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## Trafficking in Persons Report 2017 - Country Narratives - Romania

ROMANIA: Tier 2

The Government of Romania does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Romania remained on Tier 2. The government demonstrated increasing efforts in law enforcement, including sentencing two complicit officials, as well as its work with NGOs to identify a large number of victims during the reporting period. The government began to develop mechanisms to provide financial support to NGOs but did not finalize this mechanism during the reporting period. The government did not meet the minimum standards in several key areas. 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. The government's victim assistance remained limited, leaving most victims unprotected, susceptible to re-traumatization or without services, and vulnerable to re-trafficking.

### RECOMMENDATIONS FOR ROMANIA

Increase services for victims, including by allocating public funding for NGOs to provide services; investigate, prosecute, and convict traffickers, including complicit officials, and seek and obtain sentences that are sufficiently stringent and commensurate with the severity of the crime; significantly increase training on working with victims for police, judges, state attorneys, and other relevant officials; increase efforts to identify potential victims proactively among vulnerable populations, such as undocumented migrants, foreign workers, Roma, and children involved in begging, including by training labor inspectors; improve victim access to medical assistance and increase quality of psychological counseling; exempt victims from prosecution for crimes committed as a direct result of being subjected to human trafficking; exempt all trafficking victims who testify in trials from the online disclosure of their names to incentivize greater victim participation in prosecutions and protect participating witnesses from retaliation and stigma; finalize and adopt the 2018-2022 national action plan; improve the victim application process for social insurance coverage, which requires victims to obtain identification documents from their home districts, presenting subsequent logistical and financial hurdles; and revise the restitution mechanism to include consistently informing victims of their rights to apply for compensation, minimizing victim fees, and increasing efforts to ensure victims receive compensation.

### PROSECUTION

The government increased efforts to prosecute and convict complicit officials, but otherwise maintained law enforcement efforts. Articles 210, 211, and 367 of the penal code prohibit all forms of trafficking and prescribe

penalties of three to 10 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities opened 864 new trafficking cases in 2016 (858 in 2015), and prosecutors indicted 358 suspected traffickers in 2016 (480 in 2015). Courts convicted 472 traffickers in 2016 (331 in 2015). Seventy-eight percent of convicted traffickers were sentenced to time in prison—as opposed to suspended jail sentences or educational measures—compared with 68 percent in 2015. Most prison terms in 2016 ranged from one to more than 23 years imprisonment. Courts levied approximately 200,000 lei (\$46,460) against traffickers in 2016, compared with none in 2015. Authorities continued to participate in joint investigative teams with several European counterparts. The government provided training to police officers on trafficking detection and referrals, but NGOs reported a large portion of the police as well as judges lacked specialized training and sensitivity toward sex trafficking cases and trafficking issues. Judges typically did not differentiate between prostitution and sex trafficking as distinct crimes, which had detrimental effects on compensation for victims and sentencing for perpetrators. Observers frequently criticized police 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. The government reported two cases of official complicity in 2016. In one case, a police officer was sentenced to two years imprisonment for repeated trafficking of minors and nine months for establishing a criminal enterprise. In the other case, a judge received eight months for using the services of an exploited person and 16 months imprisonment for blackmail.

## PROTECTION

The government maintained minimal efforts in victim protection, although identification efforts remained sufficient. Public officials and NGOs identified 757 victims in 2016, compared with 880 in 2015 and 757 in 2014; these statistics included victims from ongoing investigations and prosecutions initiated in previous years. Of these victims, 47 percent were children, 78 percent were female, and 68 percent were subject to sex trafficking. Police used the government's national victim identification and referral mechanism, although observers noted inconsistencies in its use across the country. The government relied on NGOs to assist victims, but did not provide any financial support due to a legal preclusion of direct funding for NGOs. In 2016, an effort to change the law to permit funding to NGOs stalled; however, the government continued to pursue the change at the end of the reporting period. Additionally, the government pursued a program to channel a Swiss-funded grant (approximately \$2 million) with the Romanian government co-financing 15 percent to NGOs for victim assistance efforts. Nearly 42 percent (314) of registered victims, including 47 repatriated victims, benefited from rehabilitative assistance provided by public institutions and NGOs. Officials referred victims to government-run domestic violence or homeless shelters when NGO-run trafficking shelters were full. Local governments financed and operated emergency assistance and transit centers that could assist repatriated victims. Child trafficking victims were placed in general child facilities or in facilities for children with disabilities run by the governmental child protection service, which generally did not offer specialized assistance and frequently re-traumatized children. The law entitled all victims to medical and psychological care, legal aid, and reintegration support; however, observers noted the law did not necessarily provide for more than one mental health counseling session. In addition, access to medical care was impeded by the process for obtaining identity documents, which required Romanian victims to return to their home districts, despite the logistical and financial hurdles this presented for many trafficking victims. For Romanian victims abroad, Romanian embassies issued free travel documents and the government, NGOs, or an international organization paid for transport costs; 47 victims benefited from these services in 2016.

