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2021 Trafficking in Persons Report: Romania

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 included investigating more trafficking cases; convicting more traffickers; and establishing a dedicated unit for prosecuting trafficking crimes composed of seven prosecutors. Additionally, the government issued regulations for minimum standards for licensed service providers assisting child trafficking victims and signed cooperative agreements with the Bucharest municipal government and the Romanian Orthodox Church, laying the foundation for a joint project establishing a future shelter for repatriated victims. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Alleged complicity in trafficking crimes persisted, particularly with officials exploiting children while in the care of government-run homes or placement centers. Authorities identified fewer trafficking victims and did not adequately screen for trafficking indicators or identify victims among vulnerable populations, such as asylum-seekers, individuals in commercial sex, or children in government-run institutions. Moreover, the government did not provide sufficient funding for assistance and protection services, leaving most victims without services, susceptible to re-traumatization, and at risk of re-trafficking. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Romania was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Romania remained on Tier 2 Watch List for the third consecutive year.

PRIORITIZED RECOMMENDATIONS:

Proactively identify potential victims, especially among vulnerable populations, such as asylum-seekers, individuals in commercial sex, and children in government-run institutions, through enhanced training for police officers and labor inspectors on recognizing indicators of exploitation. • Vigorously investigate and prosecute trafficking cases under the trafficking statute and punish convicted traffickers, including complicit officials, with significant prison sentences. • Significantly increase the quality and availability of specialized victim services for adults and children, including by training local child protection officers who work with victims and ensuring they have the necessary resources, such as funding. • Amend legislation to allow for financial support to NGOs for victim services and develop and institute a formal mechanism for administering the funds. • 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. • Increase efforts to enforce child labor laws, especially in rural areas and where social welfare services lacked personnel and capacity to address violations. • Develop an integrated system of public records and government databases for prosecutors to identify and seize traffickers' assets. • Significantly increase anti-trafficking training for law enforcement officials on working with victims, evidence collection, and understanding psychological coercion and integrate that understanding of psychological coercion and the related trauma and impacts on victims into government-wide responses. • Permit authorities to sanction recruiting agencies for practices contributing to trafficking, such as charging workers with recruitment fees. • Increase the quality of psychological counseling and improve access to medical assistance for victims. • 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 reparation.

PROSECUTION

The government increased 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 for offenses involving an adult victim and five to 10 years' imprisonment for those involving a child. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. On November 2, 2020, the government passed amendments to the penal code that increased the penalties prescribed for trafficking offenses involving child victims, which were previously the same as those involving adult victims. However, the amendment also inadvertently shortened the statute of limitations for all trafficking crimes involving children committed prior to the adoption of the amendment. In an effort to correct the error, Parliament

adopted a new law on November 29, 2020, which returned the statute of limitations to its original form for any cases arising after that date. However, all cases occurring prior to November 29, 2020, would remain subject to the shortened statute of limitations, thereby negatively affecting the government’s ability to prosecute these crimes.

The Organized Crime and Terrorism Investigation Directorate (DIICOT) and the Department for Combating Organized Crime (DCCO) were responsible for investigating and prosecuting trafficking cases. DIICOT and DCCO reported pandemic-related restrictions and infections among police and prosecutors constrained their ability to open new investigations and process ongoing cases. In 2020, authorities opened 552 new trafficking cases (498 sex trafficking and 54 labor trafficking), compared with 532 in 2019 and 695 in 2018. In contrast to previous years, the government reported the number of prosecutions exclusively related to trafficking rather than a combined number of trafficking cases and cases related to other crimes, such as pandering. This methodological change in reporting made it difficult to compare prosecution statistics from previous years. Prosecutors indicted 234 alleged traffickers (220 sex trafficking and 14 labor trafficking), a decrease from 347 in 2019 and 399 in 2018, and froze approximately 7.96 million Romanian lei (RON) (\$2.01 million) in assets in 2020. Courts convicted 142 traffickers, an increase from 120 in 2019 and 130 in 2018. The majority of convicted traffickers received sentences ranging from one to 12 years’ imprisonment; 29 convicted traffickers received suspended sentences. The use of plea bargains by prosecutors allowed for traffickers to receive reduced sentences, as well as guilty pleas, which reduced traffickers’ sentences by one-third and led to many lenient or suspended sentences. During the reporting period, pandemic-related travel restrictions caused several joint operations to be postponed. Nevertheless, DIICOT and DCCO participated in 35 joint investigative teams with European counterparts (80 in 2019, 36 in 2018). In one case, authorities from Romania, Austria, and the United Kingdom (UK) cooperated on a sex trafficking investigation that resulted in the arrest of 22 traffickers and confiscation of 18,700 RON (\$4,720), €4,300 (\$5,280), numerous luxury items, and several weapons and ammunition. In a separate case, a joint Franco-Romanian team of judges and police cooperated to investigate a sex trafficking network involving seven women forced into commercial sex; authorities arrested 10 traffickers, many of whom were members of the same family. In another case, a joint operation between Romanian and Spanish police led to the arrest of eight traffickers and identification of 10 labor trafficking victims; the case involved family members of a Romanian organized crime group who exploited victims in the agricultural sector in Spain. Unrelated, Romanian, Moldovan, and French authorities pursued a labor trafficking case resulting in the arrest of 38 traffickers (three in Romania); seizure of 19 vehicles, weapons, phones, and approximately €100,000 (\$122,700); and freezing 11 bank accounts. The investigation began in 2018 when French authorities intercepted a van transporting Moldovan migrants carrying counterfeit Romanian documents. The transnational trafficking organization, set up by a Romanian national living in France, smuggled at least 40 Moldovan citizens to France to exploit them in the construction sector. The illegal profits from the trafficking scheme totaled nearly €14 million (\$17.18 million).

