

**MINISTRY OF FOREIGN AFFAIRS
COUNCIL OF EUROPE AND HUMAN RIGHTS DEPARTMENT**

FIGHTING AGAINST TRAFFICKING IN HUMAN BEINGS IN ROMANIA

Joint actions of the governmental agencies and international cooperation

General considerations

- Like other Central and Eastern European countries, Romania is currently facing the challenge raised by the trafficking in human beings.
- Romania shares the international community concern over illegal migration and trafficking in human beings taking place throughout Europe. The Romanian authorities consider that involvement in fighting against trafficking in human beings represents not only a national responsibility, but also a regional one.
- In tackling this issue a number of external and internal factors are to be taken into consideration:
 - In former Yugoslavia, latent internal conflicts, resulting in violent confrontation during the 90ties, produced an ongoing and extensive deregulation in the field of public order that favored the development of numerous flourishing prostitution networks;
 - In the space of the former Soviet Union, easy access across the borders between the ex-soviet states, neighboring Romania, facilitated the activity of other numerous trafficking networks operating in the territories of these states.;
 - Within Romania, the presence of a significant number of foreign nationals from migrant-producing countries led prospective migrants into believing that Romania is a propitious area to target and a freeway to the Western part of the European continent. They are taking advantage of the fact that certain Romanian nationals, particularly some inhabiting border areas, who are confronted with low living standards and poor perspective to ameliorate their economic and social condition, are always ready to perpetrate illegal acts, such as dispersing emigrants who may or may not have fallen victim to trafficking.

Assessment

Victims

- Romania is both a country of origin and transit for internationally trafficked women and girls. National statistics referring only to identified victims indicate that 20% of the victims are aged between 13 and 15 years; 33% age 18-20; 23% age 21 –23; 12%

age 24–26. Women aged between 18 and 26 and girls aged between 13 and 15, irrespective of their ethnicity, are more at risk to be trafficked. The overwhelming majority of the victims are coming from Romania, Ukraine, Republic of Moldavia, Russian Federation. They are trafficked to Bosnia-Herzegovina (29%), FYROM (26%), Albania (17%), Kosovo – FRY (14%), Italy (6%), Cambodia (2%), Others (6%). Trafficker's main target is female population aged 13 to 26.

- It is estimated that about 30% of the trafficked persons in Bucharest are less than 18 years. 23% of IOM assisted trafficked persons were teenage girls less than 18 years.

Traffickers

- Individuals or small groups of individuals, jobless males (sometimes working with women, former prostitutes, as intermediary). Most of them have been previously involved in other criminal activities such as stealing, smuggling, pimping, illegal border crossing etc. In the majority of the cases, victims are offered, via public advertising, lucrative jobs abroad (dancing, domestic service, and serving in restaurant), in Western countries, or friends of friends directly approach them with the same type of offer. Employment, travel, tourism agencies or marriage brokers have been detected as fronting for traffickers or crime groups to traffic individuals.

Authorities's response

Adoption of legislative measures

- Domestic legislation;
 - Law no. 678 on preventing and combating trafficking in human beings¹;
 - National Action Plan against trafficking in human beings, enforced by the Government Decision no. 1216/2002²;
 - Law no.27/2001 for ratification of the Penal Convention regarding corruption;

¹ Under the provisions of the Law 678/2001 various forms of trafficking in human beings are incriminated, as well as the exploitation of persons, by providing heavy sanctions, much increased in the case when the trafficked persons were minors or when the trafficking offences had as a result the victim's suicide or death; the deeds of the organizers, guides and carriers were incriminated, as well as the situations when the offences were committed by persons organized in groups especially formed for this purpose; special provisions were included regarding the physical and psychological protection, recovery and social integration of the trafficked persons; procedural issues were regulated, including those regarding the use of modern investigation techniques, necessary for discovering offences related to trafficking in human beings.

² Under the provisions of the National Plan different actions are to be carried out, aiming at: informing the population and raising awareness about the forms and the danger of trafficking in human beings (by organizing lectures in less favored areas, in schools and community level); improving the social and economical situation of persons with high risk of being trafficked (periodical job fairs, a market of job offers and requests); drafting a strategy of communication with a view to preventing trafficking in human beings; returning, assisting and socially reintegrating victims of trafficking; protecting the victims; enforcing the related legislation; international co-operation at regional level, with the European Union, the Candidate Countries, as well as with all the other countries involved in a way or another in countering the phenomenon.

