exchange of information for checking purposes.

11. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration and legal employment opportunities accompanied by decent work conditions?

Romanian society is in the process of opening up the labour market to citizens from third countries, and the labour shortage on the Romanian market is currently being filled, through specific government measures, by foreign citizens, generally from countries such as Nepal, India, Bangladesh, Morocco or Turkey. In this context, it is imperative for the Romanian anti-trafficking authorities to be proactive and ensure that they prevent the risk of exploitation and trafficking for labour or other forms and, at the same time, ensure that they have the appropriate legal and regulatory framework to provide protection and assistance, in accordance with European and international legal standards on respect for the rights of victims of human trafficking.

The legislation on migration to Romania for employment purposes is regulated by *Ordinance no. 25/2014 on the employment and posting of foreigners on the territory of Romania and for the modification and completion of some normative acts on the regime of foreigners in Romania, with subsequent amendments and additions*, and by *Emergency Ordinance no.194/2002 on the regime of foreigners in Romania, republished, with subsequent amendments and additions*. Thus, foreigners legally residing in Romania may be employed on the basis of the employment permit obtained by the employers under the conditions of the legislative framework in force, if the annual quota by type of workers newly admitted to the labour market, established by Government decision, at the proposal of the Ministry of Labour and Social Solidarity, has not been exhausted. The employer is obliged to conclude the individual employment contract within 15 working days from the entry of the foreigner on the Romanian territory or, as the case may be, from the obtaining of the new employment permit, in the case of a long-stay visa for employment. Thus, by working on the basis of an individual employment contract, the worker benefits, under the law, from the rights provided for by Romanian legislation. We would also like to mention that Romania is part of the EURES network (European Employment Services Network), which is a cooperation network between the Commission and the Public Employment Services (PES), with a role in providing information, advice and recruitment/placement services for workers, employers and all Union citizens who wish to exercise their right to free movement of workers through its human network and the online tools available on the EURES portal, our country being represented by the National Agency for Employment (ANOFM) which acts as the National Coordination Office of the EURES Romania network (BNC).

12. How do your country's law and policies to discourage demand that leads to THB address particular vulnerabilities and groups at risk of THB?

Addressing the preventive-informative dimension of trafficking is a complex, dynamic and continuous process, aimed both at reducing the vulnerability of at-risk groups to trafficking and at discouraging the demand that fosters it. An effective measure to discourage and reduce demand has been the criminalisation of the use of the services of exploited persons, a measure adopted by our

country. Thus, Romania is one of the European countries where the offences of using the services of an exploited person and using child prostitution are criminalised, regulated by Articles 216 and 216¹ of the Criminal Code. According to them, the offence of using the services referred to in Article 182, provided by a person known to the beneficiary to be a victim of trafficking in persons or trafficking in minors, constitutes the offence of using the services of an exploited person. Likewise, engaging in any act of a sexual nature with a child prostitute constitutes the offence of using child prostitution. According to the latest data, out of the total number of cases in which investigative activities were carried out during 2023 (processed nationwide), 8 criminal cases (3 registered in 2023 + 5 prior to this year) were investigated for the commission of the crimes of trafficking in persons or minors, as well as on the commission of offences under Article 216 of the Criminal Code - use of the services of an exploited person (6 cases) and Article 216¹ - use of child prostitution (2 cases), with 4 cases being being solved by sending the defendants to trial.

13. How do your country's legislation and practice ensure that there is an individual assessment of protection needs at the borders prior to any refusals of entry or expulsions?

In order to provide an adequate response, it is necessary to explain the aspects related to the individual assessment of the victim's needs, through a brief and step-by-step presentation of the measures that can be found in this respect in the framework of GD no.88/2023, on MNIR. It promotes the immediate identification of victims of human trafficking, which allows access to specialised and individualised protection and assistance services, according to the victim's needs. Identification is therefore a process initiated by various social/institutional/organisational actors, through the **detection of a possible** situation of trafficking in persons, leading to its subsequent referral/notification to the main national actors responsible for the implementation of the Mechanism. We underline that detection is the action that involves detecting indications that a person is a potential victim of trafficking, leading to the referral⁷ or notification⁸ of the case to MNIR. Detection, as opposed to identification, can be carried out by a wide range of actors, starting with the specialised investigation and prosecution bodies in Romania (DCCO, DIICOT) and continuing with the control bodies, as is the case here: Labour Inspectorate, General Inspectorate for Immigration, National/County Agency for Payments and Social Inspection, National Police, Border Police, Gendarmerie, etc, followed by other professional categories that may come into contact with the potential victim, namely (specialists from schools, hospitals, transportation, public/private social service providers, IOM, Embassies, hotline operators, etc), and the last category is represented by the general public that may detect a potential trafficking case. Further, the referral/notification of a possible trafficking situation is followed by the assessment of the reported situation, which **also involves a first contact with the potential victim**. A first interview with the victim is carried out only by **specialised** personnel, who can establish the presence of elements of trafficking. MNIR contains a list of clues/indicators that can be used for the initial assessment of a possible trafficking situation or for the identification of the presumed victim⁹ of human trafficking, with a mention that they do not replace the definition of human trafficking in the Criminal

⁷ The referral shall be made in accordance with Law No 135/2010 on the Code of Criminal Procedure, as amended and supplemented.

⁸ A case notification is the process of transmitting information about a potential/alleged victim to ANITP/public or private providers of specialised services in the field of trafficking in human beings.

⁹ According to GD no.88/2023 on MNIR, this is the person about whom there are indications that he/she has been trafficked, the decision on his/her status being made on the basis of the initial identification interview

Code, but constitute signs that can trigger the identification and referral mechanism, with specific actions. Thus, the initial needs and risk assessment and the victim identification interview are 2 distinct components of MNIR, the first of which is a continuous process, carried out by specialised/non-specialised actors, from the first contact with the victim until the end of the assistance and protection programme in which the victim is included, through the immediate identification and assessment of the risks/needs associated with the situation of the trafficked person and on the basis of which a decision is taken on their assistance and protection (in the country of origin/destination, in sheltered housing/residential centre/family) or on their repatriation. This ongoing assessment is supplemented during the implementation of subsequent MNIR measures, depending on the dynamics/evolution of the case. The identification interview, on the other hand, is carried out by specialised actors in MNIR, prosecution/prosecution bodies, ANITP specialists or public/private providers of specialised trafficking services. In this situation, victim identification should address issues such as: indicators of trafficking, vulnerability of the person, suffering during the trafficking process, identification of factors that led or contributed to the person entering the trafficking process, long-term consequences for the victim (stigmatisation, health problems and economic losses), etc. The identification interview is conducted immediately after basic needs are met, when the potential victim is physically and emotionally able to give informed consent to the interview.

14. What measures are taken to prevent THB in sports? What sectors and categories/groups of people have been identified as being at risk?

Regarding the intersection of human trafficking with the field of sport in general, we note that so far, although there have been a few potential cases, this does not indicate a pattern of increasing trends in this direction. Even so, awareness-raising campaigns on the phenomenon are being carried out on a permanent basis at national level, targeting all social categories and groups vulnerable to trafficking.

15. Have you identified online practices that may increase the risk of becoming a victim of THB for different forms of exploitation? What mechanisms have been developed to prevent the misuse of information and communication technology for THB purposes? What is the practical effect of their implementation?

There is an online practice that increases the risk of a person becoming a victim of human trafficking, with perpetrators creating profiles on social media (Instagram, Facebook, TikTok, etc.) where they expose an opulent and luxurious life (luxury cars, holidays, parties, designer clothes, etc.), and then randomly approaching numerous women online. Thus, once the victim's attention is caught by the lifestyle presented by the perpetrator, she starts conversations with him, often ending in a supposed relationship between the exploiter and the victim. Later, once the trafficker has gained control of the victim, he uses various pretexts (old debts, illness of a close relative, the desire to start a family with the victim) to persuade the victim to engage in prostitution for his own material benefit. With regard to preventive initiatives in this regard, ANITP has always paid particular attention to providing recommendations and advice on the safe use of social platforms and networks in order to reduce the risks associated with recruitment or exploitation in the virtual environment, with awareness-raising and prevention campaigns for the population (especially young, vulnerable groups and frequent users of social networks). We stress the urgent need for cooperation between public institutions, non-governmental organisations and private sector representatives, which is certainly a central tool in the overall national efforts to prevent human trafficking. Thus, the participation and involvement of governmental, non-governmental and private sector partners in activities dedicated to the fight against trafficking in persons has been notable, with **over 4,400 collaborative activities being carried out in the period 2019-2023 under existing partnerships.**

An example of this is the implementation by ANITP of the national prevention campaign *"Spread your wings! Information means freedom"*, within the project "PDP2 - Strengthening national capacities in the field of international police cooperation and the fight against crime", funded from the Norwegian Financial Mechanism 2014-2021. The campaign ran exclusively online via TikTok, Facebook and Instagram, targeting adults and minors at risk/vulnerability to human trafficking, as well as the general public. The anti-trafficking messages addressed three main segments: sexual exploitation, forced labour exploitation and online safety of minors. The central element of the online campaign was the promotion of anti-trafficking messages with the support of three well-known influencers in Romania. The messages consisted of recommendations to avoid risky situations offline, but especially online (*"Tips if someone offers you a job abroad"*, *"Tips if someone asks you for intimate photos"*, *"Tips about dating apps"*, *"Tips on how you can tell it's a fake profile"*, *"Tips on how to avoid a lover boy"*, *"Why sometimes online can be dangerous"*, *"What can you do if someone exploits you through labour"*, *"Risks of minors to trafficking"*, etc).

Another national prevention and awareness campaign, targeted at the online environment was: *Your safety is not a game*". This was run by ANITP in partnership with the Telefonul Copilului Association and was of particular importance in the context of raising information and awareness among children and young people. The main objective of the campaign was to prevent child trafficking and child pornography and to increase the safety of children in the virtual environment by sending anti-trafficking messages and information about the risks of the phenomenon and how to recruit online on social networks. More than 1,900 prevention activities (face-to-face meetings with pupils, teachers and other professionals who come or may come into contact with victims or potential victims of trafficking) were carried out as part of the campaign, resulting in more than 129,000 direct beneficiaries. At the same time, more than 1,140 social media posts were made to promote anti-trafficking messages online.

The presentation of the above-mentioned campaigns is not exhaustive, as some of the efforts and steps taken in this direction are presented as examples, but a large part of the prevention campaigns are also described in detail in other dedicated sub-items, as requested.

16. What measures are taken to raise awareness of the risks of technology-facilitated THB, including among children, parents, teachers, child care professionals and social workers? What technology-based initiatives exist in your country to disseminate information to groups/communities at risk of THB?

In order to inform and protect children against child trafficking and online recruitment, parents, teachers, carers and social workers can all draw on the different strategies and resources available. A relevant example is the participation in activities run by ANITP, such as training sessions and prevention activities aimed at these categories as well, which take place frequently and constantly. By way of example, in addition to the approaches described above, we mention the following:

- ★ Implementation of the project *"I am an informed parent"*, initiated by ANITP – Brasov RC together with the "Micu Bogdan" Foundation, in partnership with the Prefect's Office of Brasov County and the Brasov County School Inspectorate, aiming to increase the safety of children, both at school and at home, and with the general objective of raising awareness and informing parents about trafficking in persons/minors and child pornography.

- ★ Implementation of the *"Joint Action Plan for the prevention of human trafficking and child trafficking"* by the County Council of Brasov in partnership with Covasna AJOFM and Covasna DGASPC. The main objective of the campaign was to inform the staff of Covasna DGASPC and Covasna AJOFM about their responsibilities and tasks in the prevention of trafficking in persons and their implementation in the relationship with the beneficiaries. Thus, training sessions have been

carried out for the staff of the two structures on the identification of victims, informing service beneficiaries about vulnerabilities and distributing anti-trafficking messages.

★ The implementation of informative-preventive activities by the Timisoara RC, within the campaign "*STRONG - Strong against human trafficking*", funded by the French Embassy, in collaboration with the LOGS Association - Social Initiatives Group. As part of the preventive approach, a camp for Romanian and Ukrainian children was organized, where, after being informed and presented with real stories, the children drew comic strips based on these real stories. Using these drawings, the guide "*Natalia and Robert: How do we stay safe on the Internet?*" was printed in 40 copies and distributed to specialists (school counsellors and teachers) in contact with primary school pupils. The guide has proven to be very effective in presenting the phenomenon of child pornography to primary school children, but also to children with special needs, behavioural disorders or intellectual disabilities. Following the presentation of the guide to fourth grade students at a school in Timisoara, a child told the counsellor the story he had been through, which turned out to be a case of Internet child recruitment and online sexual exploitation.

★ National prevention campaign "*Looking for a job? Watch out for human trafficking traps!*" was another important source of information and awareness for parents. By distributing anti-trafficking information, tips and advice, the campaign aimed to support parents looking for a job abroad or already working abroad to communicate more effectively with their children and inform them on how to avoid the risks of child trafficking and other online dangers, as well as how to ensure adequate protection from relatives or carers in whose care their children remain.

★ Another important initiative to increase awareness among children and adolescents is the development of prevention activities in online and outdoor environments by ANITP specialists at central and regional level, based on *the National Framework Action Plan for School Safety*, implemented annually during the school year.

17. How do you cooperate with ICT companies and Internet service providers, including content hosts and social media, in preventing THB?

During 2020, ANITP together with OLX Romania (one of the largest advertising platforms in Romania) implemented the online campaign to prevent human trafficking for labour exploitation "*The perfect job - one-way illusion*". The aim of the campaign was to prevent human trafficking by increasing the level of awareness of job seekers using online platforms.

The campaign was primarily aimed at users of online platforms looking for a job, as well as the general public, users of online information, in order to achieve the following objectives:

- ★ Informing jobseekers via online platforms about the potential risks that may be hidden behind a "perfect" job offer.
- ★ Raising public awareness of the risks and implications of human trafficking.
- ★ Informing and educating job seekers through online platforms on how to check job advertisements before applying to them.
- ★ To inform and raise public awareness of the phenomenon of trafficking in human beings for labour exploitation.

In addition to promoting anti-trafficking messages on Facebook, the activities also included the publication of two banners on the OLX website, under the sections "Jobs" and "Jobs abroad", which registered 2.9 million views and over 1,500 clicks. By clicking on one of the banners, users were automatically redirected to ANITP website to find out more about the Agency's activities and contact details, and to request further advice and information. By clicking on the second banner, users were redirected to a fictitious advertisement posted on the OLX website, which contained a series of recommendations on how to analyse job vacancies and avoid the risks that can hide behind "perfect" advertisements.

In addition to the activities set out in the campaign, OLX representatives have taken several additional steps to increase user safety, namely:

- ✳ checking and centralising reports from the "Jobs" section;
- ✳ analysing the responses received and deactivating advertisements where the situation required action by the Prevention Department;
- ✳ 730 abuses checked following reports, over 250 ads deactivated;
- ✳ Checks with the assigned account agents, in case the abuse concerned a company working with OLX.

Taking into account the effectiveness and positive results obtained in the campaign *"The perfect job - a one-way illusion"*, the preventive approach was continued by the two partner institutions in the form of the campaign *"Safety is a priority"* also aiming to prevent human trafficking by increasing the level of information of job seekers. For the implementation of the campaign activities, OLX provided a dedicated Anti-Fraud team to identify, analyse and take action in case of complaints received from users.

Also, through the collaboration between ANITP and Vodafone Foundation representatives, the free application "Bright Sky RO" was developed, which also includes a guide to prevent human trafficking. The content of the application can be accessed from any telephone network and is intended mainly for victims of domestic violence, but also for other victims of gender-based violence, as well as for the general public and specialists in the field interested in the diverse issues and evolution of forms of gender-based violence. Bright Sky RO is a free mobile application, launched by Vodafone Romania Foundation, in partnership with the Romanian Police, Necuvinte Association and Code for Romania Association, with the aim of providing specialized assistance and support to victims of domestic violence, or those concerned about the safety of acquaintances or family members. Another major action, within this collaboration, was the sending of anti-trafficking messages to all Vodafone network subscribers (individuals), on the occasion of the European Anti-Trafficking Day - 18 October.

18. How are policies and practices aimed at preventing THB informed by the experiences of victims and at-risk individuals?

The information, awareness-raising and sensitization dimension of ANITP's work is based on in-depth analysis and research on the phenomenon of trafficking in persons, analyzing the evolution and trends of this criminal phenomenon. Assessments by the European Commission, the US Department of State and the Organisation for Security and Co-ordination in Europe (OSCE) are also essential pillars in the formulation of preventive strategies. These efforts aim at translating the international and European approach coherently into preventive measures of the responsible institutions in Romania. In the process of developing prevention projects and campaigns, ANITP adopts an integrated approach based on the recommendations and contributions made by former victims of trafficking in persons, who have responded positively to the call for support in information-preventive actions or have expressed a willingness to become voluntarily involved in the initiatives supported by ANITP. Thus, the use of information provided by former victims and their direct involvement in the agency's activities entailed the following:

✳ ANITP's *"Road to Freedom"* online prevention campaign is the first national initiative run by a public institution in Romania, using the authentic experience of a former victim of human trafficking, Monica, 25, who was sexually exploited in Spain, Switzerland and Germany, which is run exclusively online on 5 social networks (Facebook, Instagram, Twitter, LinkedIn and TikTok) until July 2024. The aim of this campaign is to inform the public about the risks and consequences of human trafficking, encouraging the adoption of preventive behaviour to avoid exploitation. Victim participation involves sharing personal experience in the campaign, contributing to informative videos,

providing anti-trafficking tips and messages together with ANITP representatives, addressing both reducing the vulnerability of individuals and discouraging demand by raising awareness among consumers of sexual services.