Persistent, low-level official complicity in trafficking crimes remained a significant concern, undermining law enforcement action during the year. In some cases involving complicit officials, DIICOT investigated without the support of other police forces out of concern that those police were either involved in the case or would not investigate the allegations. In 2020, DIICOT investigated a member of the gendarmerie for sex trafficking and placed the individual under judicial supervision during the investigation. Additionally, DIICOT reported prosecutors indicted a police officer for trafficking and courts convicted an employee of a government-run residential center for child trafficking. Several NGOs expressed suspicion that staff working in government placement centers for children and residential centers for persons with disabilities facilitated trafficking. A 2020 report by a Special Parliamentary Committee to Investigate Missing Children and Human Trafficking identified complicity at the local level among children housed in institutions, inadequate disciplinary measures for child welfare officials who abused children in their care, lack of expertise among police to proactively identify trafficking victims, and a staffing crisis within the police. During the reporting period, the National Authority for the Rights of Persons with Disabilities, Children and Adoption (ANDPDCA) and the police signed an agreement to develop and implement a referral mechanism for trafficking cases among children housed in institutions. Additionally, to address the significant number of child sexual abuse cases, including potential sexual exploitation cases, in 2019 the police established a 15-officer unit dedicated to investigating such crimes as a three-year pilot project. As a result of the project’s successful conviction rate and the number of backlogged cases referred by other police units around the country, authorities extended the project’s term, which was initially scheduled to conclude in early 2021, and doubled the number of officers from 15 to 30 assigned to it.

Deficiencies within law enforcement and knowledge gaps impeded efforts to address trafficking. Authorities often charged suspected traffickers for crimes other than trafficking, such as pandering and pimping. DCCO and DIICOT continued to operate with limited staff and resources. As a result, overextended officers and prosecutors handled multiple cases simultaneously and struggled to build strong cases for prosecutions. To address this deficiency, in 2020, DIICOT established a dedicated unit for prosecuting trafficking crimes and assigned seven prosecutors to the unit that began operations in April 2021. Furthermore, authorities reported a lack of investigative tools and software that would allow them to perform faster and more effective online investigations. According to DIICOT, the lack of an integrated system of public records and government databases made it difficult for prosecutors to identify and seize traffickers’ assets. Likewise, NGOs noted that a limited number of dedicated financial investigators—eight covering the entire country—restricted financial investigations and asset seizures, inhibiting evidence collection in trafficking cases to corroborate witness testimony. In response, the government submitted a request to the Ministry of Interior to hire 42 financial investigators nationwide; the request remained pending at the end of the reporting period. NGOs reported that, while legal authorities developed some sensitivity to trafficking victims’ situations, some police officers and judges continued to lack specialized training and sensitivity toward sex trafficking cases and trafficking issues, including a basic understanding of the crime and victim trauma. The National Anti-

Trafficking Agency (ANITP), the government’s lead agency for coordinating anti-trafficking efforts, organized 90 trainings for police, social workers, labor inspectors, and front-line officials on investigating trafficking cases and victim identification and assistance. ANITP and county prefects organized 37 workshops for police, members of the gendarmerie, social workers, and local government officials on best practices for preventing and combating trafficking and protecting victims. DIICOT organized several courses on interviewing victims and defendants, and police academies held routine anti-trafficking training sessions as part of their regular curricula. ANITP and the General Inspectorate of the Border Police partnered to provide training on trafficking to border police officers.