- Law no.61/2001, for the approval of Government Emergency Ordinance no.89/2001 for modifying and completion of Several Penal Code disposals concerning sexual life offences;
 - Law no.81/2002 for the approval of Government Emergency Ordinance no.104/2001 for organisation and functioning of the Romanian border Control;
 - Law no.243/2002 for the approval of Government Emergency Ordinance no.105/2001 regarding State Border of Romania;
 - Law no.252/2002 for the approval of Government Emergency Ordinance no.112/2001 regarding the sanctioning of acts committed abroad Romania by the Romanian citizens or stateless persons having the residence in Romania;
 - Law no.230/2002 for the approval of government Ordinance no.12/2002 for the ratification of the Agreement established between the Romanian Government and Government of the Republic of Hungary regarding own citizens and other persons readmission, signed on December,10, 2001 in Bucharest;
 - Law no.218/2002 on the organisation and functioning of the Romanian Police;
 - Law on the status and regime of the policeman was promulgated and is pending to be published in the O.J.
 - Emergency Ordinance no.43/2002 regarding National Anti-corruption Prosecutor's Office.
- Ratification of the main international legal instruments;
 - UN Convention on organized transnational criminal activities;
 - Additional Protocol to the Convention on the prevention and punishment of human trafficking, especially women and children;
 - Optional Protocol to the Convention on children rights, regarding children trading and infantile prostitution and pornography.

Border control

General Inspection for Border Police (GIBP) is responsible for border monitoring, including immigration and emigration patterns for evidence of trafficking.

GIBP has been established in 1993 as a specialized unit activating under the direct supervision of the minister of interior. New specific competencies have been given to the structure, under the provision of the Governmental Ordinance no. 105 / 2001 regarding the regime of the state border of Romania. The Law establishes the legal regime of the state border, introduces new and strict regulations for the border crossing, access, circulation and performing activities in the border zone and at the border checkpoints. The Law establishes also the National System for Information concerning the access Circulation of Persons and Goods through the Border.

The human resources management system within the Border Police is being restructured in accordance to European models. Funds totaling approximately 22 million Euro have been allocated by the Government for the procurement of border policing equipment and the creation of a computerized system of the Border Police.

Monitoring of the border has improved in the last year (see figures below, for the period 01.01. – 31.05.2002):

Operative Situation on the Borders and Illegal migration

Along this period, a number of 2.155.505 persons presented themselves at the border checkpoints in order to exit the country. Among those who intended to exit the country, 557.247 persons declared that they intended to travel in the Schengen area. Because not all of them did not fulfill the whole pack of legal conditions, the exit from the country has been forbidden to 137.996 persons.

The traffic on the borders was as it follows:

- at the border with **Hungary**: 117 009 Romanian citizens presented themselves to exit;
- at the border with **Serbia**: 13.997 Romanian citizens presented themselves to exit;
- at the border with **Bulgaria**: 326413.997 Romanian citizens presented themselves to exit;
- at the border **air check points**: 1593 Romanian citizens presented themselves to exit

The number of the Romanian citizens returned on the basis of readmission agreements was 4221 persons, comparatively with 7872 persons returned in the similar period of last year.

At the green border, in the same period, 212 Romanian and 28 guides that tried to pass illegally the state border through other places than those for specific control were traced. Compared to the same period of 2001, when 8824 Romanians and 63 guides were retained, we can notice a significant decrease of illegal attempts to cross the green border.

The main reasons for the decrease of the illegal crossings at the green border are:

- For the Romanian citizens-the lifting of the visa regime for the Romanian citizens I the Schengen area
- For foreigners-the improvement of the security measures at the Romanian Northern and Eastern borders and the firm measures of control undertaken by the Border Police.

When facts leading to an assessment of a trafficking case are disclosed, information is instantly transferred to the respective Zonal Center of Anti-Trafficking Unit. Case is investigated together by both agencies.