The law permitted foreign victims who cooperate with authorities to receive a renewable, six-month temporary residence permit. The law also permitted foreign victims to request asylum and granted asylum-seekers the right to work after three months. In 2016, authorities identified one foreign victim from Italy, and an NGO identified one foreign victim from Armenia. An independent expert reported there were many unidentified foreign victims in Romania. Labor inspectors were neither trained in detecting trafficking indicators nor allowed to conduct unannounced worksite inspections. In 2016, 923 victims—identified during the reporting period and in prior years—participating in criminal prosecutions accessed services available to victims assisting law enforcement; these services included a police escort to the court or prosecutor's office, information on trial procedures, and facilitation of remote testimony. Some victims reportedly chose not to testify because the justice ministry published the names of all trial witnesses, including children, on its public website, putting victim-witnesses at risk of retaliation and societal or familial ostracization. Observers reported courtrooms were sometimes hostile environments in which traffickers and their supporters in the audience took photos of those pressing charges and verbalized death threats. The law permitted victims to provide testimony from a separate room, although this was rarely done in practice due to judges' general preference for live testimony, state-provided lawyers' lack of experience with traumatized victims, and a general bias against victims exploited in prostitution. The law entitled victims to restitution from their traffickers; however, victims generally could not afford the fees necessary to initiate civil trials or, in cases in which judges ordered restitution, 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, noting one NGO had not received any of the €40,000 (\$42,150) it won from cases finalized in 2016. Prosecutors typically dropped charges and fines against victims for crimes committed as a direct result of being subject to human trafficking, but they still charged with theft some victims forced to steal for traffickers.

## PREVENTION

The government maintained prevention efforts. The National Agency against Trafficking in Persons (ANITP) continued to publish monitoring reports, research reports, and statistics on the techniques traffickers used to manage victims, trafficking routes, profiles of traffickers, and the effectiveness of anti-trafficking measures. ANITP implemented three large-scale national prevention campaigns, a separate awareness campaign targeting the Romanian community in the United Kingdom, and several other educational prevention campaigns and projects, including a short film competition in which filmmakers could promote messages for combating trafficking. ANITP was in the process of developing a 2018-2022 national action plan at the close of the reporting period; however, a 2017 action plan was not developed. The government has never reported punishing a recruitment company for trafficking-related crimes, despite a 2006 amendment to the criminal code that prohibits Romania-based recruitment companies from facilitating the exploitation of citizens abroad. The government continued to operate a hotline during regular business hours that primarily focused on informing Romanians about working abroad safely. The government took steps to reduce demand for commercial sex acts and forced labor. The government provided anti-trafficking training for its diplomatic personnel and its troops prior to their deployment abroad as part of international peacekeeping missions.

## TRAFFICKING PROFILE

As reported over the past five years, Romania is a source, transit, and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Romania is a significant source of sex and labor trafficking victims throughout Europe. Romanian men, women, and children are subjected to labor trafficking in agriculture, construction, domestic service, hotels, and manufacturing, as well as forced begging and theft in Romania and other European countries. Romanian women and children are victims of sex trafficking in Romania and other European countries. Romani children are particularly vulnerable to forced begging and sex trafficking. Romania is a destination country for a limited number of foreign trafficking victims, including sex trafficking victims from Italy and Armenia. Romanians living in privately run institutions for the mentally disabled were vulnerable to forced labor. Government officials have been convicted of human trafficking crimes, and there have been reports of local officials obstructing trafficking investigations.

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