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2019 Trafficking in Persons Report: Romania

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ROMANIA: Tier 2 Watch List

The Government of Romania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts include indicting more suspected traffickers and adopting a five-year national strategy and national action plan. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Courts convicted significantly fewer traffickers and officials identified considerably fewer victims, continuing a multi-year decline in such efforts. Endemic corruption and alleged complicity in trafficking crimes persisted without punishment, particularly with officials exploiting minors while in the care of government-managed placement centers. Judges continued to lack specialized training on working with trafficking cases and victims, which had detrimental effects on witness protection, restitution for victims, and sentencing for perpetrators. Moreover, lack of sufficient government funding for assistance and protection services remained problematic, leaving most victims without services, susceptible to re-traumatization, and vulnerable to re-trafficking. Therefore Romania was downgraded to Tier 2 Watch List.

PRIORITIZED RECOMMENDATIONS

Vigorously investigate and prosecute trafficking cases under the trafficking statute and punish convicted traffickers with prison sentences. • Significantly increase efforts to investigate, prosecute, and convict complicit officials, and issue stringent sentences that are proportionate with the severity of the crime. • Proactively identify potential victims, especially among vulnerable populations, such as migrants and asylum-seekers, children in government placement centers, and individuals in prostitution, through enhanced training for police officers and labor inspectors on recognizing indicators of exploitation. • Expand efforts to train officials involved in judicial proceedings, particularly judges, on working with trafficking cases and victims, sensitivity to trafficking issues, and understanding all forms of trafficking. • Increase the number of police officers investigating trafficking crimes and financial investigators specializing in trafficking cases. • Provide financial support to NGOs for victim services and develop and institute a formal mechanism for administering the funds. • Significantly increase anti-trafficking training for law enforcement officials on working with victims, evidence collection, and understanding psychological coercion. • Amend legislation to allow authorities to sanction recruiting agencies for crimes contributing to trafficking. • Increase the quality of psychological counseling and improve access to medical assistance for victims. • Exempt all trafficking victims who testify in trials from the online disclosure of their names to protect participating witnesses from retaliation and stigma and to incentivize greater victim participation in prosecutions. • Provide knowledgeable legal counsel and courtroom protections for victims assisting prosecutions. • Revise the restitution mechanism to include minimizing court fees and increasing efforts to ensure victims receive compensation. • Allocate adequate financial resources for the implementation of the 2018-2022 national strategy and national action plan.

PROSECUTION

The government decreased law enforcement efforts. Articles 210 and 211 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 10 years' imprisonment, which were sufficiently stringent and, with

respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Authorities opened 695 new trafficking cases in 2018, compared with 675 in 2017 and 864 in 2016. Prosecutors indicted 399 suspected traffickers (362 in 2017, 358 in 2016). Courts convicted 130 traffickers in 2018, continuing a multi-year decline from 222 in 2017 and 472 in 2016. Thirty-seven convicted traffickers (29 percent) received suspended sentences; the remaining traffickers received sentences of imprisonment that ranged from one to more than 10 years. Law enforcement often charged suspected traffickers for crimes other than trafficking, such as pandering and pimping. A split reporting structure hindered police efficiency and coordination with investigations and prosecutions. Likewise, limited dedicated financial investigators impeded financial investigations and asset seizures, inhibiting evidence collection in trafficking cases to corroborate witness testimony. Authorities participated in 36 joint investigative teams with European counterparts but did not extradite any suspected traffickers, compared with 44 in 2017.

Failure to prioritize trafficking, widespread corruption, and sweeping legal and judicial reforms hampered effective law enforcement. Observers reported endemic corruption and alleged complicity in trafficking crimes by government officials, particularly with officials exploiting minors while in the care of government-managed placement centers and acting as accomplices to traffickers. The manager of a government placement center in a southern Romanian town allegedly engaged in sex trafficking of the children in his/her care. Nonetheless, the government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. Furthermore, recently adopted changes to the criminal code could diminish the capacity of police to gather evidence in various types of criminal investigations, including trafficking cases. New legal provisions on the early retirement of police officers required 30 percent of the workforce to retire, resulting in overextended officers handling multiple cases simultaneously and struggling to build strong cases for prosecutors. Additionally, a new law reducing prison sentences for prisoners held in inappropriate conditions resulted in the early release of more than 500 convicted traffickers from prison during the reporting period.

Knowledge gaps limited prosecution efforts. NGOs reported many police officers and judges lacked specialized training and sensitivity toward sex trafficking cases and trafficking issues, including a basic understanding of trafficking. Judges typically did not differentiate between prostitution and sex trafficking as distinct crimes, which had detrimental effects on sentencing for perpetrators and compensation for victims. Additionally, observers frequently criticized police, particularly in rural areas and small towns, for being unaware of the exploitation potential in prostitution, leading to a failure to check for indicators of force, fraud, or coercion when encountering individuals in prostitution, including minors. While the government mostly used donor funding to train police and prosecutors, it organized a series of anti-trafficking training programs for 25 border police officers during the reporting period.