International co-operation

- Active participation in the SECI Regional Anti-Crime Center, which processed almost **750 cases of information requests in 2001** and dismantled, through Romanian-Bulgarian-Greek cooperation, a **regional network having trafficked around 1000 people**. Within Bucharest-based SECI Center for Combating Transborder Crime it has been established an international Task-Force (TF) dealing with trafficking in human beings, composed of specialized officers from SECI member states Albania, Bosnia-Herzegovina, Greece, Republic of Moldavia, Slovenia, Hungary, Bulgaria, Croatia, FYROM, Turkey and Romania (Germany,

Italy, Ukraine, France and Austria are observers). TF is coordinated by Romania and divided into three working groups: one for the Southern border (with Bulgaria, Turkey and Greece as partners), one for the Eastern border (with Moldavia and Ukraine as partners) and one for the Western border (with Hungary, the Federal Republic of Yugoslavia and FYROM as partners).

- Romanian specialized structures co-operate also on a permanent basis with liaison officers seconded to Bucharest (from Germany, France, Great Britain, Belgium, Italy, Spain, Austria, Japan, USA and Ukraine). Relevant reports, statistics and information on the trafficking in human beings are circulated between agencies at national and international level mainly using the channel of communication offered by SECI Center for Combating Transborder Crimes.). With this aim, it has been recently established a Focal Point in order to facilitate the exchange of information. In the same time, an Action Plan for strengthening the co-operation with Republic of Austria in the field of combating illegal immigration and trafficking in human beings was adopted and a mixed working group with Great Britain has already started to work. The institution of home affairs attaché and liaison officer has been put into place. There is already a home affairs attaché in Brussels and liaison officers have been seconded to Germany, Austria and the Czech Republic.
- The hosting on 21 May 2001 in Bucharest of the *Regional Conference on Fighting against Trafficking in Human Beings and Illegal Immigration*, organized by the OSCE Romanian Chairmanship-in-Office at that time, in collaboration with the South-Eastern Cooperation Initiative Center, has offered an important opportunity to approach these issues, at a regional level, in a more systematic way.
- With the support of the Council of Europe, the Ministry of Foreign Affairs of Romania organized in Bucharest (24-26 October 2001) a regional seminar on bilateral cooperation between Romania and Republic of Moldova for prevention and combating the human trafficking, specially dedicated for the representatives of the law enforcement agencies and the NGO's involved in these specific activities.

Romanian-American Co-operation in Combating Trafficking

- \$300,000 assistance provided by the US for public awareness campaign and prevention of trafficking in persons.
- Assistance for setting up an NGOs network in Romania – **FamNet** – meant to ensure coordination among NGOs and protection for victims;
- A two-year program “**National Action for the Prevention and Elimination of the Child Labor in Romania**” (starting with March 1, 2000) has been run with financial support from the US Government (technical and financial assistance to prevent and eliminate child labor both in urban and rural areas, conduct quantitative and qualitative research to assess the extent and nature of child labor; raise public awareness on the child labor issue, strengthen governmental and NGOs institutional capabilities to fight child labor).

- Excellent law enforcement cooperation with the FBI Office in Bucharest in conducting investigations of human trafficking cases.
- Assistance provided by US (FBI) to the Anti-Organized Crime Brigade will increase the efficiency of the Romanian Police actions against trafficking (3 Toyota cars, 10 computers worth of approx. US \$15,000).
- A seminar on “ **Combating trafficking in Women** “ was held November 5-8, 2001 in Bucharest, attended by 45 students (prosecutors, police officers from the Special Task Force, representatives of the Justice Ministry and of the Non Governmental Organizations) and focused on analysis of legal framework, inter-agency approach to fighting human trafficking and government cooperation with NGOs.
- A follow-up on – site assistance program for anti-trafficking task forces in 4 cities in Romania (Bucharest, Iasi, Drobeta Turnu Severin, Alba Iulia) is conducted between April 14 – 26, 2002 by two Assistant US attorneys under coordination of the US Resident Legal Advisor in the US Embassy in Bucharest, with the aim to ensure better police-prosecutors coordination at local level.
- With support of the FBI Office in Bucharest, a **seminar for police officers, prosecutors and border police** took place in Romania in January 2002 to review 2001 results in the fight against trafficking, exchange experience, and further learn techniques and best practices in combating this phenomenon.
- **A Center for Training and Empowerment of Women** will be set up in Bucharest through collaboration of the US Department of Labor and IREX, as part of a regional initiative in Eastern and Southeastern Europe. The Center will provide marketable job skills, training to vulnerable women and girls, job placement services; raising awareness activities among women and girls; identify legal aide and psychological support services and provide referral services to victims; small grants to promote entrepreneurship.
- **A roundtable on the Romanian Government efforts to counter trafficking in persons** was held in Washington on April 3, 2002 with participation of the Romanian Foreign Affairs Minister, Mr. Mircea Geoana, and of US officials with the State Department, Labor Department, USAID and US Helsinki Commission.