★ Making the video "How to steal young souls with illusions. Elena's story" by journalist George Buhnici, in collaboration with ANITP. The material involved interviewing a victim of human trafficking, who was sexually exploited, as well as a podcast segment with the participation of ANITP management. Through this video, George Buhnici captured the experience of "Elena", a former victim of human trafficking, illustrating, with her support, useful information to help vulnerable people and to raise the alarm on how young girls and women can be recruited for sexual exploitation. Thus, "Elena" told the audience about the factors that led her into exploitation (family problems, history of abuse), how she was recruited through the Loverboy method, about the exploitative situation she found herself in, being forced into prostitution, but also about her reintegration into society, the therapeutic process she underwent to heal her traumas, and her future plans for education and training. The content is extremely useful and effective both for young women at the beginning of their lives, who may fall into the trap of inappropriate relationships and empty promises, and for parents, in order to raise the alarm about their children's behavioural changes and the possible shortcomings they may have in the family, which can make them vulnerable to the risks of trafficking. In addition to this video, George Buhnici made a new material with the involvement of "Elena", representatives of Pitesti RC, as well as the President of the College of Psychologists - Argeş Branch, a specialist who deals directly with psychological assistance to victims of human trafficking, both minors and adults. The material entitled "Elena's story is not unique", captured aspects related to the vulnerabilities present in most victims of human trafficking (traumas, family and emotional problems, reduced ability to relate, etc.), as well as their needs for psychological assistance in order to reintegrate into society, while highlighting elements that often prevent victims from leaving the trafficking situation (manipulation, dependence on the perpetrator, blackmail, attachment problems, etc.). This information was complemented by the intervention of the representatives of the Ploiesti RC, who discussed the specific and procedural aspects of the phenomenon, as well as preventive measures and advice for the vulnerable, especially applicable in the online environment. The two videos were promoted online, on social media and on the YouTube account of journalist George Buhnici. They registered over 91,000 views. Based on the videos, journalist George Buhnici made a series of posts on his personal TikTok account, with over 686,000 views.

★ A number of Timisoara RC activities also benefited from the involvement of a former victim of human trafficking whose social reintegration process has been completed. She contributed to the realisation of information-preventive activities and was involved in providing support to another victim.

II. IDENTIFICATION OF VICTIMS AND PROTECTION OF THEIR RIGHTS (Articles 10, 11, 12, 14 and 16)

- 19.** Among the victims of THB identified, were any subjected to exploitation on the basis of their sexual orientation and/or gender identity (LGBTI+: lesbian, gay, bisexual, transgender or intersex), especially teenagers and young adults? If yes, did any of them report on police misconduct?

According to statistical data held by DIICOT, in one criminal case only 2 victims were reported to have been exploited on the basis of their sexual orientation (homosexuality). In this context, no misconduct by the police or other representatives of national authorities regarding the sexual orientation of the persons concerned was reported.

- 20.** What specific measures are taken to ensure that trafficked persons who are migrant workers, including in an irregular situation, are identified as victims of THB and have access to the rights provided for in the Convention? Is there cooperation with specialised NGOs, trade unions, and employers to enhance the identification and protection of potential victims within these at-risk groups?

According to Art. 106¹ para. (4) - 106² para. (2) of GEO no. 194/2002 *on the regime of foreigners in Romania*, republished, with subsequent amendments and additions, the prosecutor, by order, or, where appropriate, the court, by decision, shall grant tolerance when there are serious reasons to consider that a foreigner who does not have the right of residence is a victim of trafficking and his presence on the territory of Romania is necessary for the proper conduct of criminal proceedings. In this respect, tolerance is granted for a period of up to 6 months, which may be extended for further periods of up to 6 months by the prosecutor, by order, or by the court, by decision, until the criminal proceedings are terminated. Similar provisions concerning the granting of toleration to this category of foreigners are also found in Article 39¹ of Law no. 678/2001, updated, on preventing and combating trafficking in persons, according to which foreigners who are considered to be victims of trafficking are granted a recovery and reflection period of up to 90 days to recover, to leave the influence of the perpetrators and to make an informed decision on cooperation with the competent authorities, during which time they are granted a period of time by IGI, at the request of the prosecutor or the court, tolerance to remain on Romanian territory.

According to the same article of Law no. 678/2001, during, or at the end of the reflection period, foreign victims of trafficking may be granted, upon request, a temporary residence permit, under the conditions provided for by GEO no. 194/2002, republished, with subsequent amendments and additions. At the same time, in accordance with the provisions of Art. 130 para. (2)-(9) of the GEO no. 194/2002, a temporary right of residence on the territory of Romania may be granted to this category of persons for a period of 6 months, without the obligation to obtain a visa and even if the foreigners have illegally entered Romania, at the request of the prosecutor or the court, if the following conditions are cumulatively met:

- (a) foreign nationals show a clear intention to cooperate or cooperate with the competent authorities in order to facilitate the identification and prosecution of participants in the commission of offences of which they are victims;
- (b) foreign nationals have ceased relations with the persons suspected of committing the crimes of which they are the victims;
- c) granting the right of residence is appropriate for the conduct of judicial investigations;
- d) the stay of foreigners in Romania does not pose a threat to public order or national security.

The right of temporary residence for victims of trafficking in persons is extended, successively, by IGI, for further periods of 6 months, at the request of the prosecutor or the court, if the conditions listed above are cumulatively met. If the extension of the right of temporary residence is not requested, the right of temporary residence granted shall be extended by IGI, successively, for further periods of 6 months each, if the following conditions are cumulatively met:

- a) the presence of foreigners on the territory of Romania is necessary in order to carry out legal procedures for the recovery of outstanding remuneration from the employer who committed the offences referred to in Article 264 para. (4) or Art. 265 of Law no. 53/2003, republished, with subsequent amendments and additions;
- b) the foreigners do not present a threat to public order or national security.

The temporary residence permit is issued free of charge. To this end, the provisions relating to the issue of residence permits laid down in Council Directive 2004/81/EC of 24.04.2004 have been transposed into national legislation (GEO no. 194/2002). In accordance with the provisions of Article 3, para. (2) letters (h) and (l) of GEO 25/2014, victims of human trafficking who are holders of a

temporary right of residence and tolerated persons may be employed on the territory of Romania without the need to obtain an employment permit issued by IGI.

21. What measures are in place to encourage victims of THB to report their situation to the authorities and/or civil society organisations?

In order to encourage victims of human trafficking to report their exploitative situation to the authorities, a multidisciplinary approach is needed, in which statutory authorities and governmental/non-governmental organisations, on the one hand, have a victim-centred perspective, understanding the trauma, stigma, fears, abuses they go through in the trafficking process, and, on the other hand, the victim is at the centre of all specific assistance and protection actions, individualised and appropriate to their needs. During the reference period, at national level, ANITP, together with institutional partners, carried out training activities for specialists in the field, as well as for civil society, in order to raise awareness of the implications of this phenomenon, of the traumas and vulnerabilities that accompany victims, in order to develop a victimological approach, and the professional categories trained were very diverse, ranging from prosecutors/judges, police officers (DCCO, IGI, Road Safety, School Safety, Gendarmerie, Public Order, Criminal Investigation, Transport, Rural Police, Proximity, Penitentiary and Border, military, police school students), but also other professional categories that may have contact with potential victims of trafficking: social workers, local police, teaching staff, priests, psychologists, medical professionals, transporters, volunteers, school counsellors, civil society representatives. Among the topics covered during the trainings, particular importance was given to: the rights of victims of trafficking in persons in national and international legislation; the victim-centred approach in criminal proceedings; vicarious trauma and its management; special protection measures for victims/witnesses involved in trafficking cases in criminal proceedings; trauma and its impact on the hearing procedure of victims of trafficking in persons; understanding the trauma and psycho-social vulnerabilities of victims; victim psychology and trafficker profile; vulnerability of minors from Ukraine.

We stress the importance of MNIR, which promotes the provision of emotional support and respect for the individual's experience of trauma. Given that the trafficking experience leaves an imprint on the emotional and physical well-being of victims, directly influencing their behaviour and their ability to make decisions and plans for the future. Thus, in Romania, victims of human trafficking receive emotional support and guidance in all their interactions with the authorities, according to MNIR. Emotional support provided by professionals to victims includes: an attitude of understanding, acceptance, respect for the person and their values; acknowledgement of the experiences the victim has been through; aims to build a sense of security, recognition and use of their own resources; respect for free will and encouragement of victims' autonomy. The attitude of professionals in relation to victims of human trafficking is shaped by the knowledge of the effects that the violence suffered has on their quality of life and personality, approaching these situations with tolerance and understanding, building together with victims of trafficking, specialized psychological assistance interventions (psychotherapy, psychological counseling, psychological support, moral support and accompaniment). All the measures included in MNIR are implemented with the consent of the adult victim of human trafficking, after she is informed in advance about her rights and the measures taken to protect and assist her. In the case of minor victims, informed consent shall apply to their parents/legal representative, if they are not involved in the trafficking situation. Children shall be informed taking into account their views, age and maturity. Information to both minor and adult victims is provided in accessible language. An essential working principle of MNIR is also to make the victim's assistance and protection unconditional on participation in the criminal process, in order to protect the victim against secondary victimisation, to support and encourage the victim's cooperation with the authorities, through a period of recovery and reflection (90 days with the possibility of extension), so that the

victim can stabilise physically, emotionally, psychologically and socially, to avoid the influence of traffickers and to make an informed decision about involvement in the criminal process.

22. What specific measures are taken in your country to detect/identify and refer to assistance possible victims of THB at the borders? What measures are taken in your country to identify victims of THB during the examination of asylum applications and prior to the return of persons whose applications are rejected?

On 31.01.2023, by GD no. 88, MNIR was approved, which is the formal, legal framework for cooperation, under which institutions and organizations involved in the fight against trafficking in persons carry out the duties established for the protection and promotion of the rights of victims of this phenomenon, in order to improve the capacity to identify victims and ensure their protection and assistance, regardless of the person, institution or organization with which they first come into contact.

Also, according to *the Joint Action Plan no. 2141280/14.04.2021, at national level* (of IGPR-DCCO) for the *efficiency of the activity of combating trafficking in persons and minors*, the specialists in the field of combating trafficking in persons, also constantly carry out training/information sessions on the issue of trafficking addressed to all socio-professional categories who, through their duties, may come into contact with potential victims and can support their detection/identification. The document is addressed to specialists from MAI - school safety, traffic police, public order, proximity, forensics, criminal investigation, rural police, transport police, border police, gendarmerie, immigration, etc., as well as from other public institutions - NGOs, DGASPCs, Local Police, educational institutions, medical facilities, etc. Thus, persons participating in these activities are trained on the provisions of **MNIR**, namely the necessary measures and actions in the early identification of victims of trafficking in persons, foreign nationals including those from Ukraine, identification of risk situations based on simple indicators of trafficking, recognition of modes of operation, etc., as well as their subsequent referral to appropriate protection and assistance services.

23. What measures are taken in your country to identify victims of THB in immigration detection centres and prisons?

Romanian legislation establishes specific regulations and procedures, circumscribed to the orientation of the anti-trafficking response, both in the judicial field and in the field of protection and assistance to victims of human trafficking, related to the implementation of MNIR. Complementary to this instrument, practical guidelines have been drawn up establishing guidelines for the intervention of professionals in the field, in terms of identification and referral of cases of human trafficking, these guidelines being harmonised with the specific procedures existing at the level of institutions with specific competences for vulnerable categories.

Thus, when signs of potential situations of exploitation are detected, all necessary measures are taken by the staff of these centres, including screening of trafficking indicators and carrying out a personalised assessment of the case in order to identify the risks and the immediate protection and assistance needs of the victim.

24. What services are available in your country to provide specific assistance to particularly vulnerable victims, such as:

- a. persons with disabilities;
- b. LGBTI+ persons;
- c. victims with children;
- d. victims with severe mental and physical trauma;
- e. homeless persons;

f. other.

In order to elaborate a complete and comprehensive answer to the above points, regarding the particularities of the specific assistance services provided to victims with various vulnerabilities, we provide below a series of legislative provisions and working procedures in relation to these vulnerable categories. Thus *Law on social assistance no 292/2011, with subsequent amendments and additions*, namely *art. 5 let. i)*, the right to social assistance benefits in Romania is guaranteed, **without any kind of discrimination, for all Romanian citizens, as well as for citizens of other states or stateless persons, who are domiciled or reside in Romania**. According to this principle, **vulnerable persons benefit from social protection measures and actions without restriction or preference on grounds of race, nationality, ethnic origin, language, religion, social category, opinion, gender or sexual orientation, age, political affiliation, disability, chronic illness or membership of a disadvantaged group**. For people who do not have sufficient economic means, starting from 1 January 2024, the **minimum inclusion income (VMI)** programme is implemented **for the most vulnerable people, granted on the basis of Law no. 196/2016 on minimum inclusion income, as amended and supplemented**, replacing the 2 programmes applicable until 31 December 2023, namely the guaranteed minimum income and the family support allowance. It is granted to all families and single persons with low or no income who are in difficulty, to help them overcome this situation (socio-economic, health and/or social living environment causes, loss/limitation of their own social integration capacities). The minimum inclusion income has two components, namely: the ***inclusion allowance***, which aims to prevent and combat poverty and the risk of social exclusion, and the family allowance with children, which is granted to families with dependent children up to the age of 18 and aims to prevent poverty and encourage children's participation in education. The VMI is more than just money. It contains an integrated package of support measures in key areas such as employment, social services, education, health and housing, all of which contribute to reducing the risk of poverty and social exclusion. Thus, depending on the needs of the family/single person, the minimum inclusion income is accompanied by other complementary social assistance measures, provided in cash and/or in kind:

- ★ **incentives:** special incentives for labour market participation, granted in cash or as deductions from the person's income;

- ★ **contributory facilities:** insurance in the social health insurance system, without paying social health insurance contributions;

- ★ **other complementary rights:** payment of compulsory housing insurance, community and emergency aid, access to financial support measures to promote and support attendance at educational courses, access to available social services;

- ★ **measures to stimulate employment** provided for by Law No 76/2002 on the unemployment insurance system and the stimulation of employment, as subsequently amended and supplemented, and other measures leading to access to employment for persons receiving minimum inclusion income.

The social assistance benefits granted to support vulnerable categories of persons that were provided from MMSS budget until 31 December 2023 were represented by: social benefits, provided for by *Law no.416/2001*; allowances for the support of families with children under Law no.277/2010. In addition to the minimum inclusion income, the other social assistance benefits managed legislatively and budgetary by MMSS that are implemented to support vulnerable categories of people are mainly represented by: home heating aid during the cold season, as well as year-round energy supplements, provided for by *Law no.226/2021*; benefits for the disabled, granted according to the provisions of art.58 of *Law no.448/2006, republished, with subsequent amendments and additions*, to persons with disabilities, regardless of income, depending on the degree of disability: severe, pronounced or medium. It is also granted to the family or legal representative of the disabled child, regardless of income; emergency aid, granted to families and single persons in situations of need caused by fires, floods, accidents or special situations due to health conditions or other causes that may lead to an

increased risk of social exclusion. Other support measures for families with children currently being implemented by MMSS are:

- ✳ **State allowances for children** granted on the basis of *Law no.61/1993, republished, as amended and supplemented*;
- ✳ **monthly placement allowances**, granted according to the provisions of *Law no.272/2004 on the protection and promotion of children's rights, republished, with subsequent amendments and additions*;
- ✳ **leave and monthly child-raising allowance** (*GEO no.111/2010 on leave and monthly child-raising allowance*);
- ✳ **the monthly insertion incentive** (*OUG no.111/2010 on leave and monthly child-raising allowance*);
- ✳ **the leave and the accommodation allowance** granted according to *Law no.273/2004 on adoption procedure, republished, as amended and supplemented*, as well as
- ✳ **monthly adoption support allowance**;
- ✳ **allowances granted to persons with disabled children** (Articles 31 and 32 of *GEO No 111/2010 on parental leave and allowance, as amended*).

Moreover, the social assistance benefits paid from MMSS budget are national support schemes for all vulnerable groups, and are granted according to their specific situation, including those who are victims of human trafficking. These support programmes are complementary to the social services provided to victims of trafficking. According to the provisions of Article 62 of the *Law on Social Assistance No 292/2011, as amended*, victims of trafficking in persons benefit from social services provided to facilitate their reintegration/social reintegration. Social services for victims of trafficking are provided in an integrated system with other protection measures provided for by special legislation and are free of charge. At the same time, according to the provisions of Article 62 of the *Law on Social Assistance no. 292/2011, as amended and supplemented*, social services for victims of trafficking in human beings may be:

- ✳ residential centres with fixed-term accommodation providing assistance, care and protection;
- ✳ day centres providing mainly information, counselling, emotional and social support for rehabilitation and social reintegration;
- ✳ services provided in the community consisting of social assistance, emotional support, psychological counselling, legal counselling, vocational guidance, social reintegration, etc.

25. How do you support the (re)integration of victims of THB? What processes are in place in your country to provide assistance to victims of THB exploited abroad after their return?

As regards reintegration and assistance to victims in the context of their return to their country of origin, the following should be mentioned:

In most cases, the return of victims to the country involves their assisted voluntary repatriation, with specific working procedures, briefly and step by step set out in GD No 88/2023, on MNIR.

The victim's decision to return to the country of origin/residence is made after receiving real and relevant information about his/her rights, the possibilities of being included in an assistance programme in the country of destination and the steps being taken to repatriate. Once the information has been provided, the trafficked person is given reasonable time to make an informed decision in accordance with his/her rights.

It is imperative to mention that each individual situation is dealt with according to the particularities of the case and the nature of the notifying organisation or institution, and all measures and actions taken are harmonised with the needs and risk assessment for repatriation and safe pick-up of the victim, as appropriate, to: the centre of the specialised assistance and protection service provider, or to the point of departure to the place of residence.

For victims who are Romanian citizens in the process of integration in the country of destination, but need to be repatriated, in the short or medium term, for reasons related to administrative situations (e.g.: reissue of identity documents), judicial (e.g. court appearances in civil proceedings-divorce, custody or criminal proceedings) or medical (e.g.: investigations, medical analysis), after risk and needs assessment, they are supported according to the specific needs identified, thus benefiting from the measures included in MNIR. **The risk and needs assessment is a continuous, individualised and adjustable process (depending on the individual case) from the first contact with the victim until the end of the assistance programme in which the victim gives his/her informed consent to be included.**

If the victim **does not wish to** be included in a protection and assistance programme, the team present at the arrival point /border of Romania shall provide the victim with the contact details of the ANITP RC in the area of residence and/or of the public or private providers of specialised protection and assistance services for victims of trafficking in persons. The repatriation of minors is carried out in accordance with the provisions of Regulation 1443/2004 on the methodology for repatriation of unaccompanied Romanian children and the provision of special protection measures for them, with the involvement of ANPDCA and DGASPC specialists in the risk and needs assessment. Before repatriation, the social services carry out an assessment at the minor's family home in order to ascertain that the minor's natural family provides the material and moral guarantees necessary for the minor's upbringing and care, and if this is not the case, DGASPC may propose the establishment of a special protection measure after the minor's return to the country. When establishing this measure, priority is given to placing the child with the extended family/relatives, provided that they are able to provide adequate protection and care for the child and have not been involved in the trafficking situation or have no relations with the persons involved in trafficking. If placement with relatives is not possible, another form of family-type protection or accommodation in specialised residential services is considered. In the medium and long term, in terms of assistance to victims of trafficking, other measures taken to support their reintegration can also be mentioned. In this respect, we exemplify the provisions of Law no. 76/2002, as subsequently amended and supplemented, which includes in the category of young people at risk of social marginalisation **also victims of human trafficking**, if they are between 16 and 26 years of age, if they meet the necessary conditions to be registered as unemployed and if they register with the employment agency in whose territorial area they have their domicile or, where applicable, residence.