PROTECTION

The government decreased efforts to protect victims. Public officials and NGOs identified 497 victims in 2018, the lowest number of identified victims in more than a decade and a decline from 662 in 2017 and 757 in 2016; these statistics included victims from ongoing investigations and prosecutions initiated in previous years. Of these victims, 73 percent were female and 67 percent were victims of sex trafficking. As in past years, fewer than half of identified victims received assistance. In 2018, 48 percent (236) of identified victims received assistance provided by public institutions, public-private partnerships, and NGOs (46 percent in 2017, 41 percent in 2016). Authorities used the existing national victim identification and referral mechanism to identify and refer victims, and during the reporting year, with support from NGOs, the National Anti-Trafficking Agency (ANITP) drafted new procedures for implementation in 2019. Observers reported authorities did not proactively identify victims, particularly in key places such as placement centers, and identification typically occurred after a criminal investigation started. Observers also reported authorities fined persons in prostitution, even if they were minors, without looking for trafficking indicators. Authorities referred identified victims to ANITP if the victim was an adult and child protective services if the victim was a minor. Victims received protection and assistance services in government-run facilities and in NGO-run

trafficking shelters. The government maintained five government-run shelters and one shelter jointly run by the government and an NGO that were designated for trafficking victims; the shelters also housed domestic violence victims. Authorities placed child victims in general child facilities or in facilities for children with disabilities run by the child protection service, which, despite children representing 43 percent of identified victims, did not offer specialized services and frequently re-traumatized children. Perennial problems of abuse and neglect of institutionalized children and the lack of proactive identification in government facilities left children in placement centers vulnerable to trafficking. Romanian victims abroad, who accounted for 44 percent of identified victims, received free travel documents issued by Romanian embassies; however, the government did not pay for repatriation expenses, leaving NGOs and an international organization to cover the costs. In 2018, there were no foreign victims identified among refugees and asylum-seekers, but observers suspected dozens of cases. The law permitted foreign victims to request asylum and granted asylum-seekers the right to work after three months. The law also permitted foreign victims who cooperated with authorities to receive a renewable, six-month temporary residence permit.

Lack of government funding for NGO assistance and protection services continued to be problematic. While the government relied on NGOs to accommodate and assist victims, it did not allocate grants directly to NGOs due to legislation precluding direct funding. The law entitled all victims to psychological and medical care; however, the government did not provide for more than one mental health counseling session and did not finance medical care costs. NGOs paid for all psychological services costs for victims due to the government's refusal to reimburse psychologists who assisted victims and for emergency medical care costs because the government lacked financial assistance and medical care required payment upfront. Moreover, access to medical care required Romanian victims to return to their home districts to obtain identity documents. The process presented logistical and financial hurdles for many trafficking victims; NGOs also covered those costs.

In general, victims lacked adequate support during criminal cases. In 2018, 349 victims participating in criminal proceedings accessed services available to victims assisting law enforcement; these services included transporting victims to court and

returning them home. While the government provided legal aid to victims, the lawyers assigned often lacked experience working with trafficking victims. Additionally, the Ministry of Justice published the names of all trial witnesses, including minors, on its public website, putting victim-witnesses at risk of retaliation. The law entitled victims to compensation from their traffickers; however, victims generally could not afford the fees necessary to initiate civil trials or, in cases in which judges ordered restitution, to pay court officers to collect the money owed from traffickers. Additionally, NGOs reported victims rarely received restitution money because when ordered by courts to pay restitution, traffickers did not do so.

PREVENTION

The government maintained prevention efforts. The government adopted a 2018-2022 national strategy and national action plan, focusing on prevention, victim protection, and anti-trafficking policies. While the action plan identified potential sources of funding, it did not allocate financial resources to any of the activities or goals. ANITP executed a national campaign focused on forced labor funded by a three-year €160,000 (\$183,490) EU internal security grant. ANITP organized a number of additional campaigns raising awareness and continued to publish yearly reports and statistics on trafficking. The government made efforts to reduce the demand for commercial sex acts; however, it did not make efforts to reduce the demand for forced labor. Despite the criminal code prohibiting Romania-based recruitment companies from facilitating the exploitation of citizens abroad, the government did not have the power to punish recruitment agencies for crimes that contribute to trafficking, such as illegal recruitment fees. Police remained unresponsive to reports of labor trafficking, and labor inspectors lacked the competency for detecting trafficking and the legal authority for unannounced inspections to several categories of worksites. The UN reported an allegation of sexual exploitation and abuse against a Romanian peacekeeper deployed to the Democratic Republic of the Congo; the investigation was pending at the end of the reporting period. ANITP operated a hotline during regular business hours that primarily focused on informing Romanians about working abroad safely; the hotline received 13 calls regarding potential trafficking cases.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Romania, and traffickers exploit victims from Romania abroad. Romania remains a primary source country for sex trafficking and labor trafficking victims in Europe. Traffickers subject Romanian men, women, and children to labor trafficking in agriculture, construction, hotels, manufacturing, and domestic service, as well as forced begging and theft in Romania and other European countries. Traffickers subject Romanian women and children to sex trafficking in Romania and other European countries. Experts report a rise in Romanian women recruited for sham marriages in Western Europe; after entering these marriages, traffickers force the women into prostitution or labor. Minors represent nearly 50 percent of identified trafficking victims in Romania. Traffickers subjected some children to trafficking while in the care of the state, particularly in small towns. Romani children, as young as 11 years old, are particularly vulnerable to forced begging and sex trafficking. Romania is a destination country for a limited number of foreign trafficking victims, including trafficking victims from Vietnam and the Philippines. Traffickers subject Romanians living in government run institutions for the mentally disabled to forced labor.

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