International Organisations

- **International Organisation for Migration (IOM)** is the most active of all international agencies. It has taken an active part in all the anti-trafficking initiatives, organised by the Government, started prevention campaigns and assistance activities and initiated co-operation with the NGOs which were already actively involved in assistance work. Acting on the basis of the Memorandum of Understanding, between IOM and the Romanian Ministry of Interior, signed in march 2001, a shelter for trafficked persons was opened in Bucharest on 1 November 2001. The shelter, managed by an NGO, the *Estuar Foundation*, provides assistance services on a 24 h basis.

- In 2001, IOM also supported the organisation of a network of 24 local NGOs that will co-operate in the field of victims assistance and reintegration, named "Interagency Cooperation in Fighting and Prevention of Trafficking in Women"
 - IOM also organises training for NGOs, on the social and psychological assistance services, provided to trafficked victims; the result of these workshops will be a guide containing the principles of the assistance provided to trafficked persons, the minimum standards of reintegration services provided by NGOs and other agencies and a collection of case studies. The guide will serve as a written reference in terms of know-how and best practices in the field of assistance for trafficked persons.
- **UN AIDS** is supporting programs on HIV/AIDS prevention and since 1999 UNDP/UNAID has supported a health project for commercial sex workers, in Bucharest, implemented by a local NGO, ARAS.
 - **UNICEF** provides support for programs for children in institutions and for those leaving these institutions. It also supports local NGOs to do outreach work on HIV/AIDS prevention with sex workers.
 - **USAID** is the main donor for the anti-trafficking work and supports initiatives by IOM, UNDP and local NGOs in the area of trafficking prevention and victim assistance.

OSCE organized various round tables on trafficking and initiated a dialogue among the government, international organisations and NGOs. It also supported local NGOs to work on the elaboration of the Romanian National Plan of Action.

NGOs

- Until recently, the only institutions directly involved in assisting and reintegrating trafficked women and children were the NGOs. The first NGO to start work with trafficked persons, in 1998, was *Reaching Out* from Pitesti. Reaching Out has an on-going training program for 10 social workers working in their shelter for trafficked women and children, and has achieved an 84 percent rate of reintegration. They have also prepared "Standards to work with the victims of trafficking".
- Before 2001, the Romanian NGOs operated as a network of organisations and shelters, which could provide trafficked persons with basic assistance and support. The shelters, which operate in three towns outside of Bucharest (Timisoara, Pitesti, Constanta), are small and designed in the first place for victims of domestic violence. They are used for trafficked women and children as an emergency solution (with the exception of the Reaching Out shelter). Prior to 2001, neither NGO staff nor shelter personnel, with a few exceptions, had been trained to assist trafficked persons. They have developed skills and expertise in the course of their work and at present are able to continue their activities and share their experience with others,

but are not in a position to provide long-term support and run reintegration programs without additional training and support, including financial support. These women's organisations and shelters for victims of violence were supported mainly by the Soros Foundation and have not benefited from the funding designated for anti-trafficking activities in the region.