Thus, victims of trafficking in persons, beneficiaries of the personalised social support provided for in Article 93¹ of the law, are supported in their integration into the labour market by concluding a solidarity contract with ANOFM through the territorial employment agencies, and receive free services consisting of:

- a) information and professional advice;
- b) labour mediation;
- c) job placement with an employer whose job offer has been selected as being suitable for the professional training and other conditions contained in the file drawn up when registering as a jobseeker with the employment agency.

At the same time, according to Art. 93⁴ para. (1) of the law, employers who employ young people at risk of social marginalisation (called integration employers), i.e. victims of human trafficking, and who benefit from personalised social support under a solidarity contract, receive a monthly amount from the unemployment insurance budget for each person in this category, equal to the basic salary established at the date of employment of the young people, but not more than four

times the value of the social reference indicator in force at the date of employment, until the end of the duration of the solidarity contract.

At the same time, persons who have been victims of human trafficking abroad and return to Romania, following their registration in ANOFM records as job seekers, benefit from the measures and services provided by law.

26. 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.

See answer to question 20.

27. What measures are in place to ensure that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known?

Measures to protect the identity of crime victims are established in the Criminal Procedure Code, according to which: if there is a reasonable suspicion that the life, bodily integrity, freedom, property or professional activity of the witness or a family member of the witness could be endangered, as a result of the data he/she provides to the judicial authorities or his/her statements, the competent judicial body shall grant the person (**including victims of trafficking in persons**) the status of a threatened witness and order one or more of the protective measures during the criminal prosecution or during the trial, by:

- surveillance and security of the witness's home or or provision of temporary housing;
- accompanying and ensuring the protection of the witness or his/her family members during travel;
- the protection of identity data, by providing a pseudonym under which the witness will sign his/her statement
- **interviewing/ hearing the witness without him/her being present, by means of audio-visual transmission, with voice and image distortion, when other measures are not sufficient.**

Also, the witness's statement will not include his real address or identity data, which will be recorded in a special register, to which only the prosecution, the judge of rights and freedoms, the preliminary chamber judge or the court will have access, under conditions of confidentiality. According to the Criminal Procedure Code (CPP), victims of trafficking are presumed to be vulnerable and thus eligible for protection measures. The injured person/civil party is informed of the protective measures that can be taken, their content and the possibility to waive them. If a protection measure provided for in Articles 124-130 of the CPP is ordered, the injured person is granted the status of a threatened/vulnerable witness and thus assigned a new identity, and documents containing the real identity are kept in a closed envelope, in a confidential manner, with the statement of the injured person or documents containing only the assigned identity data attached to the case file.

28. What measures are in place aimed at encouraging the media to protect the private life and identity of victims?

According to the provisions of Article 31 (4) of the Romanian Constitution "the mass media, public or private, are obliged to ensure the correct information of public opinion", and in the same register, according to the provisions of Article 30 (6) of the Constitution: "freedom of expression may not prejudice the dignity, honour, private life of the person or the right to one's own image". The constitutional provisions on the rights and freedoms of citizens are interpreted and applied in accordance with the Universal Declaration of Human Rights, the Covenants and other treaties to which Romania is a party. Law 211/2004 also contains specific provisions to ensure the protection and

confidentiality of victims of any kind of crime, including victims of trafficking in persons. Thus, a general principle of this Law, provided for in art.3[^] 3, is **confidentiality**, which means the activity of information, support and protection of victims, which is carried out with the preservation of confidentiality of personal data and information on their private life and their situation of difficulty.

29. Have there been cases of diplomatic households (of your country's diplomats abroad and of foreign diplomats in your country) employing domestic staff in conditions which could be forced labour or human trafficking? If yes, how was the issue of diplomatic immunity addressed? How were the victims identified, assisted and protected?

So far no cases of this type have been reported to the anti-trafficking system in Romania.

In view of the specific tasks of the Ministry of Foreign Affairs (MFA) and the importance that this institution attributes to trafficking in persons, as well as the evolution of the phenomenon with implications for Romania, the Consular Staff Training Centre (CIPC) of MFA aims at a continuous collaboration with the authorities in charge in the field, in the line of training consular staff in the field of trafficking in human beings. Their training curriculum is elaborated in collaboration with ANITP representatives for the staff of the Diplomatic Missions / Consular Offices (MD/OC) and covers aspects of interest regarding: MNIR, the National Strategy against Trafficking in Persons; procedures for sharing information on trafficking in persons among consular employees/officials with specific attributions; prevention, assistance to victims or potential victims; consular assistance and other related aspects.

30. What specific steps are taken in your country to identify victims of THB amongst persons recruited and exploited by terrorist/armed groups?

So far no cases of this type have been reported in Romania. It should be noted that in 2023, as part of a partnership between the US Embassy/Overseas Criminal Investigations Unit and IGPR, IGPF and the Anti-Terrorist Brigade, training was conducted for frontline anti-trafficking workers. In this regard, a training programme was developed for law enforcement and border services to proactively identify potential victims of trafficking in human beings. Thus, in 9 sessions, 651 police officers and 301 students from MAI educational institutions were trained.

31. Are there requirements in your country's legal framework for the detection and removal of THB-related Internet content, and what are the sanctions for non-compliance? Is there a code of conduct for providers? If a person is detected as a presumed victim of THB in the process, how is this person referred to assistance?

In order to meet certain requirements related to the transposition of the Digital Services Directive (DSA), Romania adopted in March 2024 Law No 50 on the establishment of measures for the implementation of Regulation (EU) 2022/2.065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (the Digital Services Regulation), as well as amending and supplementing Law No 365/2002 on electronic commerce.

The purpose of this law is:

a) the designation of the coordinator of digital services, in accordance with Article 49 para. (2) of Regulation (EU) 2022/2.065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Regulation), hereinafter referred to as the Regulation;

- b) to establish the sanctioning regime applicable in case of non-compliance with the obligations established by the Regulation, according to Article 52 thereof, or by this Law;
- c) establishing other measures necessary for the proper application of the Regulation.

In the application of this law the following principles shall be observed:

- a) the effective and efficient cooperation of public authorities and institutions with responsibilities in specific sectors or areas of activity, at the request of the Digital Services Coordinator, in the implementation of the Regulation;
- b) the relevant authorities have an obligation to take action against illegal content existing online.

At the same time, in relation to the requirement, we also refer to the provisions of Law no 366/2002:

According to Article 16 of Law No 365/2002 on electronic commerce:

✳ Service providers are obliged to inform the competent public authorities immediately of apparently unlawful activities carried out by recipients of their services or apparently unlawful information provided by them.

✳ Service providers shall be obliged to communicate without delay to the authorities referred to in paragraph 1, at their request, information enabling the identification of the recipients of their services with whom they have concluded contracts for the permanent storage of information.

✳ Service providers are obliged to interrupt, temporarily or permanently, the transmission in a communications network or the storage of information provided by a recipient of the service in question, in particular by removing the information or blocking access to it, access to a communications network or the provision of any other information society service, if these measures have been ordered by the public authority defined in Article 17(2), this public authority may act ex officio or following a complaint or referral by an interested person.

✳ The complaint referred to in paragraph 3 may be made by any person who considers himself wronged by the content of the information in question. The complaint or referral shall be made in writing, stating the grounds on which it is based, and must be dated and signed. The complaint may not be lodged if a legal claim with the same subject-matter and the same parties has already been lodged.

✳ The Authority's decision must be reasoned and communicated to the parties concerned within 30 days of receipt of the complaint or referral or, if the Authority has acted on its own initiative, within 15 days of the date on which it was issued.

✳ Against a decision taken in accordance with the provisions of paragraph (3), the person concerned may lodge an appeal within 15 days of communication, under penalty of forfeiture, with the competent administrative court. The application shall be heard as a matter of urgency, with summons to the parties. The judgment shall be final.

On 22 March 2024, Law no. 50/2024 on the establishment of measures for the implementation of Regulation (EU) 2022/2.065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (the Digital Services Regulation) and amending and supplementing Law no. 365/2002 on electronic commerce entered into force, designating ANCOM as the coordinator of digital services, in accordance with Article 49(2) of the aforementioned Regulation.

Thus, ANCOM, as coordinator of digital services, is responsible for all aspects of supervision and enforcement of the Regulation by intermediary service providers. In this capacity, the institution is the single point of contact for the application of the Regulation and for reporting data and/or information to the European Commission and/or the digital services coordinators in the other Member States. The Authority will also be a member of the European Digital Services Committee - an independent

consultative body of National Coordinators, with a role to support joint investigations, to issue opinions and recommendations and to promote the development and implementation of guidelines and reports on the subjects covered by the Regulation.

At the same time, the relevant authorities (institutions, public authorities with supervisory powers over a particular sector or area of activity, or judicial authorities) may issue orders requiring the intermediary service provider to take action against illegal content online or to provide certain information.

'Illegal content' means any information which, in itself or by reference to an activity, including the sale of products or the provision of services, does not comply with EU law or with the law of any Member State which is in conformity with EU law, whatever the precise object or nature of that law. Activities carried out online must comply with the national legal rules in force, and public authorities with powers to supervise certain sectors or areas of activity in the offline environment must also monitor compliance with the rules in respect of activities carried out in the virtual (online) environment. In short, what is illegal offline is illegal online.

Cloud or web hosting providers and online platforms must implement notice and take action mechanisms to allow third parties to notify the presence of alleged illegal content and provide internal systems for handling complaints about decisions they make regarding alleged illegal content or content that is incompatible with their terms and conditions. Following receipt of an order to act against illegal content, the intermediary service provider is obliged to inform the relevant authorities of how it has acted on that order, and the (relevant) issuing authority is obliged to inform ANCOM of how it has acted on that order. In situations where providers do not implement the removal orders received from the relevant authorities, the Authority may intervene.

According to **Art. 18 of the same Regulation** (which is directly applicable) the obligations of service providers in case of commission of offences are established as follows:

✳ Where a hosting service provider becomes aware of information which gives rise to a suspicion that a criminal offence involving a threat to the life or safety of one or more persons has occurred, is occurring or is likely to occur, the provider shall promptly inform the law enforcement or judicial authorities of the Member State(s) concerned of its suspicion and provide all relevant available information.

✳ If the hosting service provider cannot identify, with reasonable certainty, the Member State concerned, it shall inform the law enforcement authorities of the Member State in which its residence or legal representative is established, Europol or both. For the purposes of this Article, the Member State concerned shall be the Member State in which the offence is suspected to have occurred, is occurring or is likely to occur, or the Member State in which the suspected offender resides or is located, or the Member State in which the victim of the suspected offence resides or is located. Where a victim is identified as being trafficked/exploited through technological means or via the internet or specific internet applications, the process is identical to that of assessment and referral for assistance as for victims exploited in a traditional manner. With regard to the referral for assistance of presumed victims, regardless of the form of exploitation, the approach taken is in line with the provisions of MNIR, which stipulates specific aspects of the identification and referral of adult/minor victims, as well as those with a nationality other than Romanian, an essential aspect being the initial assessment of the risks and individual needs of the victim.

III. INVESTIGATION, PROSECUTION, SANCTIONS AND MEASURES (Articles 4, 18, 19, 23, 24, 27, 28 and 30)

32. Is the abuse of a position of vulnerability part of the human trafficking offence in your country's law? How are the concepts of "vulnerability" and "abuse of a position of vulnerability" defined in law? Have they been subject to judicial interpretation? If yes, please provide relevant case-law.

Yes, in Romanian law, the abuse of a person in a state of obvious vulnerability is included in the incriminations dedicated to punishing trafficking in persons. Law no. 286/2009 on the Criminal Code (CC), establishes in Chapter VII. *Trafficking and exploitation of vulnerable persons*, the two basic offences for the punishment of trafficking in adults (Article 210 of the Criminal Code) and trafficking in minors (Article 211 of the Criminal Code). The legislator opted for separate criminalisation of trafficking in minors, given the criminogenic potential of the phenomenon.

a) In the case of the offence of trafficking in persons, the standard version provided for in paragraph 1 shall be the following. (1) of Article 210 of the Criminal Code contains a number of alternative essential conditions associated with the material element. In this sense, in order to meet the constitutive content of the offence, the material element, regardless of the alternative means of implementation (recruitment, transportation, transfer, harbouring or reception of a person), must be carried out under the conditions laid down by one of the hypotheses expressly provided for by the incriminating text of Article 210 (1) para (1) CC. We point out that it is a question of meeting alternative, and not cumulative, conditions. Among these alternative conditions is the abuse of the victim's obvious vulnerability, as stated in art. 210 para. (1) (b): *taking advantage of the impossibility of defending oneself or expressing one's will or of the state of manifest vulnerability of that person*.

b) In the case of the offence of child trafficking, as it appears from the content of Article 211 of the Criminal Code, the regime of abuse of the victim's obvious vulnerability is an **aggravating circumstance** and **not an essential condition associated with the material element**. For reasons of their immaturity and fragility, factors which favour an increase in the criminal phenomenon, the legislature opted to offer greater protection to trafficking in minors than to trafficking in adults, foreshadowing by establishing a presumption of coercion the state of danger created as a result of the offence of trafficking in human beings; consequently, in this case it did not attach essential conditions to the material element for the specific constituent elements of the offence to be met. Consequently, committing the offence by taking advantage of the impossibility of defending oneself or expressing one's will, or of a state of manifest vulnerability, will be punished more severely, namely by imprisonment for 7 to 12 years.

Yes, in national legislation, abuse of vulnerability is considered by the authorities as an aggravating form of the offence, especially since the limits of the penalty were increased in this respect by the adoption of Law no. 217/2023 amending and supplementing Law no. 286/2009 on the Criminal Code, Law no. 135/2010 on the Criminal Procedure Code, and the Broadcasting Law no. 504/2002 (Law no. 217/2023), which brought a number of essential changes, and among the most important in the area of offences against sexual freedom and integrity, it is noted that the normative act increases the penalty limits for the offence of using child prostitution.

Example of the case in practice: In a case investigated by DIICOT, criminal proceedings were initiated for the offence of trafficking in persons by 21 public officials, who held the following positions: 6 nurses, 2 legal entities, 3 administrators of legal entities, 3 nurses, 2 presidents of one of the legal entities mentioned, a manager, a director, a social worker and two other officials of DGASPC. It was found that, since November 2020, an organized criminal group was established for the purpose of exploiting persons with disabilities or in vulnerable situations, using two legal entities, exploiting these persons by subjecting them to inhuman or degrading treatment, by subjecting them to perform activities (work) in the centres, by exercising acts of physical violence, by depriving them of sufficient

and nutritionally adequate food, by failing to provide medical treatment appropriate to the diagnosis of each beneficiary, by failing to care for and ensure the hygiene of persons who do not have the physical/psychic capacity for self-care, these persons being kept in a state of servitude to members of the organised criminal group, with a view to the leader of the group and those close to him obtaining money unjustly. The prosecution is ongoing.

In a case, it was ordered to remand in custody a defendant, who was a teacher, for the commission of the offence of trafficking in minors consisting in the fact that, between March 2021 and mid-September 2021, abusing his recognized position of trust and authority, as well as his state of dependence, recruited, transported and received in his home, the injured minor, aged 15, and induced her by abuse of authority to practice prostitution, both with clients who were part of his circle of acquaintances and with men who contacted the minor directly, thus exploiting her sexually. Following the trial, he was sentenced to 10 years' imprisonment.

Next, in order to respond to the notions of "vulnerability" or "abuse of a state of manifest vulnerability", we note that these are not explicitly defined in criminal law. Certain coordinates regarding aspects likely to generate vulnerability are contained by the legislator in a series of provisions, as is the case with Article 211 para (2) let. f) of the Criminal Code: "(...) *the offender has abused (...) his manifestly vulnerable situation due to a mental or physical disability, a situation of dependence, a state of physical or mental incapacity or other causes*". Article 77 of the Criminal Code, which regulates general aggravating circumstances, is similar: "*The following circumstances constitute aggravating circumstances: e) committing the offence by taking advantage of the victim's obvious vulnerability, due to age, state of health, infirmity or other causes*". It follows from the case law developed on the matter, as well as in the literature, that the notion of "*taking advantage of a state of obvious vulnerability*" is understood within the meaning of the provisions of Directive 2011/36/EU on preventing and combating trafficking in human beings, and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, and therefore refers to any situation in which the person involved had no real and acceptable alternative but to submit to the abuse in question. A victim's manifest vulnerability is any type of vulnerability, such as psychological, emotional, family, social or economic. Thus, as can be seen, the burden of establishing the victim's state of vulnerability is determined by the judicial authorities on an individual basis, depending on the specific features of each case.

National courts have held that the abuse of the victim's vulnerable situation may be economic (extreme poverty), legal (lack of trust in the judicial authorities and ignorance of the legal provisions on the protection of trafficked persons), emotional (the victim's trust in the promises of a close person who turns out to be the trafficker or his accomplice) or other.

In this regard, we point to the following case law:

Criminal sentence no. 922/2020 of the Iași Tribunal¹⁰ : "*The court holds that in the case in question, we are talking about vulnerable persons in the sense defined by Directive 2011/36, since in relation to the prerequisite conditions of exploitation, by depriving children of any alternative to a normal life, speculating the vulnerability of minors in the context of their young age (in some of them recruitment taking place from the age of 9) and material dependence, affective relationships with the perpetrators (members of the family in which the children naturally developed attachment relationships), they found themselves in a situation where they could only submit to the abuse involved, with no real or acceptable alternative. It should be noted that the victim in the case of child trafficking is much more vulnerable, as there is an absolute presumption that the minor is a vulnerable person to actions that attempt to recruit, transport, transfer, harbour or receive a minor for the purpose of exploitation. However, the facts of the case reveal that we are in the case of victims who are minors, objectified or treated as a commodity by their own parents or persons in the family with ascendancy over them.*"

¹⁰ Available at <http://www.rolii.ro/hotarari/600b90dae49009f41800004b>.