- Since 2001, IOM has started to build a new network of NGOs. The "old" NGOs working on trafficking have also started to organise themselves, but separately from the IOM network. The FAMNET coalition of 13 local NGOs is a network working in the field of victim assistance and reintegration. Their activities include prevention campaigns, a hotline and website for organisations within the network, shelters for trafficked women and children (in Timisoara, Pitesti, Constanta) and reintegration programs, including training, schooling and job training. Reaching Out has started training social workers from FAMNET, according to their "Standards" document.
- The local NGO *Centre for Legal Resources* is co-ordinating efforts to create new anti-trafficking legislation and operates as the secretariat for the inter-agency working group that worked on the new Bill on Prevention and Combating Trafficking in Human Beings. The Centre managed to secure the cooperation of governmental and international organisations and cooperates closely with all of them. Other activities of the Centre include:
 - Organisation of the Regional Forum to discuss the phenomenon of trafficking between Romania and FRY Serbia;
 - Establishing an inter-ministerial expert group (2 representatives from the Ministry of Justice, and one from each of the ministries of the Interior, Labor and the Centre for Legal Resources) to work on the draft legislation);
 - Preparing a draft Bill on Prevention and Combating Trafficking in Human Beings

Prevention

- Ministry of Education and Research of Romania and International Organization for Migration's Office in Bucharest concluded a Protocol of cooperation which is meant to provide for educational programs in favor of vulnerable categories to trafficking. At the same time a number of seminars took place, covering all the regions of the country, and numerous professors received training. Subsequently, around 20 information events on trafficking took place in schools, using videotape and Anti-trafficking manual.
- Romanian Ministry of the Interior, in cooperation with IOM's Office in Bucharest and USAID, launched the public awareness campaign on human trafficking, involving all the concerned Romanian institutions with abilities in informational activities. This campaign included:
 - advertisement on national coverage TV stations;
 - distribution of informative materials (posters, leaflets, brochures);

- organizing seminars for policemen, teachers, social assistants;
- distribution of a video tape containing testimonies of female victims of human trafficking;
- informational activities of the population on the job offer abroad;
- public awareness campaign run in schools and colleges on the realities of the human trafficking and illegal migration.

Law enforcement

- During year 2001, police investigated 391 persons (158 for pimping, 217 for prostitution, 16 for other crimes) in cases related to trafficking. It has been established that persons investigated had perpetrated a number of 336 crimes, out of which 161 pimping (108 abroad), 126 prostitution (95 abroad) and 49 others. One prostitution network has been identified and dismantled in Italy.
- In 2001, 128 persons were convicted for pimping (1 fined, 127 sentenced to prison) and 148 persons were convicted for prostitution (7 fined, 141 sentenced to prison). These sentences are currently served.
- At operational level, action is focused on “undercover” trafficking perpetrated by some businesses, travel agencies and art/modeling management companies. 368 international carrier agents were controlled, and 115 offences were discovered. Also, by monitoring of the announcements in the newspapers, regarding offers as baby sitter, modeling activities, artistic impresario, 430 persons involved in trafficking were identified and several networks operating in Republic of Moldavia or Cyprus were dismantled.
- The Romanian MFA is working on a joint project with the government of the Republic of Moldova- the Criminal law Reform in Trafficking". It includes sharing information and experience in creating legislation for preventing trafficking and creating an institutional network to combat trafficking, international co-operation and training for law-enforcement officials.

Note: Taking into account the fact that one of the causes of the traffic in human beings is a rise in the request of prostitution services within the destination zones, either in Western Europe or in the Balkans, the local authorities must initiate more definite actions for reducing the "offer" and punish those who benefit from the presence of trafficked women. On the other hand, it is necessary to develop the exchange of information between the authorities of source, transit and destination states; only thus the authorities of the states which bring the crime to trial may produce evidence before the court. Accordingly, Romania proposed that all counties involved agree on a standard set of questions to be answered by the victims. The forms, after being filled in, will be made available for the authorities of the victim's source country. The data from the forms could be introduced into a database that will serve for enhancing the efficiency

of the undergoing activities of the police, for elaborating strategic analyses and for foreseeing the evolutions of the phenomenon. Romania has already transmitted its proposal for the set of questions, via the SECI Center in Bucharest.