Because the particular element of child trafficking is linked to the particular vulnerability of these victims, the legislator criminalises any kind of recruitment, transportation, transfer, harbouring or receipt of a minor for the purpose of exploitation. The actual manner of commission is irrelevant for the offence to be criminal. Under no circumstances may a minor, with or without his consent, be trafficked for the purpose of exploitation (....) In the case of the defendants in the present case, the court notes that as parents/family members of the victims, they were in a relationship of responsibility, trust or authority towards the children of the family (restricted or extended), taking advantage of their vulnerability due to their age-specific naivety, high degree of suggestibility, low level of education (favoured by the defendants), lack of life experience, reduced possibilities to defend themselves (practically non-existent in the context of dependence on the family environment), the beliefs and limits imposed on them by the family and social environment in which false values were inoculated, the defendants acted consciously and intentionally to deprive them of their rights, in such a way as to endanger their physical, mental, spiritual, moral or social development, their bodily integrity and their physical or mental health, and to place them in a state similar to slavery for the purpose of exploiting them economically by forcing them to carry out criminal activities."

- Criminal decision no. 215/A/2022 of the Bucharest Court of Appeal¹¹ : *"the court held that the evidence supports the conclusion that the injured person was in a vulnerable state, on the basis of which the defendants induced her, against her will, to prostitute herself for their benefit (....) With regard to the vulnerability of the injured person, the court took into account her condition, namely that she was homeless and without any source of income, and in her representation through the prism of her age, education and life experience, was the only way to survive."*

- Criminal judgment no. 464/2019 of the Iași Tribunal¹² : *"In his criminal activity, the defendant took advantage of the state of obvious vulnerability of the injured person, vulnerability that resulted primarily from the fact that the victim agreed to live with the defendant, is a very young person, who comes from a family with a precarious financial situation, did not have an occupation and did not obtain a constant income. The victim's obvious vulnerability also resulted from the fact that the victim had feelings of affection towards the defendant, an affection exploited by the defendant and maintained by him through the statements he made to the victim every time she left the defendant. The state of obvious vulnerability of the victim was also maintained throughout the entire criminal period, as the defendant deprived the victim of financial means, did not allow the victim to talk on the phone and contact family members."*

- Criminal Decision no. 428/2021 of the Iasi Court of Appeal¹³ : *"Thus, contrary to the claims of the two defendants that there is no evidence in the case to show that the defendants took advantage of the impossibility of the injured persons to defend themselves or to express their will or of their obvious state of vulnerability, the court finds that from all the evidence administered in the case (especially the statements of the injured persons, but also the statements of the witnesses heard) it appears that the two defendants committed these exploitative acts by taking advantage of the vulnerability of the victims, a vulnerability resulting either from their very young age or from the victims' lack of education due to the environment from which they came (in particular the rural environment) or to the circumstances characterising their personal situation (disorganised families, financial problems in the family, lack of appropriate parental supervision). Therefore, although the defense argues that in this case only the application of Article 210 paragraph 1 letter a of the Penal Code can be considered, specifically regarding deception, this method cannot be achieved without an underlying emotional or behavioral instability rooted in vulnerability. The fact that these young women were deceived about the actual activities they were supposed to engage in at these nightclubs was possible precisely because they were naive and easily misled."*

¹¹ Available at <http://www.rolii.ro/hotarari/6222d130e49009241c000056>.

¹² Available at <http://www.rolii.ro/hotarari/5fdebc55e49009281300003c>.

¹³ Available at <http://www.rolii.ro/hotarari/60a5c3ffe49009d8190000ed>.

33. Is the special vulnerability of the victim considered as an aggravating factor for the offender's sentence?

Yes, in the case of the offence of child trafficking (Article 211 of the Criminal Code), the vulnerability of the victim is considered an aggravating factor. As regards the offence of trafficking in human beings (art 210-adult victim), the victim's vulnerability is not an aggravating factor for the offender's penalty. However, with regard to the other offences punishable under the Romanian Criminal Code, the commission of an offence "*taking advantage of the victim's obvious vulnerability*" is an aggravating circumstance which results in the imposition of a penalty up to the special maximum, and if this maximum is insufficient, an additional penalty of up to 2 years' imprisonment may be added - Art. 77 Criminal Code. See also the reply to question 32, where additional elements were presented.

34. According to national case-law, what forms of vulnerability are mostly abused by offenders in human trafficking cases? Please provide specific examples that show how the concept of "abuse of a position of vulnerability" is used in practice. What are the challenges in its application? Is it sufficient to prove the existence of a position of vulnerability of the victim, or must it also be proven that the defendant knew or should have known of the victim's vulnerability, and intentionally manipulated the victim on this basis?

Mainly, in the case of human trafficking offences, the state of vulnerability of the victims is represented by a combination of factors, such as lack of adequate family support, lack/lack of education, lack of material resources; existence of mental illnesses or disabilities, minority status and lack of minimal life experience, reduced capacity of the person to be aware of risky situations, existence of vices (gambling, drugs, alcohol). In the same vein, we would stress that for the victim's obvious vulnerability to have criminal effects (either from the point of view of the fulfilment of the essential condition attached to the material element in the case of trafficking in human beings, or in terms of aggravating the penalty in the case of trafficking in minors), the perpetrator must be aware of it so that he can take advantage of it.

For concrete examples of how the concept of "*abuse of manifest vulnerability*" is used in practice, see also the case law cited in the answer to question 32, which contains corresponding elements. At the same time, under Romanian law, it is not sufficient to prove the existence of a position of vulnerability of the victim in order to find an aggravating circumstance (whatever it may be) against the perpetrator. It is absolutely necessary to prove that the perpetrator was aware of the circumstances (including the state of vulnerability) and that he deliberately manipulated the victim by taking advantage of those circumstances.

35. Is the concept of "abuse of a position of vulnerability" addressed in criminal justice training? Is there any specific guidance on applying this concept? Please provide copies of guidance and/or training materials that shed light on how this concept should be applied in practice.

During the reporting period 2019-2023, the National Institute of Magistracy organized 10 training activities for judicial practitioners in the field of trafficking in human beings, as follows: one seminar organized with budgetary funds, 6 seminars organized with European funds, within the POCA project "*Justice 2020: Professionalism and Integrity*", SIPOCA code 453, MySMIS2014+ code 118978 and three seminars in collaboration with the International Justice Mission, within the project "Strengthening the Proactive Response of the Justice System to Trafficking in Persons in Romania", implemented by the International Justice Mission with the support of the Office to Monitor and Combat Trafficking in Persons of the US Department of State. The activities included sessions on the criminal typologies of trafficking in persons and trafficking in minors, with a focus on how trafficking is carried

out in the form of forced labour or service, slavery or other similar deprivation of liberty or servitude, or forced prostitution. With regard to the concept of "abuse of a position of vulnerability", the training sessions focused on the trafficker's exaggerated use of the victim's vulnerable situation in economic (extreme poverty), legal (lack of trust in the law enforcement authorities, lack of knowledge of the legal provisions for the protection of trafficked persons), emotional (the victim's trust in the promises of a close person who turns out to be the perpetrator of trafficking or an accomplice to the crime) or other aspects.

36. What procedures and measures exist in your country to take into account the specific needs of vulnerable victims at the different stages of criminal proceedings?

From the perspective of participation in judicial proceedings, we note that, according to Art. 113 para. (2) of Law No. 135/2010 on the Criminal Procedure Code, victims of trafficking in persons and child trafficking are presumed vulnerable. The same article also stipulates that the prosecuting authority shall inform victims of the protective measures that may be taken, their content and the possibility of waiving them. The waiver of the victim of trafficking in human beings to the taking of protection measures shall be recorded in writing and signed by the victim in the presence of his/her legal representative, if any. At the hearing, the injured person may be accompanied, at his or her request, by his or her legal representative and by another person designated by the injured person, unless the judicial body decides otherwise with reasons. Re-assignment shall also only take place if strictly necessary for the conduct of the criminal proceedings. Also, whenever the judicial body cannot determine the age of the injured person and there are reasons to believe that the injured person is a minor, the injured person will be presumed to be a minor. In Articles 111, 124 - 130, in conjunction with the provisions of Article 113 of the CPC, the legislator also provides for a series of protective measures for the injured person, such as:

- special provisions on the hearing of injured persons for whom specific protection needs have been established by law;
- protection of vulnerable victims.

A series of protective measures are thus provided for these victims, as follows:

During the criminal proceedings:

- a) surveillance and security of the witness's home or provision of temporary accommodation;
- b) accompanying and ensuring the protection of the witness or his family members during travel;
- c) the protection of identity data, by giving a pseudonym under which the witness will sign his/her statement;
- d) hearing the witness without the witness being present, by means of audio-video transmission, with voice and image distortion, when other measures are not sufficient.

During the trial:

- a) surveillance and security of the witness's home or provision of temporary accommodation;
- b) accompanying and ensuring the protection of the witness or his family members during travel;
- c) non-publicity of the hearing during the hearing of the witness;
- d) listening to the witness without the witness being present in the courtroom, by means of audio-video transmission, with voice and image distortion, when other measures are not sufficient;
- e) protection of the witness's identity data and the provision of a pseudonym under which the witness will testify.

During the reporting period, a series of legislative interventions on the CPC have strengthened the rights of victims of certain crimes involving a high degree of vulnerability, such as victims of human trafficking, taking into account their special needs in the judicial context. Among the most recent ones, we mention the amendments made by Law no 217/2023 *amending and supplementing Law no 286/2009 on the Criminal Code, Law no 135/2010 on the Criminal Procedure Code and Law no 504/2002 on Audiovisual* (Law No 217/2023), as follows:

- **Victim protection measures in criminal proceedings** have been given more force by making them mandatory and expressly extending the scope of beneficiaries. Although most of these measures existed in procedural law prior to the amendment, their application in concrete cases was left to the discretion of the judiciary:

<< In Article 111, paragraphs 6 - 8 are amended to read as follows:"(6) In the case of injured persons for whom the existence of specific protection needs has been established by law, the judicial body shall order one or more of the following measures, without prejudice to the proper conduct of the trial or to the rights and interests of the parties:

(a) hearing them in premises designed or adapted for that purpose;

b) hearing them through or in the presence of a psychologist or other specialist in victim counselling;

(c) their hearing and any cross-examination shall be conducted by the same person, if possible and if the court or tribunal considers that this is not prejudicial to the proper conduct of the proceedings or to the rights and interests of the parties;

(d) hearing them by videoconference or other technical means of communication at the place where they benefit from the temporary accommodation protection measure.

*(7) The hearing and, where appropriate, the rehearing by criminal investigation bodies of injured persons who have been victims of the offences referred to in Articles 197, 199, 209 - 216¹, 218, 218¹, 219, 219¹, 221, 222, 223 and 374 of the Criminal Code, as well as in other cases where, due to the circumstances of the commission of the offence, this is deemed necessary, shall be carried out only by a person of the same sex as the injured person. If this is not possible, without prejudice to the proper conduct of the trial or to the rights and interests of the parties, the hearing of such injured persons and, where appropriate, their rehearing may be conducted by a person who is not of the same sex as the injured person, with the **consent of the lawyer and a psychologist** or other victim counsellor.*

*(8) If the injured person is a minor, the recording of the hearing by audio-visual means is compulsory in all cases. Where video recording is not possible, the recording shall in all cases be made **by technical audio means.**"*

- A number of provisions concerning **publicity, duration of proceedings and the taking of evidence** have been introduced, with positive implications for victims of trafficking in persons or minors: *In Article 352, two new paragraphs are inserted after paragraph 3, paragraph 1 and paragraph 2, (3¹) and (3²), with the following content:(3¹) On its own motion or at the express request of the injured party or the prosecutor, the court hearing shall be declared non-public for its entire duration if **the injured party is a minor** and is a victim of one of the offences referred to in Art. 197, 199, 209 - 216¹, 218, 218¹, 219, 219¹, 221, 222, 223 and 374 of the Criminal Code. (3²) At the express request of the injured person or the prosecutor, the court hearing shall be declared non-public for its entire course if the trial in a public hearing could harm state interests, morals, dignity or private life of a person." After article 355, a new article is inserted, article 355¹, with the following content: "ART. 355¹ **Emergency trial in cases with minor injured persons***

*Cases involving minor victims of one of the offences referred to in Articles 197, 199, 209 - 216¹, 218, 218¹, 219, 219¹, 221, 222, 223 and 374 of the Criminal Code shall be **tried as a matter of urgency and in** accordance with Article 355. At the same time, in Article 509, after paragraph 5, three new paragraphs are inserted, paragraph. (6) - (8), with the following content:"(6) When the injured person is a minor under 16 years of age, victim of the offences referred to in Articles 197, 199, 209 - 216¹, 218, 218¹, 219, 219¹, 221, 222, 223 and 374 of the Criminal Code, the court, if it considers that the*

administration of certain evidence may have a negative influence on him/her, **shall order the removal of the minor from the hearing**. Under the same conditions the parents or guardian, curator or person in whose care or supervision the minor is temporarily placed may also be temporarily removed from the courtroom.

(7) When the persons referred to in paragraph 1 are recalled to the room, the following shall be deemed to be present (6), the President of the panel shall inform them of the essential documents carried out in their absence.

(8) In the case of offences referred to in Articles 197, 199, **209 - 216¹**, 218, 218¹, 219, 219¹, 221, 222, 223 and 374 of the Criminal Code, the court shall make available to the parties the audio-video or audio recording obtained in accordance with Article 111 para. (8). **The court shall hear the injured party only in duly justified cases.**"

- **the right to compulsory legal assistance** (pre-existing for victims of trafficking in human beings under the provisions of Law no. 678/2001) has been expressly enshrined in the CPC: *In Article 93, paragraph (4) is amended to read as follows: (4) Legal assistance is mandatory when the injured person or the civil party is a person without legal capacity or with restricted legal capacity or when the injured person or the civil party is a victim of one of the offences provided for in Articles 197, 199, **209 - 216¹**, 218, 218¹, 219, 219¹, 221, 222 and 223 of the Criminal Code.">*

- In addition to its express enshrinement in the CPC, this right has been strengthened by **making non-compliance with it punishable by absolute nullity**. *Article 281(1) let (f) is amended to read as follows: "f) the assistance of the lawyer to the suspect and the injured person, respectively to the accused and the other parties, where assistance is mandatory."*

We also present a series of protection measures ordered by DIICOT prosecutors, in criminal cases involving victims of human trafficking, depending on the factual circumstances of the case and the state of danger/threat in which the victim finds herself/himself, granting the status of threatened witness/vulnerable witness and implicitly taking the protection measures provided by law, as follows: In 2019, **protection measures** were taken for **255 victims** and **free legal aid was granted to 125 victims**, who made written statements and the hearing was recorded by audio-video means according to the provisions of the Criminal Procedure Code. Additionally, we mention that the victims can also be heard via closed-circuit video systems, with the blurring of their features and the distortion of the image and sound/voice.

In 2021, within the criminal cases handled by DIICOT, prosecutors, either on their own initiative or at the victim's motivated request, depending on the factual circumstances of the case and the level of danger/threat faced by the victim, have ordered the granting of the status of threatened witness/vulnerable witness and, implicitly, the implementation of protection measures provided by law (protection of identity data – through which the victim is assigned a pseudonym to sign the statement and under which they will be identified in all documents of the criminal case and in court, protection of the victim's or family members' movements, surveillance and guarding of the residence, and hearing through technical means with distorted voice and image). The Criminal Procedure Code provides that the same set of protective measures may also be taken with regard to the victim participating in the criminal proceedings as an injured person or civil party, as the case may be. Out of the total number **of victims coordinated in criminal proceedings in 2021, a total of 427 victims** were provided with physical protection measures and transportation to enable them to safely participate in hearings at Courts or Prosecutorial units. The same set of protective measures can also be taken with regard to victims participating in criminal proceedings as an injured person or civil party, as appropriate.

In 2022, two DIICOT Territorial Services were identified that had instituted witness protection forms in relation to 3 victims of trafficking.

In order to limit the revictimisation of victims, **two victims were heard in advance** by the judge of rights and freedoms. In the context where the victim wishes to benefit from assistance and support, the law enforcement bodies take the necessary measures to ensure the effective provision of rights, by

involving representatives of ANITP, DGASPC, NGOs and appointing public defenders, insofar as legal assistance is not fully provided by NGOs, through lawyers working with the NGOs involved. The other institutions involved (ANITP, DGASPC, NGOs), ensure the moral support of the victim, counselling, referral to services appropriate to the needs, monitoring the services/assistance provided, the respect of rights and their proper understanding by the victim, the delivery of information adapted to the level of understanding and education of the person concerned.

37. If you have criminalised the use of services of a victim of THB, how is this provision applied in practice? Please provide any relevant case-law.

Romania is one of the European countries in which the offences of using the services of an exploited person and the use of child prostitution are criminalised, regulated by **art. 216 and art. 216¹ of the Criminal Code**. According to these, the offence of using the services referred to in Article 182, provided by a person whom the recipient knows to be a victim of trafficking in persons or child trafficking, constitutes the offence of using the services of an exploited person. The Romanian Criminal Code criminalises the knowing use of the services of an exploited person, whether in the form of sexual exploitation or forced labour, slavery or practices similar to slavery, begging or the removal of organs. The regulatory framework was also completed in 2021 by making it a separate offence not to report acts of trafficking and exploitation involving a minor. Thus, Article 266 of the Criminal Code provides in para. (1¹) that *"The act of a person who, having become aware of the commission of an act provided for by criminal law, of trafficking and exploitation of vulnerable persons or against sexual freedom and integrity, committed against a minor, does not immediately notify the authorities shall be punished by imprisonment from 6 months to 2 years."* As already mentioned in point 12, Romania is one of the European countries where the use of the services of an exploited person and the use of child prostitution, regulated by art. 216 and art. 216¹ of the Criminal Code, are criminalised.

According to them, the act of using the services referred to in Article 182 provided by a person whom the beneficiary knows to be a victim of trafficking in human beings or trafficking in minors constitutes the offence of using the services of an exploited person. Likewise, engaging in any act of a sexual nature with a child prostitute constitutes the offence of using child prostitution.

According to the most recent data, out of the total number of cases in which investigative activities were conducted during 2023 (handled at the national level), investigations were carried out in 8 criminal cases (3 registered in 2023 + 5 prior to this year) regarding the commission of human trafficking or minor trafficking offenses, as well as offenses under Article 216 of the Criminal Code - using the services of an exploited person (6 cases) and Article 216¹ - using child prostitution (2 cases), with 4 cases being resolved by sending the defendants to trial.

38. What technology-based tools and initiatives exist in your country to support investigations and enhance prosecution of THB cases? What training is provided to law enforcement officials, prosecutors and judges on THB facilitated by information and communication technology?

During the reference period, a series of activities were carried out in the field of training and professional education for specialists in the field, as follows:

- ✳ Participation, in 2023, of 32 THB specialists in a course on how best to deal with child victims: "Working With Children Who Have Experienced Online Child Sexual Abuse/Exploitation and Trafficking: The Victim-Centered Approach";

- ✳ Participation of 4 police officers from organized crime units in a training on "Hearing of sexually abused minors", organized in December 2023 (based on the National Institute of Child Health and Human Development (NICHD) protocol);

✳ Organisation, in November 2023, of a Regional Workshop on Trafficking in Human Beings, facilitated by the OSCE, in cooperation with ANITP and attended by specialists from the structures for combating THB.

✳ Over two years (2021 - 2022), ANABI implemented the project "Further strengthening the capacity to combat trafficking in human beings with a focus on prevention, cooperation and recovery of the proceeds of crime - WESTEROS 2", in partnership with the Prosecutor's Office of the High Court of Cassation and Justice, through DIICOT (coordinating partner), ANITP and with similar structures in the Kingdom of Belgium and the Republic of Poland. The training sessions, organised by ANABI, aimed to provide law enforcement professionals with the theoretical and practical means as well as the necessary specialised tools for financial investigations and recovery of proceeds of crime in cases of trafficking in human beings. The training sessions were attended by 50 judges, specialised prosecutors, financial experts and investigators, judicial police officers from Romania, the Kingdom of Belgium, the Kingdom of Spain, the Federal Republic of Germany and the Netherlands. The training sessions covered the main ingredients of successful investigations through the use of parallel financial investigations, intelligence gathering, financial profiling, asset tracing for debt recovery, pre-planning of precautionary measures and confiscation, pre-judicial cooperation, EU and international cooperation. The benefits of using Asset Recovery Offices (ANABI), the European Investigation Order (EIO) and Joint Investigation Teams (JIT) to improve financial investigations in the area of trafficking in human beings were also highlighted. In the framework of the above-mentioned project, a total of 212 specialists (prosecutors, judges, judicial police officers and other professionals) benefited from 3-day courses organised in Romania. A best practice guide on hearing victims of trafficking in human beings, a methodology for organising the joint day of action and 3 repertoires of judicial practice in the field of trafficking in human beings were developed and disseminated.

✳ The National Institute of Magistracy, within the framework of specific continuing professional training activities, held sessions consisting of a general presentation of the phenomenon of trafficking in persons at national and international level, including aspects of the manifestations of trafficking in persons, with an emphasis on strengthening the concern of traffickers for specialization and technical equipment, through the increasingly frequent use of social networks to recruit and manipulate future victims, especially minors, as well as the use of means of communication between traffickers through the Internet and to a lesser extent through GSM networks. The training also included sessions on techniques for investigating trafficking offences, including special surveillance or investigation methods (interception of communications and any type of remote communication; access to a computer system; video, audio or photographic surveillance; locating or tracking by technical means; obtaining data on a person's financial transactions; detaining, handing over or searching postal items; use of undercover investigators and collaborators; authorised participation in certain activities; controlled delivery; obtaining traffic and location data processed by providers of public electronic communications networks or providers of electronic communications services to the public).

✳ In the framework of the POCA project "Justice 2020: professionalism and integrity", code SIPOCA 453, code MySMIS2014+ 118978, 10 training activities were organized in the field of combating cybercrime, seminars during which issues related to: identification, collection and exploitation of evidence, general issues of data and information systems, interception of communications, access to a computer system, preservation of computer data, computer search and detection; identification, collection and exploitation of electronic evidence, preparation of the working environment for investigations, Open-Source Intelligence (OSINT) methods and tools used in the collection of data from various sources: websites, blogs, forums, social networks, dark web; international cooperation, international tools, 24/7 points network, obtaining data from foreign service providers, operational tools.

✳ At DIICOT level, work continued on the development of the Technical and Forensic Service, which implements special surveillance or investigation methods authorised by the court, as

well as the development of the Service for the Coordination of Specialised Technical Activities, Intelligence Analysis and Financial Investigations, which implements, among other things, warrants for computer searches.

✳ We also mention the **PONTUS 3** project "Improved digital forensic capabilities for the evidence gathering and prosecution of smuggling organised groups at the EU borders", coordinated by DIICOT, through which computer search specialists participate in specialised courses on digital evidence gathering using certified software. DIICOT is currently a partner in the European project OSINT RADAR - anti-smuggling operational partnership in the Western Balkans and Eastern EU borders, which will also include training of prosecutors, police officers and specialists in the use of open source evidence gathering software (OSINT) in the field of migrant smuggling.

39. In what ways, if any, does your country utilise provisions from the Council of Europe Cybercrime Convention (Budapest Convention) to fight THB? If not, why is that the case?

Romania uses the provisions of the Budapest Convention to combat the THB phenomenon, where in specific cases it is necessary to preserve computer data (social network profiles, associated accounts, etc.). If the offence of trafficking in persons is added to the offence of child pornography, the method of identifying the perpetrators and establishing how the offences were committed necessarily also involves analysing computer data that are usually held in another jurisdiction. In all these cases the Budapest Convention, ratified by Law 64/2004, applies.

Part II - Country-specific follow-up questions

40. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's previous reports:

- guarantee effective access to compensation for victims of THB, including by facilitating access to state compensation and using the confiscated assets of perpetrators of human trafficking to fund compensation;

Romania has taken important steps towards achieving the ultimate goal of justice, which is to eliminate the negative effects of crime on victims and to facilitate their access to state compensation through the establishment of a victim compensation fund as a priority. The main instrument to achieve this goal was the National Strategy on the Recovery of Crime Claims for the period 2021-2025, entitled "Crime is not profitable!", initiated by the Ministry of Justice. This strategy focused on modernising the system of social re-use by allocating confiscated sums and recovered assets to finance preventive programmes or projects in the field of crime fighting, prevention, education, assistance and protection of victims. The main objectives of the National Strategy on Recovery of Crime Proceeds are the following:

✳ Modernisation of the social re-use system by using confiscated sums and recovered assets to finance preventive programmes or projects in the field of crime prevention, prevention, education, assistance and protection of victims;

✳ supplementing Government Decision No 652/2009 on the organisation and functioning of the Ministry of Justice, published in the Official Journal of Romania, Part I, No 443 of 29 June 2009, with subsequent amendments and additions, as follows:

1. In Article 6, point VIII, after subpoint 43, a new subpoint is inserted, subpoint 44, with the following content: "The Ministry of Justice (...) shall perform the tasks concerning the application of the methodology for issuing, distributing and settling vouchers for victims of crime, concerning the determination of their amount, as well as the criteria for selecting public and private entities enrolled in the granting mechanism."

2. After Article 272, a new article is inserted, Article 273, with the following content: "(1) For the performance of the tasks referred to in Art. VIII, subpara. 44, the Victim Protection Unit shall be established;

✦ developing a legal framework for the rapid recovery of high value assets (e.g. real estate).

By Law No 230/2022 on the amendment and completion of Law No 318/2015 on the establishment, organisation and functioning of the National Agency for the Administration of Seized Assets and on the amendment and completion of some normative acts, as well as on the amendment and completion of Law No 135/2010 on the Code of Criminal Procedure (Official Gazette No 734 of 21 July 2022) several legal provisions were introduced in order to provide a comprehensive framework for the protection and assistance of victims, as follows:

1. Establishment of the National Support Mechanism for Crime Prevention, whereby the amounts allocated can be used exclusively for assistance and protection of victims of crime - including emergency situations, crime prevention, and legal education. Similar to the model followed by other countries, such as the French Republic, the Kingdom of Spain or the United States of America, the National Support Mechanism for Crime Prevention has been designed with the aim of broadening the impact of the re-use of assets confiscated in criminal proceedings for social and public benefit, by better facilitating the payment of compensation to victims and the implementation of social projects aimed at the assistance and protection of victims of crime, legal education and crime prevention. Thus, the new National Support Mechanism for Crime Prevention introduced by Law No 230/2022 was designed as an institutional and financial instrument aiming at prioritising the allocation of resources, including for the protection of victims of crime. The sources for the establishment of the Mechanism will be confiscated money, money resulting from the recovery of confiscated assets, as well as money obtained from the enforcement of confiscation orders by equivalent in criminal proceedings. The recipients of the money are the Ministry of Education, the Ministry of Health, MAI, the Public Ministry, the Ministry of Justice and ANABI, which may use the money for the non-reimbursable financing of projects aimed at legal education, crime prevention, assistance and protection of victims of crime, and strengthening the administrative capacity, including logistical capacity, of institutions responsible for identifying, administering or recovering seized assets. The money obtained through the establishment of the National Mechanism for Supporting Crime Prevention will be allocated in percentage shares between 15% and 20%. The Mechanism became operational in January 2023 and will be operational for five years, with the possibility of extension by law. For 2023, based on the legal provisions indicated, ANABI collected and directed to the five main authorizing officers the amount of 11,584,690.74 lei. As regards the percentage of 15% that ANABI is entitled to receive non-reimbursable funding in 2024 from the Agency's budget for non-profit activities of general interest, according to the provisions of Law no. 350/2005 on the regime of non-reimbursable financing from public funds allocated for non-profit activities of general interest, as amended, the Agency has prepared the annual programme of ANABI for granting non-reimbursable financing from public funds allocated for non-profit activities of general interest for the year 2024, and the total amount allocated in 2024 is 1,737,703.62 lei. It is to be maintained that the eligible value of a project is between minimum 100.000 lei and maximum 347.540,724 lei. On 12.03.2024, ANABI published in the Official Gazette of Romania, part VI, no. 48/12.03.2024, the notice of participation concerning *"ANABI's annual programme for granting non-reimbursable funding to non-profit activities of general interest for the year 2024 - Support for victims and the community. Offenders pay."* By 12 April 2024, the deadline for submission of project proposals, associations and foundations working in the field of victim assistance and protection and social assistance submitted 11 project proposals.

2. Introducing in Law No 318/2015 a subsection entitled *Access to compensation for victims of crime*, to facilitate access to fair and adequate compensation for victims of crime (including victims of trafficking in persons offences) under Law No 211/2004, as amended, to the damages suffered. By

supplementing the budget of the Ministry of Justice with 15% of the amounts established through the National Support Mechanism for Crime Prevention, the budget of the Ministry will be able to ensure, in addition to financing crime prevention projects or programmes, the allocation of the necessary funds for granting financial compensation or an advance thereof to victims of crime under the provisions of Law no. 211/2004, as amended. By way of derogation from the provisions of Art. 27 para. (1) and (2) of Law no. 211/2004, as amended, victims of crime may claim financial compensation for moral damages suffered as a result of the crime, as well as for material damages resulting from the destruction, degradation or rendering useless of the victim's property or from the deprivation of the victim from the crime.

3. Regulating in the same subsection legal provisions that provide for the possibility for victims of the offences referred to in Article 21 of Law No 211/2004, as amended, to request an advance on financial compensation in the form of a voucher to cover the costs of food, accommodation, transport, medicines and sanitary materials, as well as hygiene and personal use materials. According to the adopted provisions, victims of the offences referred to in Article 21 of Law 211/2000 (including victims of offences related to trafficking in human beings) will be able to apply for an advance of the financial compensation in the form of a voucher to cover urgent needs, up to an amount equivalent to 5 gross minimum basic salaries per country¹⁴ (approx. 16,500 lei - equivalent to about 3,300 euro). Vouchers will be granted within 72 hours of approval of the application. In order to implement these provisions, Government Decision No 541/2023 approved the Methodology for issuing, distributing and settling vouchers to victims of crime, for determining their amount, as well as the criteria for selecting public and private entities enrolled in the granting mechanism.

4. Completion of the data contained in the national integrated computer system for the registration of claims arising from crime provided for in Article 38 of Law no. 318/2015 with the data on compensation granted to victims under Law no. 211/2004, as subsequently amended and supplemented, for the purpose of monitoring financial compensation granted for moral and material damage suffered by victims through the commission of crime or, where appropriate, advances thereon, including vouchers under the provisions of Law no. 211/2004, as subsequently amended and supplemented.

- make full use of the measures available in law to protect victims and witnesses of THB, including children, and to prevent their intimidation during the investigation, as well as during and after the court proceedings;

Victims of human trafficking and witnesses in these cases are protected by Romanian law by sanctioning certain actions on the part of the perpetrators or other persons, more specifically by the provisions existing in the Criminal Code, in art. 272, on influencing statements, according to which: "attempting to induce or determine a person, regardless of his capacity, by bribery, coercion or other act with a manifestly intimidating effect, committed against him or a family member of him, not to report to the prosecution, not to give statements, to withdraw statements, to give false statements or not to present evidence, in a criminal, civil or any other judicial proceedings, is punishable by imprisonment from one to five years. If the act of intimidation or bribery in itself constitutes an offence, the rules on concurrence of offences shall apply", and in Art. 274 of the Criminal Code, concerning revenge for the assistance of justice: "the commission of a crime against a person or a member of his family, on the grounds that he has reported to the criminal prosecution authorities, has given statements or has presented evidence in a criminal or civil case or in any other proceedings provided for in art. 273, shall be punished by the punishment prescribed by law for that crime, the special limits of which shall be increased by one third".

¹⁴ From 1 October 2023, the gross minimum wage is 3,300 lei.

- increase efforts to provide assistance to victims of trafficking, including by providing a sufficient number of shelter places and ensuring adequate funding and staff;

In August 2020, Order no. 1335/2020 approved the Minimum Quality Standards for social services with accommodation, organised as residential care and assistance centres for child victims of trafficking in human beings. These Minimum Quality Standards, apply to the centres for assistance and protection of victims, code 8790 CR-VTP-I according to the Nomenclature of Social Services, approved by GD no. 867/2015. The Order succeeds in regulating the specific minimum standards, both through the section dedicated to the specific description of the conditions to be provided to minor victims of trafficking in human beings in the residential system, from their access to the centre, and through the evaluative section that provides the possibility to measure the way each social provider ensures the fulfilment of the standards. An increase in the number of services was achieved in 2020, with the operationalisation on 04.03.2020 of the services created by the POCU project: 465/4/4128038 "VENUS - Together for a safe life!", namely: 126 new services integrated in all counties of the country in support of victims of domestic violence (42 sheltered housing with a capacity of 262 places, 42 support groups and 42 vocational counselling offices). The sheltered housing is a new, free social service providing specialised assistance to victims of domestic violence, and the period of accommodation is up to 1 year, depending on the complexity of the case. Within the sheltered housing, in addition to food and accommodation, a wide range of related interventions is provided, depending on the needs of the victim: psychological counselling/support group, legal counselling, social assistance, vocational counselling, vocational guidance and training, employment and social reintegration/medical assistance, as appropriate.

It should be made clear that the inclusion of people in various social assistance programmes is a process based both on a needs assessment by professionals and on the informed decision of the victim to accept the services. **Thus, every year there are also situations where victims refuse any form of collaboration or contact with the authorities, including social protection authorities. At the same time, there have been situations where victims initially refused any form of assistance, but after a certain period of time in which they kept in contact with workers from ANITP Regional Centres they agreed to referral and inclusion in certain support programmes.**

As regards social services exclusively for adult victims of trafficking in human beings, 5 residential centres (4 public and 1 private) and 5 day centres for information and counselling (3 public, 2 private) are currently operational at national level.

In 2022, 29 Social Services for Victims of Crime (SSVI) are operational within DGASPC, where victims can receive social assistance, legal counselling and psychological counselling, all services are provided free of charge, including for family members of victims.

- guaranteeing access to health care for all victims of THB.

By Order no. 173/65/3.042/C/2021 issued by MMSS, MAI and MJ, the Methodology for multidisciplinary and inter-institutional assessment and intervention in the provision of support and protection services for victims of crime was approved. Social services to support victims of crime,¹⁵ developed within DGASPC, at county level, complement the network of services available to victims of trafficking in human beings. Thus, by developing these departments and harmonising the provisions of the Assessment and Intervention Methodology with the provisions of MNIR, additional conditions are ensured to make the referral of victims of human trafficking at national level more efficient and to improve the assistance provided, including access to health services, medical services, care, etc. The

¹⁵ Established as a result of the amendment and completion of Law 211/2004 on measures to ensure information, support and protection of victims of crime;

main aim of the common methodology is to improve multidisciplinary and inter-institutional intervention in the provision of support and protection services for victims of crime, to ensure respect for their rights and the general principles of informing, supporting and protecting them. On the basis of this, DGASPCs, police units and probation services update their operational procedures and conclude collaboration protocols for multidisciplinary and inter-institutional assessment and intervention in the provision of all types of support and protection services for victims of crime, appropriate and individualised to their needs.

Also, in accordance with the provisions of Law 211/2004 on some measures to ensure information, support and protection of victims of crime, as amended and supplemented, within the framework of emergency response activities, in the exercise of their duties, local public administration authorities are obliged to provide support to victims of crime, including victims of human trafficking, at the request of the authority coordinating emergency response.

As an example of victims' access to care/health services, we mention the Residential Centre for Assistance and Protection of Minor Victims of Trafficking in Persons of the DGASPC Cluj, which has a capacity of 10 places for female victims, and the services provided include: accommodation, psychological counselling for rehabilitation and recovery, family planning, contraceptive methods and sex education, individual or group assistance on health issues and health education, formal and informal education, legal assistance, social counselling, self-care activities and development of independent living skills, recreational and socialization activities, support for their family or socio-professional (re)integration, individual counselling on further studies taking into account the child's aptitudes and wishes.