Assistance and protection of victims abroad and after repatriation

- Between January 2000 and July 2001 484 trafficked women and girls were returned in Romania, assisted by IOM and by local NGOs. The majority of these women (48%) were from the region of Moldova and 23% were children under 18 years.
- Embassies and consulates in countries known as destination for trafficking victims received appropriate instructions (methodology) about how to implement the provisions of the Law 678/2001, referring especially to:
 - displaying informative materials on rights of trafficked persons;
 - informing Romanian nationals, through appropriate means, on the domestic legislation of the host state and provide the necessary assistance and protection for victims of trafficking;
 - repatriation of victims of trafficking;
- Embassy and consulates are currently working closely with NGO's and other international organizations involved in combating trafficking in order to assist Romanian nationals victims of trafficking³
- The return procedure involves IOM and local police. Women and girls are met at the airport in Bucharest by IOM staff and transported to the shelter. Usually, the next day they have a meeting with an IOM social worker who interviews each one, in order to find out details of their economical, educational and family situation and to present the possibilities for assistance. If the trafficked person agrees, the Romanian police will interrogate her in the presence of an IOM representative. There are no special IM procedures or services offered for children, but minors are referred to the Romanian branch of Save the Children or Service Social International (the Italian branch). Assistance provided by IOM includes transporting persons from the airport to a shelter, providing them with a small allowance of US \$ 150 in total, addresses of NGOs and information about the possibility of having a medical check-up and some help from NGOs in cases of emergency.
- Under the provisions of the Law 678/2001, assistance and protection is granted also to returned victims and include:
 - special physical, psychological and social protection (including for minors and women)⁴;

³ Embassy of Romania in Sarajevo assisted for repatriation 60 victims in 2000 and 58 in 2001, working closely with IOM in Sarajevo and with International Police Task Force in Bosnia-Herzegovina. Embassy of Romania in Skopje assisted for repatriation 86 victims in 2001 and 22 since the beginning of the year 2002. In this respect, the embassy is working closely with IOM's Office in Skopje and IOM agencies in Kosovo (FRY).

⁴ The establishing of a hotline for victims of trafficking is underway, sources of financing are yet to be identified.

- protection of private life and identity, under the terms of the Law 677/2001 on the protection of persons concerning automatic processing and free circulation of personal data);
- physical, psychological and social recovery programs;
- physic protection to victims of trafficking, during the trial;
- Facilitated the return of trafficked foreign citizens to their countries of origin without any unjustified delay and safe transportation to the border Trafficked foreign citizens may be accommodated in specially organized centers; the applicants of a special form of protection in Romania may be accommodated in other specially organized centers. according to Law no. 323/2001, waiting for the refugee status according to Governmental Ordinance no 102/2000.
- protection of victim's rights, which means that person subject to trafficking, which has committed the crime of prostitution will not be hold responsible for this if she/he has informed the authorities about it before trafficking have been perpetrated or if the person has facilitated the arrest of the perpetrators once they have been captured and prosecuted. Persons subject to trafficking have also the right to receive ex office judicial assistance, in order to follow his/her rights during criminal procedures stipulated by Law, in all the phases of prosecution, as well as the right to seek reparation from the persons that trafficked them and have brought damaged to them. Victims, irrespective of their nationality, are informed in a language they understand, about the administrative and legal procedures that are being applied to them and they have free access to the national health system in the same conditions as any Romanian citizen.
- Victims of trafficking may be accommodated, at their demand and on a temporary basis, in centers of assisting and protecting victims of trafficking. The law provides for the creation of 9 centers, under the jurisdiction of local council of 9 counties, but the actual setting up of the centers is delayed because of budgetary constraints. However, in co-operation with local NGO's 2 shelters have already been opened and are currently functioning in Bucharest and Pitesti (dep. of Arges); other NGO's dealing with victims of trafficking are providing similar assistance in rented houses and apartments⁵.
- Ministry of Labor and Social Affairs elaborates and apply specific measures for the integration in the working field of persons with high risk of being trafficked or having been trafficked. The National Agency for Employment (NAE) runs information programs on the labor market, employees' rights, as well as training programs. Specific measures will be taken for stimulating economic agents to employ persons with high risk of being trafficked, as well as victims of trafficking, who have followed professional training. These measures are under implementation.

⁵ Within the framework of the project **“Assistance for victims of trafficking and prevention of trafficking in Romania”, financially supported by USA**, it has been concluded an Agreement between the Ministry of Interior and IOM's Office in Bucharest concerning the establishment of a center of reception and temporary hosting, granting medical assistance and counseling for women repatriated victims of the trafficking.

- There are only a few NGOs in the country (*Reaching Out* in Pitesti, SCOP in Timisoara, *Pro Familia* in Bistrita and *Artemis* in Cluj) with the capacity to offer more long-term support in reintegration.