41. Please provide information on developments in your country since GRETA's third evaluation report concerning:

➤ emerging trends of trafficking in human beings;

In the field of human trafficking, a significant change in the *modus operandi* has been observed, with the online environment being used overwhelmingly, both for recruiting victims and for promoting the services offered and contacting potential clients; a reprofiling of traffickers has also been observed in terms of how they exploit victims (in the case of sexual exploitation), with online platforms being used for videochat activities. In terms of forms of exploitation, victims of trafficking in persons are first exploited by being forced to engage in pornographic acts with a view to producing and disseminating pornographic material and by being forced to perform forced labour using profiling websites. The sums of money obtained are much higher than those obtained through established forms of exploitation. Furthermore, during the reporting period, traffickers used the Loverboy recruitment method with maximum success, and less so the classic recruitment methods, in which victims naively accept dubious and risky offers of work in various fields, including prostitution (legalised or tolerated in the destination countries), and then end up being forced to work as prostitutes for the traffickers by various methods and forms of control. There has been a significant decrease in cases of trafficking for sexual exploitation where recruitment is carried out under conditions of extreme coercion and violence. However, physical and psychological coercion is carried out during the period of harbouring and actual exploitation.

There are cases in which the exploitative actions begin as pimping offences, in which the relationship between the subjects is a collaborative one, with some sharing of the proceeds, and then, after a certain period of time that gives confidence and dependency to the victim, the sexual exploitation of the victim for the exclusive benefit of the trafficker really begins.

➤ the legislation and regulations relevant to action against THB;

From the legislative sphere and Strategies developed at national level

In the period 2021 - 2023, the national regulatory framework has undergone a number of changes with positive implications for strengthening the state response to the human trafficking phenomenon, as follows:

✳ By Law no 186 of 1 July 2021 *amending and supplementing Law No 286/2009 on the Criminal Code*, legislative changes were made to the statute of limitations, which no longer constitutes a ground for removing criminal liability for a number of offences, including trafficking in persons (Article 210 of the Criminal Code) and trafficking in minors (Article 211 of the Criminal Code).

✳ Legislative amendments have also been made to [Article 154, paragraph \(4\)](#), which reads as follows: "(4) *In the case of offences of trafficking and exploitation of vulnerable persons and offences against sexual freedom and integrity, other than those referred to in Article 153 para. (2) let. (c), as well as the offence of child pornography committed against a minor, the limitation period shall begin to run from the date on which the minor reaches the age of majority. If the minor has died before reaching the age of majority, the limitation period shall begin to run from the date of death.*" This legislative amendment established the starting point of the limitation period for criminal liability in the case of offences committed against a minor, other than those referred to in Article 153(2) let (c) - which are not subject to the statute of limitations - i.e. when the minor reaches the age of majority. This mechanism ensures an extension of the period during which the offender can be held criminally liable, taking into account the specificities of offences against minors.

✳ Adoption of Law no 217/2023. Among other important changes in the area of offences against sexual freedom and integrity, the Act increases the penalty limits for the offence of using child prostitution as follows:

"ART. 216¹ Use of child prostitution

The performance of any act of a sexual nature with a minor engaged in prostitution is punishable by imprisonment from 6 months to 3 years, if the act does not constitute a more serious crime." It should be recalled that the same legislative act made a number of amendments to the CPC, which strengthened the rights of victims of certain crimes involving a high degree of vulnerability, such as victims of human trafficking.

✳ Adoption of the 2024-2028 National Strategy against Trafficking in Persons (SNITP) and the related 2024-2026 Action Plan. To achieve its purpose, the new SNITP provides 5 general objectives, to which 18 specific objectives are subsumed, structured around the 4 basic anti-trafficking pillars: Prevention, Punishment, Protection and Partnership. The aim of the 2024-2028 SNITP is that, at the end of the implementation period, the responsible institutions will have strengthened their capacities to prevent and combat the phenomenon, and will have at their disposal legal instruments, modern techniques and trained personnel to ensure an adequate response to the evolution of the phenomenon of trafficking in human beings.

✳ The 2023-2024 Governance Plan, with priority lines set at MAI level, focuses on strengthening the fight against organized crime and implicitly against human trafficking. This aims to enhance the mechanisms for preventing and combating crime by reinforcing inter-institutional cooperation. Additionally, it includes strengthening the capacity to monitor and anticipate risks, threats, and vulnerabilities that could lead to serious public order disturbances at MAI level, as well as countering serious forms of crime by improving the specialized human resources involved in intelligence activities and acquiring advanced technical tools for information gathering and processing.

✳ Adoption of the National Strategy for the Sustainable Development of Romania 2030, which has as a strategic target for the year 2030, the elimination of all forms of violence against women and girls, in public and private spheres, including trafficking, sexual exploitation and other types of exploitation.

✳ Adoption of the National Strategy against Organised Crime 2021-2024, which foresees a series of measures related to ensuring the necessary resources for the judicial structures specialised in the fight against organised crime, including trafficking in human beings, as well as by including

specific aspects such as: training of police officers and magistrates on the trauma of victims of trafficking in human beings, specialisation of financial investigators to apply the "follow the money" principle in cases of trafficking in human beings, application of multidisciplinary and interdisciplinarity to determine the best interest of the victim of trafficking in human beings and support based on specific needs, including during the criminal process.

✳️ Adoption of the 2023-2027 National Strategy for Public Order and Safety, which provides for activities related to preventing and combating trafficking in human beings, including by raising the awareness of vulnerable social groups and the level of protection of victims of trafficking in human beings. The strategy highlights trafficking in human beings as a form of organised crime and the risk of its amplification, in the context of the military conflict on Romania's borders, generated by the aggression of the Russian Federation against Ukraine, as well as the permanent adjustment of the modus operandi in the case of this form of crime, identifying the need for a firm response by the authorities to this dynamic international context.

✳️ Adoption of the National Strategy on the Recovery of Criminal Proceeds for the period 2021-2025, which aims to ensure the responsible identification, management and recovery of assets derived and seized during criminal proceedings, as well as the re-use of assets for social purposes, including for the support of victims of human trafficking.

✳️ Adoption of the National Strategy for Preventing and Combating Sexual Violence "SYNERGY" 2021-2030, which completes the area of intervention for detecting and providing specific support to victims of sexual violence, including victims of trafficking in sexually exploited persons, by examining the advisability of setting up cyber patrol units at the level of the Romanian Police, in order to strengthen the capacity of support services for victims of crime.

✳️ Amendments have been made to the Criminal Procedure Code, in relation to the rights of parties to criminal proceedings, which are likely to strengthen measures to prevent re-victimisation and to protect and assist victims of trafficking in human beings during criminal proceedings.

✳️ Law no. 136/2023 was adopted, through which amendments were made to Law no. 678/2001 in order to correctly and effectively transpose the European principle of non-criminalisation and non-punishment of victims of trafficking in human beings. Another amendment to the same Law brought into question the clarification of the issue of the possibility of issuing identity/domicile documents, according to the specific Law.

✳️ Law 217/2023 amends the Criminal Procedure Code, which has strengthened the rights of victims of certain crimes involving a high degree of vulnerability, such as victims of human trafficking. At the same time, the right to compulsory legal assistance (pre-existing for victims of human trafficking under the provisions of Law 678/2001) has been expressly enshrined in criminal procedural law. In addition to being expressly enshrined in the CPC, this right has been strengthened by making non-compliance with it punishable by absolute nullity. Thus, measures for the protection of victims in criminal proceedings have increased in value by being made mandatory and by expressly extending the scope of beneficiaries. It is important to note that although most of these measures existed in procedural law prior to the amendment, their application in specific cases was left to the discretion of the judicial body.

✳️ By Order of MMSS no.2585/29.12.2023 the budget for subsidies from the state budget through the fund allocated to MMSS under Law no. 34/1998 was approved, as well as the list of social assistance units and the level of subsidies for which agreements have been concluded for the provision of social assistance services for January 2024.

✳️ Approval by Order of MMSS no 555/29.01.2024, of the budget for subsidies from the state budget through the fund allocated to MMSS under Law no 34/1998 on the granting of subsidies to Romanian associations and foundations with legal personality, which set up and manage social assistance units, with subsequent additions, and the list of social assistance units and the level of subsidies for which agreements are concluded for the provision of social assistance services, for the period February-December 2024. For the period February-December 2024, it was approved to grant

subsidies in the total amount of 132,768,581 lei for a number of 220 associations/foundations/cultures managing 542 social assistance units providing social services to a total of 15,871 beneficiaries.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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

Preventing and combating trafficking in persons continued to be high on the list of priorities in the government plans of the two (successive) governments in 2023. Substantial efforts to combat trafficking in persons undertaken in the previous year by the Romanian authorities, together with partners from civil society and the private sector, have been consolidated and have reached a new stage of development, which is supported by the figures on the prosecution of persons finally convicted (136 traffickers) and victims identified (451 victims). These efforts demonstrate the determination of the Romanian authorities to ensure the coherence of previous years' initiatives and the effectiveness of the Romanian anti-trafficking system, with a proactive approach, including with regard to potential situations of vulnerability of non-EU citizens arriving on Romanian territory, either as refugees or as labour force. The approval and implementation of the new MNIR in March 2023 continued the medium and long term strategic vision and commitments of the national authorities to ensure that the anti-trafficking system continued to develop in line with national realities, European and international approaches in this field and, at the same time, provided a coherent tool for integrated action of all actors involved in this phenomenon, with the victim of trafficking as the central target.

Specific anti-trafficking measures taken during the reporting period:

★ **Coordination:** Establishment of the Interministerial Committee for Strategic Intersectoral Coordination of the Fight against Trafficking in Persons (hereinafter referred to as the Committee) by Decision no 22/31.01.2023, with the aim of ensuring a coherent and coordinated approach to the implementation of public policies in the field of preventing and combating trafficking in human beings and assisting victims of trafficking in human beings. The Committee has a key role in supporting the implementation of actions by each institution and setting out the measures to be taken to achieve the objectives of the current strategy. The Chancellery of the Prime Minister, through a State Counsellor, chaired the Committee, which brought as a novelty the presence of civil society as a permanent guest, with non-governmental organisations with direct experience in assisting victims of trafficking being invited to participate. At the same time, in the geopolitical context of regional security, the Department for Relations with the Republic of Moldova was included as a permanent guest.

- In December 2023, a special Joint Committee on Combating Trafficking in Persons was set up within the Romanian Parliament. This happened in a context where Romania consistently ranks first in the EU in terms of the number of victims of trafficking in human beings, whether for sex, forced labour or begging. The initiative provides a broad framework for collaboration between state institutions and non-profit organisations, which are essential in assisting victims of trafficking.

- The dynamic evaluation process of SNITP by a team of independent experts has been completed and an extensive inter-institutional and inter-sectoral process was initiated to develop the new Strategy, a document that responds to the priorities set by the Committee. It has priorities based on opportunities and needs, clear objectives and indicators and a realistic action plan, committed by all partners, including civil society, around the 4 anti-trafficking pillars (prevention, protection, prosecution and partnership).

Following the completion of the evaluation process of SNITP 2018-2022, the process of drafting the new SNITP was launched, with the nomination of experts from all the entities present in the Committee (including civil society) and some partners, who were not part of the Committee, but who made a valuable contribution to the new document; Based on an adopted work schedule, the draft of the new

SNITP was finalized in the first part of 2024. This new document is pragmatic and responds to the needs identified at national level, based also on the recommendations of the main international entities (European Commission, Council of Europe-GRETA, OSCE and US State Department).

On 16 May this year, in a Government meeting, the Strategy was adopted by GD 533/2024 and published in the Official Gazette on 21 May 2024;

SNITP 2024-2028 has 5 general objectives, to which 18 specific objectives are subsumed, structured around the 4 basic anti-trafficking pillars: Prevention, Punishment, Protection and Partnership.

The motto of the Strategy is:

Protecting the future! Together against trafficking in persons for the rights and dignity of every single human being

The overall objectives of the Strategy are:

1. Reducing the influence of risk factors and vulnerabilities leading to victimization through trafficking in persons
Increasing the effectiveness and efficiency of the criminal justice system in cases of trafficking in persons
3. Improving protection and assistance provided to victims of trafficking in persons
4. Standardisation of data collection processes in the field of trafficking in persons
5. Enhancing cooperation in horizontal areas of the anti-trafficking system

Among the priority measures pursued by the new Strategy we can mention:

- diversifying prevention and outreach activities by swiftly addressing trends in technology-facilitated trafficking in persons;
- training of anti-trafficking specialists with a focus on: knowledge of trauma and the particular needs of victims, specific indicators for the emergent identification of victims of human trafficking, deepening referral procedures for assistance according to the particular needs of victims, etc.;
- relaxing standards in the field of trafficking in human beings in order to stimulate NGOs to access available public funds;
- involving survivors in the development and even implementation of anti-trafficking measures;
- labour migration to Romania and vulnerability to trafficking, especially of third-country nationals, specific prevention and identification measures.

✳ **National Mechanism for Identification and Referral:** The new MNIR was approved by the Romanian Government Decision number 88 of March 2023. This is the result of an extensive process of collaboration with all relevant actors and leads to a coherent and consolidated response so that victims can benefit from integrated support based on their specific needs and situation. In order to support specialists and others, a user-friendly/simplified version of the Mechanism has been developed, with the aim of obtaining the response of the whole Romanian society. In January 2023, by GD 88 of 31.01.2023, MNIR was approved, the working draft of this mechanism being presented in the previous Report.

MNIR is the formal framework for cooperation under which institutions and organisations involved in the fight against trafficking in persons carry out their statutory tasks for the protection and promotion of the rights of victims of this phenomenon, with a view to improving the capacity to identify victims and to ensure their protection and assistance, irrespective of the person, institution or organisation with whom they first come into contact. MNIR thus implies formal, multidisciplinary and cross-sectoral cooperation between all the actors involved, with precise roles, obligations and responsibilities. The appropriate monitoring and evaluation tools it contains can enable the measurement of the results achieved and the planning of future strategies and actions, with the aim of providing victims of trafficking with appropriate forms of assistance and protection.

MNIR is a programmatic and guiding document for specific activities in the area of identification and assessment of trafficking situations, including risks and needs, and for referral of victims of trafficking for assistance. This programmatic document takes into account the institutional competences and responsibilities of public and private institutions in preventing and combating trafficking in persons, ensuring its implementation through the specific budgets of the institutions involved. The mechanism also includes specific identification and referral measures for child victims and victims who are foreign nationals.

✳ The establishment in 2020 of the ProTECT collaborative platform, bringing together 20 of the most active anti-trafficking organisations, acting as a catalyst and resource centre for its members and other like-minded entities to collaborate effectively in prevention, protection, victim assistance, prosecution, civil, lobbying and advocacy for higher impact initiatives in the fight against human trafficking. ProTECT's vision is the eradication of human trafficking and modern slavery in Romania and abroad.

✳ Organisation, by ANITP, in 2021, of two round tables on *"Developing collaboration in the field of human trafficking between civil society and public and private sector representatives"*. The events were part of the strategic concept of ANITP to strengthen dialogue and cooperation between NGOs working in the field of trafficking in persons and representatives of the public and private sector, by promoting the exchange of experience and best practices (with the participation of representatives from 38 public and private organisations and institutions at the first meeting and 35 organisations and institutions participating in the second meeting). In the conduct of the two events, a very high involvement was ensured by the NGO platform ProTECT;

✳ As regards the role of the National Rapporteur, according to GD 460/2011, it is the responsibility of ANITP, thus "the Agency carries out assessments of trends in human trafficking and measures the results of anti-trafficking actions, including through the collection of statistical data in close cooperation with relevant civil society organizations in this field, fulfilling the role of national rapporteur.

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

In order to ensure the continuity of the initiatives of previous years and to increase the coherence of the Romanian anti-trafficking system, a new Strategy has been developed for the period 2024-2028, whose vision is aligned with European and international approaches in this field, with the first subsequent National Action Plan for the period 2024-2026.

The aim of the Strategy is to reduce the impact and scale of trafficking in persons at national level by prioritising and streamlining the activities carried out by public institutions, civil society structures and the private sector. In order to achieve its goal, the new strategy document proposes 5 general objectives:

1. Reducing the influence of risk factors and vulnerabilities leading to victimization through trafficking in persons
Increasing the effectiveness and efficiency of the criminal justice system in cases of trafficking in persons
3. Improving protection and assistance provided to victims of trafficking in persons
4. Standardisation of data collection processes in the field of trafficking in persons
5. Enhancing cooperation in horizontal areas of the anti-trafficking system

The goal of SNITP 2024-2028 is that, at the end of the implementation period, the responsible institutions will strengthen their capacities to prevent and counteract the phenomenon,

have at their disposal legal instruments, modern techniques and trained personnel to ensure an adequate response to the evolution of the phenomenon of trafficking in human beings. Thus, by the end of 2028, Romania will have a national system for combating trafficking in human beings, which will have the necessary resources allocated to it and will have them efficiently available, and within this system, central and local institutions, in cooperation with non-governmental organisations, civil society and international organisations, will implement effective measures to reduce the phenomenon, identify and assist its victims and punish traffickers. In addition, a comprehensive system of continuous professional training will ensure the training of newcomers to the system as well as the professional development of those with experience. The victim-centred approach will be used effectively by all institutions interacting with victims of trafficking. Given the cross-border nature of the phenomenon, cooperation with counterparts in other countries' justice systems will be strengthened and partners involved will use common working procedures to improve the speed of response and the quality of information. Romania will also pursue partnerships with third countries aiming at common objectives to reduce the risks arising from cross-border trafficking in human beings and to protect and assist the victims of this phenomenon. In the context of the gradual change of the country's status from "source" to "destination", Romania will provide victims of foreign nationality with the protection and assistance needed to recover from the trafficking experience and to readapt to a normal life. The use of SMART performance indicators and their regular analysis will facilitate the knowledge of the evolution and characteristics of the phenomenon, and anti-trafficking actions will be adapted to the identified trends, so that countermeasures are implemented in an optimal timeframe and resources are used with high efficiency. The new SNITP 2024-2028 was approved by HG 533/16.05.2024.

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

Additional information on national court decisions is attached separately, given the extensive content of this information/data.

Part III - Statistics on THB

42. Please provide the following statistics, per year starting with 2019, where available disaggregated as indicated below:

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

The data available at the level of ANITP on victims identified during the reference period reveal the following:

In 2019, the total number of identified victims was 698, disaggregating them by gender showing: 581 female victims and 117 male victims. Regarding the age of the victims, there were 327 minors (39 male and 288 female) and 371 adults (78 male and 293 female). Regarding their nationality, we mention a number of 698 citizens of Romanian origin exploited, followed by 10 citizens from Germany, 1 citizen from Latvia and 1 citizen from the Republic of Moldova. Out of these victims, 518 persons were sexually exploited, followed by 115 persons exploited for forced labour, 41 persons attempted to commit the crime of trafficking in persons, 20 persons exploited through begging, 3 persons forced to commit theft and other situations. In terms of the destination of exploitation, the data show that Romania is the predominant country for the cases identified, with 384 victims, followed by 86 victims exploited in Germany, 79 victims exploited in the UK, 52 victims exploited in Italy, 49 exploited victims in Spain, 31 exploited victims in Switzerland, 23 exploited victims in France, 16 exploited victims in Denmark, 12 exploited victims in Austria, 10 exploited victims in the Netherlands

and continuing with other destinations where there were less than 10 exploited victims. Regarding the identification institution, 678 victims were identified by the judicial authority, 7 victims identified by NGOs, 5 victims identified by international organisations, 5 victims identified in other situations.

In 2020, the total number of identified victims was 596, disaggregated by gender: 463 female victims and 133 male victims. Regarding the age of the victims, there were 255 minors (49 male and 206 female) and 341 adults (84 male and 257 female). Concerning their nationality, there were 595 citizens of Romanian origin exploited and 1 citizen from the Republic of Moldova. Out of the victims mentioned, 429 persons were sexually exploited, followed by 94 persons exploited for forced labour, 37 persons exploited through begging, 34 persons attempted to commit the crime of trafficking in persons, 1 person forced to commit theft and other situations. In terms of the destination of the exploitation, the data show that Romania is the predominant country for the cases identified, with 321 victims, followed by 75 victims exploited in the UK, 57 victims exploited in Germany, 42 victims exploited in Italy, 33 victims exploited in Spain, 25 exploited victims in Sweden, 18 exploited victims in France, 16 exploited victims in Switzerland, 14 exploited victims in Austria, 13 exploited victims in Ireland, 10 exploited victims in Belgium and continuing with other destinations where there were less than 10 exploited victims. Regarding the identification institution, 571 victims were identified by the judicial authority, 11 victims identified in other situations, 7 victims identified by NGOs, 4 victims identified by diplomatic missions, 3 victims identified by international organisations.

In 2021, the total number of identified victims was 505, disaggregated by gender: 444 female victims and 61 male victims. Regarding the age of the victims, there were 282 minors (27 male and 255 female) and 223 adults (34 male and 189 female). Regarding their nationality, there were 504 citizens of Romanian origin exploited and 1 Kenyan citizen. Out of these victims, 382 persons were sexually exploited, followed by 51 persons exploited for forced labour, 45 persons attempted to commit the crime of trafficking in persons, 24 persons exploited through begging and other situations. In terms of destination of exploitation, the data reveals that Romania is the predominant country for identified cases, with a number of 467 victims, followed by a number of 16 victims exploited in the UK, 4 victims exploited in Italy and continuing with other destinations, where there were less than 4 cases of exploited victims. Regarding the identification institution, a number of 468 victims were identified by the judicial authority, 12 victims identified by ANITP, 9 victims identified by international organisations, 8 victims identified by the specialised DGASPC, 6 victims identified by specialised NGO, 2 victims identified by the IOM mission in Romania.

In 2022, the total number of identified victims was 500, disaggregated by gender: 400 female victims and 100 male victims. Regarding the age of the victims, there were 234 minors (39 male and 195 female) and 266 adults (61 male and 205 female). Regarding their nationality, there were 498 exploited Romanian citizens, 1 US citizen and 1 citizen from the Republic of Moldova. Out of these victims, 342 persons were sexually exploited, followed by 73 persons exploited for forced labour, 53 persons exploited through begging, 28 persons attempted to commit the crime of trafficking in persons and others. In terms of destination of exploitation, the data shows that Romania is the predominant country for identified cases, with a number of 291 victims, followed by a number of 56 victims exploited in Germany, a number of 38 victims exploited in the UK, 33 victims exploited in Italy, 21 victims exploited in Austria, 20 victims exploited in France, 12 victims exploited in Switzerland, 11 victims exploited in Ireland and continuing with other destinations, where there were less than 10 cases of exploited victims. Regarding the identification institution, 484 victims were identified by the judicial authority, 6 victims identified by a specialised NGO, 5 victims identified by ANITP, 3 victims identified by specialised DGASPC, 1 victim identified by an international organisation, 1 victim identified by IOM mission in Romania.

In 2023, the total number of identified victims was 451, disaggregated by gender, 347 female victims and 104 male victims. Regarding the age of the victims, there were 221 minors (39 male and 182 female) and 230 adults (65 male and 165 female). Regarding their nationality, there were 443 exploited Romanian citizens, 2 Pakistani citizens, 2 Ukrainian citizens, 1 Cameroonian citizen, 1 UK

citizen, 1 Sri Lankan citizen and 1 Taiwanese citizen. Out of these victims, 284 persons were sexually exploited, followed by 67 persons exploited for forced labour, 37 persons exploited through begging, 35 persons in other situations, 26 persons attempted trafficking, 2 persons forced to commit theft/crime. In terms of destination of exploitation, the data reveals that Romania is the predominant country for identified cases, with a number of 323 victims, followed by a number of 41 victims exploited in Germany, a number of 33 victims exploited in the UK, 17 victims exploited in Italy, 11 victims exploited in Spain, 9 victims exploited in France/Greece and continuing with other destinations, where there were less than 9 cases of exploited victims. Regarding the identification institution, 419 victims were identified by the judicial authority, 21 victims identified by specialised NGO, 7 victims identified by specialised DGASPC, 2 victims identified by ANITP, 2 victims identified by international organisation.

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

According to the relevant national legislation, residence permits granted to THB victims are issued on the basis of Art.69 para. 1 let.g) of GEO no. 194/2002 (other purposes - other activities that do not contravene Romanian law), this category also includes other purposes that are not separately regulated. Thus, as there is no constant pattern in relation to the caseload in Romania, the statistical data collected so far does not reveal the number of victims of trafficking in persons - part of asylum procedures. Further, through SIMEV (Integrated System for the Evaluation and Monitoring of Victims of Trafficking in Human Beings) administered by ANITP, we can confirm that none of the victims of foreign nationality registered in previous years (2019-2023) were identified as part of specific asylum procedures.

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

The statistical data at the level of ANITP are collected according to the needs identified for monitoring. For certain indicators, future data collection is also planned according to the form of exploitation or type of internal/external traffic.

Below are the available data for the period 2019-2023:

Table no.1

Assistance to victims of trafficking in persons					
	Total victims	Distribution by age and gender			
		MINORS		ADULTS	
		female	male	female	male
Victims identified in 2019	339	154	35	104	46
Victims identified in 2020	289	131	35	91	32
Victims identified in 2021	315	177	15	95	28
Victims identified in 2022	262	131	35	80	16
Victims identified in 2023	168	90	14	46	18

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

The indicators currently used to monitor the implementation of protection and assistance measures do not provide data on the number of child victims of trafficking who have a legal

guardian/representative in place. As mentioned above, for some indicators, steps are being taken to improve data collection in the near future and according to these criteria.

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

Table no.2

Distribution by gender and age of victims who benefited from the period of recovery and reflection					
	Total victims	MINORS		ADULTS	
		female	male	female	male
Victims identified in 2019	-	-	-	-	-
Victims identified in 2020		-	-	-	-
Victims identified in 2021	232	125	14	78	15
Victims identified in 2022	190	92	23	55	20
Victims identified in 2023	178	73	9	64	32

The majority of victims who benefited from the period of recovery and reflection were of Romanian nationality, while the number of victims of other nationalities registered as beneficiaries of this measure was small: in 2021 a Kenyan citizen benefited from recovery and reflection, in 2022 a citizen from the Republic of Moldova, and in 2023 there was a slight increase in the number of foreign citizens in this segment: 2 citizens from Pakistan; 2 citizens from Ukraine; 1 citizen from Cameroon; 1 citizen from the UK; 1 citizen from Sri Lanka; 1 citizen from Taiwan. The beneficiaries of the recovery and reflection period were mostly sexually exploited victims, followed by a smaller number of victims exploited through forced labour, forced begging and other forms. Further on, we present the available data in this regard:

In 2021, a total of 168 victims were sexually exploited, 27 victims exploited through forced labour, 24 victims of attempted exploitation of any kind, 12 victims forced into begging, 1 case - other.

In 2022, a total of 118 victims suffered sexual exploitation, 31 victims were forced into begging, 25 victims exploited through forced labour, 15 victims of attempted exploitation of any kind, and only one case of a victim forced to commit theft/crime.

In 2023, a total of 100 victims were sexually exploited, followed by 33 victims exploited through forced labour, 22 victims forced into begging, 14 victims in other situations, 8 attempts at exploitation of any kind, one situation of forced theft/crime.

As the collection of data on recovery and reflection started in 2021, no data is available for the previous years 2019-2020.

- Number of victims of THB granted a residence permit, with an indication of the type of the permit (for the purpose of co-operation in the investigation/proceedings, on personal grounds, other) and its duration (disaggregated by sex, age, nationality, form of exploitation).

With reference to the provisions of national legislation, residence permits granted to victims of THB are issued on the basis of Art.69 para. 1 let.g) of GEO no. 194/2002 (other purposes - other activities that do not contravene Romanian law), this category also includes other purposes that are not separately regulated. On the migration front, IGI **does not currently manage statistics showing the number of victims of trafficking in persons** who have been allowed to stay in the country, **as there is no consistent pattern in relation to the caseload to date**. In recent years, Romania has undergone a process of change from a country of origin for trafficking in persons in Europe to a country of origin

and exploitation for victims in Romania, and there is now fertile ground for Romania to become a country of destination for foreign nationals, especially third-country nationals. Thus, this context determines a constant concern of the Romanian authorities, including MAI and ANITP, in order to ensure a coordinated response to the evolution of the phenomenon in this direction/trend.

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

There were no cases of victims granted refugee status/other complementary forms of protection on the basis of their status as victims of trafficking.

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

The data collected at the level of the Ministry of Justice indicate that financial compensation was granted by the State under Article 21 of Law 211/2004 to a victim of child trafficking (female, Romanian citizen) in 2022. The amount granted was 196,836 lei.

The data collected at the DIICOT level, regarding the persons who have been awarded compensations by final court decisions, indicate that in 2020, in a number of 25 cases, the civil action of the victims was admitted, the defendants being obliged to pay damages to 33 victims of the offences provided for in art. 210 CC./211 CC, and in 2021, reveals a total of 235 civil parties/injured persons with damages totalling: 796,679 LEI and 572,125.05 euros.

The full response is attached as a separate annex, given the large amount of data and information provided by DIICOT.

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

According to the data collected at the level of the MoJ, there is no evidence of any other form of financial assistance regulated by Law 211/2004 being granted to victims of trafficking in persons the period indicated (advance payment of financial compensation, financial compensation in cross-border situations, or the amount needed to enforce the court judgment awarding civil damages).

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

Table no.3

Free legal assistance (Art. 18 Law 211/2004, in case of victims of trafficking in persons and child trafficking Art. 44 para. (2) Law 678/2001)	
Number of victims	Amount granted
2019	
-	-
2020	
21	14,039
2021	

-	-
2022	
18	8,922
2023	
13	4,980

Table no.4

Compulsory legal aid (Art. 44 para. (1) Law 678/2001 and art. 93 par. (4) and (5) of the CPC with reference to the injured party and the civil party)	
Number of victims	Amount granted
2019	
102	27,042
2020	
37	22,390
2021	
75	40,274
2022	
71	30,569
2023	
133	51,095

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

According to MNIR, the voluntary assisted repatriation is the process of preparing and carrying out the voluntary return of victims of human trafficking to their country of origin or residence in the country of destination, through the transnational collaboration of institutions and organisations involved in the identification and referral of victims. This involves a series of actions aimed at ensuring the safe return, based on the person's consent, with specialised assistance and the pick-up of the victim at the point of arrival in the country of origin or residence. The actions are carried out according to the particularities of the case and the nature of the notifying organisation or institution, and the victim's decision to return to the country of origin/residence is made after receiving real and relevant

information about his/her rights, the possibilities of being included in an assistance programme in the country of destination or the country of origin/residence and the steps to be taken with a view to repatriation.

The data on the repatriation of victims of trafficking in human beings, in which Romanian state institutions have also been involved as a result of the notification, reveal the following:

In 2019, 30 people were repatriated with the support of ANITP, ranging in age from 17 to 54 years old, most of them - 20 male, and 10 female. Labour exploitation was most prevalent, with 21 persons being exploited as such. The countries from which people were repatriated were: Denmark, where most cases were recorded followed by UK, Switzerland, and Spain.

In 2020, 20 people were repatriated with the support of ANITP, aged between 18 and 57 years, most of them - 16 female, and 4 male. The highest prevalence was sexual exploitation, indicating a number of 12 persons, followed by labour exploitation - 3 persons, exploitation through begging - 3 persons and 2 cases of marriages of convenience. The countries from which people were repatriated were: Norway, where most cases were recorded followed by, Sweden, Spain, UK, Italy, Cyprus, Switzerland, Germany.

In 2021, 39 people were repatriated with the support of ANITP, ranging in age from 15 to 53 years, with the majority of people - 23 female, and 16 male. Labour exploitation was most prevalent, with 23 people, followed by sexual exploitation and begging. The countries from which people were repatriated were: UK, where most cases were recorded, followed by Spain, Sweden, Austria, France, Italy, Hungary.

In 2022, 22 people were repatriated with the support of ANITP, aged between 15 and 71 years, most of them - 14 female, and 8 male. Sexual exploitation was most prevalent, followed by labour exploitation and begging. The countries from which people were repatriated were: UK, where most cases were recorded, followed by Ireland, Sweden, Scotland, Portugal, Spain, Italy, Germany.

In 2023, 41 persons were repatriated with the support of ANITP, ranging in age from 9 (a minor accompanying her exploited mother) to 67 years old, with the majority - 23 female, and 18 male. This year there was a significant increase in the number of people returned from the airport, with concerns/suspensions of potential trafficking situations, vulnerable cases of human trafficking/modern slavery reported by the authorities of the destination countries. The countries from which people have been returned to were: most from the UK (most of the people returned due to lack of documents needed to settle in the UK after Brexit + suspicions raised by the authorities (no return ticket to the country of destination, no indication of the address where they were going, insufficient means of subsistence, etc.), the ranking of countries is followed by Germany, Spain, Ireland, France and Romania (a case of a Taiwanese citizen returned from Romania to Taiwan).

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

Given that the investigation of human trafficking cases is an activity of DIICOT, official data is communicated by this institution, according to its competences and the specific manner of data centralization.

Thus, for 2019, no statistical data was collected according to the criteria indicated in the questionnaire, which is why only the data held on the number of cases involving human/minor trafficking offences will be provided: the total number of cases to be solved was 1814, of which 722 were newly registered cases. Out of these, 728 cases were disposed of, while 117 indictments and 32 plea agreements were registered.

For the year 2020, the way of data collection allows an extended presentation of the results obtained, as follows: 498 cases were registered on sexual exploitation, 742 cases on child pornography, 54 cases registered on labour exploitation.

During the reporting period, 7 defendants were arrested for forced labour, 149 defendants were arrested for art. 210 and art.211 of the Criminal Code (sex trafficking); another 70 defendants were arrested for child pornography under art. 374 of the Criminal Code and another 18 defendants were arrested for procuring. The data collected further indicate the following: 220 defendants whose prosecution for alleged sex trafficking offences was initiated during 2020; 14 defendants whose prosecution for alleged forced labour trafficking offences was initiated during 2020; 383 individual defendants whose ongoing prosecution for alleged sex trafficking offences was initiated in previous years; 37 defendants whose ongoing prosecution for alleged forced labour trafficking offences was initiated in previous years. Preventive measures taken: 149 defendants have been arrested, 72 defendants have been placed under judicial supervision and 48 defendants are being investigated at large.

The full response is attached as a separate annex, given the large amount of data and information provided by DIICOT.

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

The full response is attached as a separate annex, given the large amount of data and information provided by DIICOT.

- Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).

Table no.5

PERIOD	THE MAIN SUBJECT MATTER OF THE CASE	TOTAL	OUT OF WHICH PERSONS		
			NATURAL		LEGAL
			TOTAL	OUT OF WHICH MINORS	
2019	child trafficking (art.211 NCC and Law 678/2001 art. 13)	105	105	1	0
2020		81	81	1	0
2021		80	80	0	0
2022		89	89	1	0
2023		57	57	2	0
2019	trafficking in human beings (art.210 NCC and Law 678/2001 art. 13)	28	28	0	0
2020		48	48	0	0
2021		31	31	0	0
2022		45	45	0	0
2023		25	25	0	0

Table no.6

		TOTAL
--	--	--------------

REFERENCE PERIOD	THE SECONDARY OBJECT OF THE CASE	
2019	child trafficking (art.211 NCC)	46
2020		102
2021		32
2022		63
2023		31
2019	trafficking in persons (art.210 NCC)	64
2020		67
2021		48
2022		56
2023		26

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

Table no.7

		INDIVIDUALIZATION OF EXECUTION OF SENTENCE										
REFERENC E PERIOD	THE MAIN SUBJEC T MATTE R OF THE CASE	EXECUTION IN CUSTODY						FINE APPLICA TION	SUSPE NSION OF EXECU TION	POSTPONEME NT OF EXECUTION	MINOR (NON)CUS TODIAL MEASURE S	
		TOT AL	INTERVALS SENTENCE IN YEARS								(NE)P	P
			(0-1]	(1-3]	(3-5]	(5-10]	> 10					
2019	Child trafficki ng	68	0	7	21	35	1	0	34	2	1	0
2020		68	0	8	26	28	4	0	11	1	1	0
2021		61	0	4	26	30	3	0	18	1	0	0
2022		71	1	5	30	34	3	0	15	0	0	1
2023		48	0	2	10	26	10	0	6	1	0	2
2019	Human trafficki ng	20	0	0	4	13	2	0	7	1	0	0
2020		34	0	6	10	15	3	0	14	0	0	0
2021		17	0	4	4	9	0	0	14	0	0	0
2022		35	2	5	10	11	7	0	10	0	0	0
2023		19	0	3	9	6	1	0	6	0	0	0

- Number of judgments in THB cases resulting in the confiscation of assets.

In 2021, the courts notified the National Agency for the Administration of Seized Assets of 28 court judgments pronouncing special or extended confiscation in the amount of 2,210,037.32 lei (approximately equivalent to 446,706.82 euros), as follows:

- ★ 7 court judgments in the amount of 1,911,165.92 lei (approximately equivalent to 386,297.03 euro) in relation to the offence of trafficking in human beings;
- ★ 10 court judgments in the amount of 257,845.00 lei (approximately equivalent to 52,117.27 euro) in relation to the offence of child trafficking;
- ★ 11 court judgments in the amount of 41,026.40 lei (roughly equivalent to 8,292.52 euros) in relation to the offence of smuggling of migrants.

In the year 2022, the courts communicated to the National Agency for the Administration of Seized Assets 36 court judgments pronouncing special or extended confiscation on the amount of 2,875,282.74 lei (approximately equivalent to 582,041.04 euros), as follows:

- ★ 12 court judgments in the amount of 1,922,020.01 lei (roughly equivalent to 389,072.88 euro) in relation to the offence of trafficking in human beings;
- ★ 13 court judgments in the amount of 889,749.91 lei (roughly equivalent to 180,111.32 euros) in relation to the offence of child trafficking;
- ★ 11 court judgments in the amount of 63,512.83 lei (roughly equivalent to 12,856.85 euros) in relation to the crime of migrant smuggling.

In 2023, the courts communicated 62 court decisions to the National Agency for the Administration of Seized Assets, pronouncing special or extended confiscation, in the amount of 5,256,101.48 lei (approximately equivalent to 1,056,587.77 euro) as follows:

- ★ 18 court judgments in the amount of 4,005,701.13 lei (roughly equivalent to 805,230.80 euro) in relation to the offence of trafficking in human beings;
- ★ 15 court judgments in the amount of 925,215.44 lei (roughly equivalent to 185,987.91 euro) in relation to the offence of child trafficking;
- ★ 29 court judgments in the amount of 325,184.91 lei (approximately equivalent to 65,369.06 euros) in relation to the offence of smuggling of migrants.

For the period 2019-2020, no information is available for the three offences, as ANABI records are not broken down by type of offence, but relate to the measure ordered by the court.

➤ Number of convictions of legal entities for THB.

See answer to question 42 in Table 5.

APPENDIX

42. Please provide the following statistics, per year starting with 2019, where available disaggregated as indicated below:

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

We present below the number of victims, as well as the total amounts ordered by the Courts, as a result of the Court decision regarding final convictions, in cases related to human trafficking and trafficking of minors.

Disaggregated data on requested criteria in relation to victims are not available. Accessible data are for 2021-2023, as follows:

2021:

Civil parties/injured persons for whom compensation was ordered – 235

Total damages ordered: 796,679 lei and 572,125.05 euros, including moral damages and material damages

2022:

Total victims of civil parties/injured persons for whom compensation was ordered -86

Total moral damages ordered: 490,800 euros and 764,000 lei

Total material damages ordered: 40,961.98 euros; 603,845.17 lei and 4428.01 pounds

Total compensation from mediation agreements: 9500 euros;

2023:

Total victims (civil parties/injured persons) for whom compensation was ordered - 136

Total damages ordered: 1,122,800 lei, 1,495,000 euros.

- *Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned)¹⁶.*

2019:

Cases to be solved: 1814.

2020:

Cases registered in 2020 or prior to 2020, disaggregated by forms of exploitation:

- 54 cases registered in 2020, regarding the trafficking of persons or minors, for the purpose of labor exploitation.
- 498 cases registered during 2020, regarding trafficking in persons or minors, for the purpose of sexual exploitation;
- 742 cases registered during 2020, regarding art. 374 of the Criminal Code – child pornography;
- 682 cases registered in previous years, regarding trafficking in persons or minors for the purpose of sexual exploitation;

¹⁶ Information on the number of victims involved in cases of trafficking in persons, minors or child pornography cannot be provided;

- 718 cases registered in previous years, regarding art. 374 of the Criminal Code – child pornography;
- 48 cases registered in previous years, on trafficking in persons or minors. for the purpose of exploitation at work;
- 96 recently or previously initiated TIP investigations that were ultimately prosecuted as non-TIP offences during 2020;

2021:

Law Enforcement Category	No
Investigations	
Total cases	1467
Number of cases related to trafficking for sexual exploitation initiated in previous years and continued in 2021	768
Number of forced labour cases initiated in 2021	35
Number of forced labour cases initiated in previous years and continued in 2021	41
Number of cases related to trafficking for other purposes / for an unspecified purpose initiated in 2021	22
Number of cases related to trafficking for other purposes / for an unspecified purpose initiated in previous years and continued in 2021	26

2022:

	No
Total cases	1296
¹⁷ Number of cases related to trafficking for sexual exploitation initiated in 2022	399*
¹⁸ Number of cases related to trafficking for sexual exploitation initiated in previous years and continued in 2022	749*
Number of forced labour cases initiated in 2022	37
¹⁹ Number of forced labour-related cases initiated in previous years and continued in 2022	59*
Number of cases related to trafficking for other purposes / for an unspecified purpose initiated in 2022	22
Number of cases related to trafficking for other purposes / for an unspecified purpose initiated in previous years and continued in 2022	30

2023:

Total cases	1363
-------------	------

¹⁷ * Sex trafficking investigations that were initiated in 2022 – out of a total of 399, 5 investigations include involvement in unspecified forms/other types of exploitation.

¹⁸ * Sex trafficking investigations that were initiated in previous years and continued in 2022 – out of a total of 749, 10 investigations include involvement in unspecified forms/other types of exploitation.

¹⁹ * Investigations for forced labour that were initiated in previous years and continued in 2022 – out of a total of 59, 6 investigations include involvement in unspecified forms/other types of exploitation.

Sex trafficking cases (new in this reporting period)	427
Sex trafficking cases (ongoing from previous reporting period)	730
Cases investigated for trafficking crimes – exploitation through forced labor (new in this reporting period)	75
Cases for trafficking offences – forced labour exploitation (ongoing from the previous reporting period)	67
Cases for traffic offences - unspecified exploitation (new in this reporting period)	36
Cases for traffic offences - unspecified exploitation (ongoing cases from the previous reporting period)	28

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

2019:

Persons sent to court:

347 defendants, out of which:

-315 by indictment and 32 by concluding a guilty plea agreement.

All 347 defendants are natural persons, of which 274 are male (262 adults and 11 minors), and 73 are female, of which 63 are adults and 10 minors.

2020:

In reference to trafficking crimes and exploitation of vulnerable persons as provided by the provisions of the Criminal Code, for 2020 the following statistical data were collected:

- 7 defendants arrested for forced labor performed during the reporting period;
- 149 defendants arrested for trafficking in persons or minors;
- 70 defendants arrested for child pornography art. 374 of the Criminal Code;
- 18 defendants arrested for pimping;
- 220 defendants whose criminal prosecution for trafficking in persons or minors (form of sexual exploitation) was initiated during 2020;
- 14 defendants whose criminal prosecution for alleged crimes of trafficking in persons or minors (forced labor) was initiated during 2020.

2021:

- 1,513 cases were in progress;
- 125 cases were solved by indictment and guilty plea agreements;
- 369 defendants were sent to trial.

2022 :

- 1,246 new investigations were opened;
- 199 cases were settled by indictment and guilty plea agreements were concluded in 50 cases;
- 323 defendants were sent to trial, of which 57 were in pre-trial detention.

2023:

individuals/cases sent to court	355/119
individuals/cases prosecuted for trafficking offences - sexual exploitation (new in this reporting period)	115/45
individuals/cases prosecuted for sex trafficking offences (ongoing from the previous reporting period)	203/61
individuals/cases prosecuted for forced labour (us)	26/10
individuals/cases sent to trial for forced labour (ongoing)	10/3
individuals/cases prosecuted for unspecified exploitation (ongoing)	1/1

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

The answer will be provided only in relation to the age of the convicted persons (adult/minor), as we do not hold data disaggregated according to the other criteria.

2019:

- 130 people were convicted of crimes such as trafficking in persons and minor trafficking.

2020:

the number of persons convicted of sex trafficking offences.

✓ **147 individuals convicted for trafficking in persons/minors;**

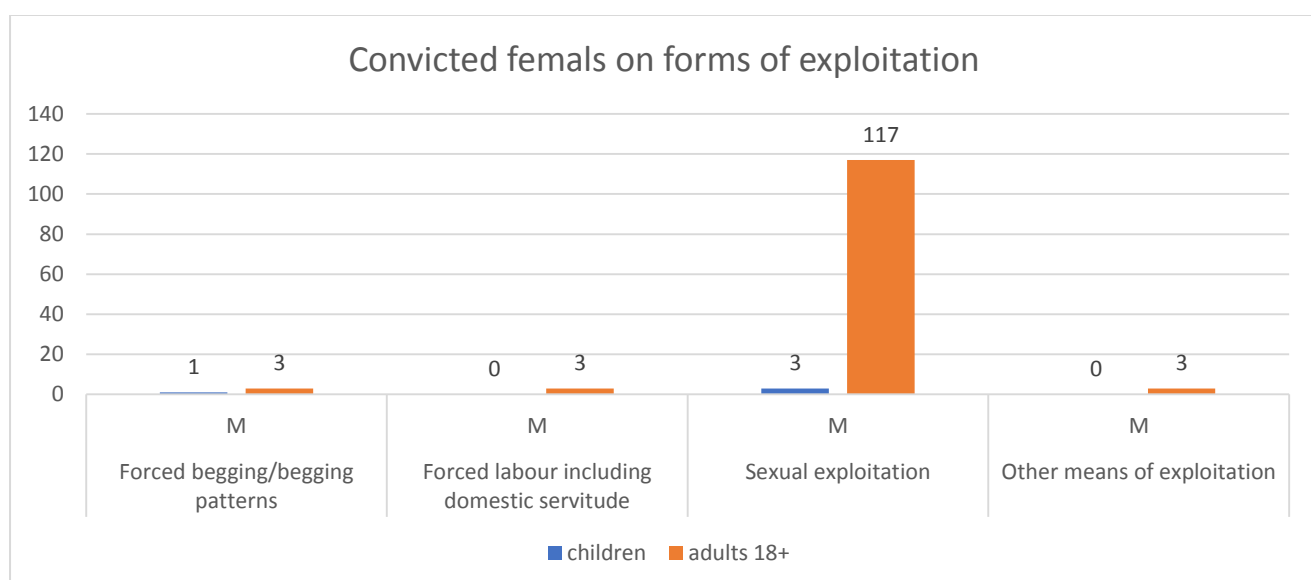
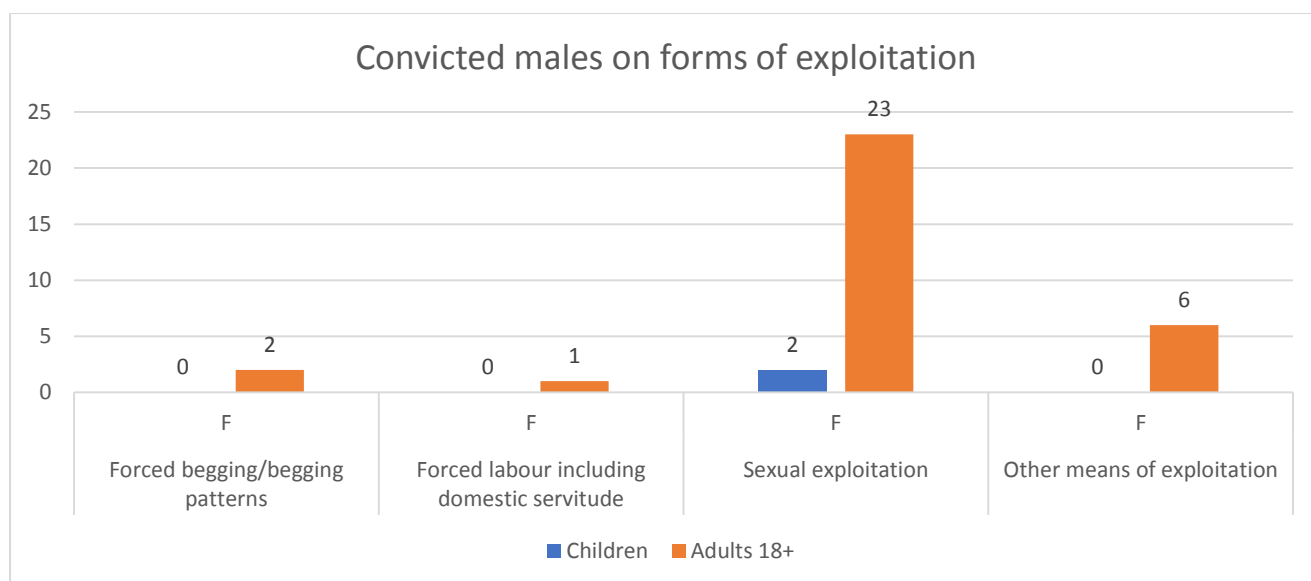
✓ **100 individuals convicted for art. 374 of the Criminal Code (child pornography);**

2021:

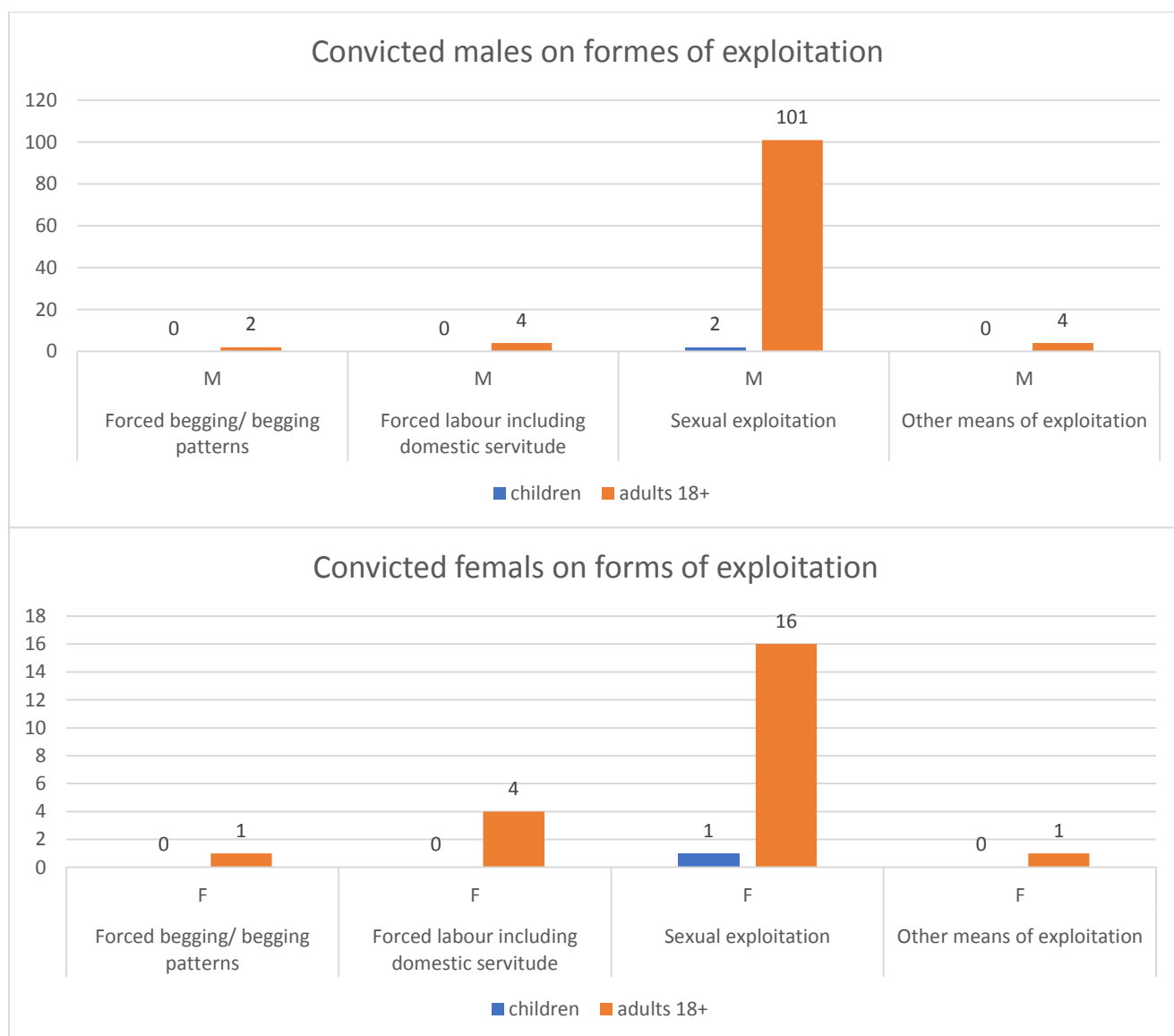
Following the centralization of the data on the convictions ordered in 2021, it was found that the courts of law ordered the conviction of a number of 172 defendants who are natural persons and 3 defendants, legal persons, to sentences totaling 495 years, 8 months and 16 days of imprisonment with execution and 85 years, 6 months and 20 days whose execution was conditionally suspended.

2022:

Following the centralization of the data on the convictions ordered in 2022, it was found that the courts of law ordered the final conviction of a number of 137 defendants, natural persons and one legal person, to sentences totaling for natural person traffickers (133) cumulative sentences of 707 years, 6 months, 29 days – imprisonment with execution; 38 years, 2 months – suspended imprisonment under supervision, resulting in an average of the penalties applied to traffickers, individuals over 5.60 years in prison.



In 2023, a total of 136 definitively convicted persons were identified, of which 113 defendants sentenced to prison with execution, 19 defendants sentenced to prison sentence with suspension under supervision of the execution of the sentence and a number of 4 juvenile defendants who were ordered to be admitted to a detention center.



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

In 2019-2021, a number of 215 cases were completed.

In 2022, a number of 54 decisions ordering convictions remained final.

In 2023, a number of 69 conviction decisions remained final. Also, we would like to draw attention towards the answer provided at the previous paragraph (number of convicted persons), related to the requested criteria.