PROTECTION

The government maintained insufficient protection efforts. Authorities used the existing national victim identification and referral mechanism to identify victims and refer them to care. While ANITP drafted a new referral mechanism in 2018 with the support of NGOs, the government did not implement it for the third straight year. In 2020, the government changed its reporting methodology under the National Mechanism for Identification and Referral of Victims to allow any entity, including diplomatic missions, NGOs, and other organizations, to identify victims. Authorities identified 596 victims (429 sex trafficking, 131 labor trafficking, and 36 victims of attempted or uncategorized trafficking), compared with 698 in 2019 and 497 in 2018. Of the 596 victims, 255 were children. Authorities identified one foreign victim (zero in 2019 and 2018), but observers estimated there were numerous cases, particularly among asylum-seekers. Experts reported authorities had not identified any victims among asylum-seekers in the past five years. An intergovernmental organization attributed the problem to a lack of experienced, qualified interpreters working with asylum-seekers. According to NGOs, authorities’ limited contact with victims, movement restrictions during lockdown, and law enforcement’s focus on enforcing the restriction negatively affected identification efforts. Additionally, the lack of specialized training on the psychological trauma of trafficking on victims hindered authorities’ ability to correctly identify potential victimization. Observers reported authorities did not proactively identify victims among individuals in commercial sex, and continued to fine persons in commercial sex, including children, without screening for trafficking indicators. However, observers reported authorities typically dropped charges or fines once investigators and prosecutors realized a suspect was a trafficking victim. Moreover, authorities did not identify victims in key locations of concern, such as government placement centers, and identification typically occurred only after a criminal investigation started. NGOs claimed the government did not include in its statistics victims identified by foreign governments and other stakeholders; consequently the actual number of victims likely was higher than the reported number.

After identified victims consented to the referral process, they received assistance. Assistance was not conditional upon a victim’s cooperation with law enforcement, but upon a person’s status as an identified trafficking victim. As in previous years, fewer than half of identified victims received assistance. In 2020, approximately 35 percent (210) of identified victims received assistance from public institutions, public-private partnerships, and NGOs, a decline from 49 percent in 2019 and 48 percent in 2018. The government provided emotional support, psychological counseling, legal assistance, and career counseling to domestic and foreign victims. The law permitted foreign victims “tolerated status” for up to six months and granted asylum-seekers the right to work after three months. Authorities referred identified adult victims to ANITP and child victims to Child Protection Services (CPS). Victims received protection and assistance services in government-run facilities and in NGO-run trafficking shelters. The government maintained a limited number of government-run shelters designated for vulnerable adults, including trafficking victims. Authorities placed child victims in general child facilities or in facilities for children with disabilities run by CPS. Despite children representing 43 percent of identified victims, CPS managed only two centers focused specifically on child trafficking victims. CPS in each county received funding from local governments to maintain teams of social assistants, psychologists, lawyers, and pediatricians, who were responsible for providing services to victims. However, these teams utilized the same methodology regardless of the type of abuse identified. NGOs reported local CPS did not have adequate expertise in trafficking and resources to provide quality care. ANPDCA also reported local CPS lacked the necessary knowledge that would allow them to justify funding requests for specialized services. In an effort to provide consistent quality care to child trafficking victims, in 2020 the Ministry of Labor issued a regulation requiring minimum standards of assistance for child victims. Under the new regulation, licensed service providers offering shelter and assistance to identified child victims must adhere to a set of specific requirements, including providing safe environments, specialized psychological counseling, and visitations with families. Notwithstanding, perennial problems of abuse and neglect of children housed in institutions, coupled with the lack of proactive identification and assistance in government facilities, left children in placement centers vulnerable to trafficking. The 2020 parliamentary report stated CPS employees who oversaw children housed in institutions did not proactively try to prevent trafficking, sometimes encouraged girls to become involved in sex trafficking, or knowingly tolerated the exploitation of child trafficking victims. NGOs noted in certain counties CPS officials acted as accomplices to traffickers.

Overall services for victims remained inadequate and left victims at risk of re-trafficking. Government funding for NGO assistance and protection services remained limited. 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. A 2018 bill that would provide NGOs with funding for victim services remained pending in Parliament. Despite Romanian law entitling all victims to psychological and medical care, the government did not provide more than one mental health counseling session and did not finance medical care costs. NGOs paid all psychological services costs for victims due to the government’s refusal to reimburse psychologists who assisted victims. NGOs also covered victims’ emergency medical care costs because the government did not provide financial assistance and medical care required payment upfront. Furthermore, 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 these costs. Additionally, while the government reported facilitating the repatriation of 33 victims abroad, it did not report funding repatriation expenses. NGOs and an international organization typically absorbed the costs. The government reported allocating approximately 26.5 million RON (\$6.68 million) to local governments, but it did not report how much, if any, was for trafficking-related services. Observers noted insufficient funding of social protection services by local governments persisted.

In general, victims lacked adequate support during criminal cases. Reports of victim intimidation during and after court proceedings persisted. NGOs reported many courts did not impose sanctions on traffickers’ lawyers when they harassed and mocked the victims during proceedings. Judges relied heavily on the victim’s in-person testimony, preferably in front of their trafficker, further traumatizing victims. The European Court of Human Rights (ECHR) found that Romanian courts lacked national practices to protect child victims of sexual assault. The ECHR held that, because of the lack of a national practices to protect children, Romania did not meet its obligations to punish perpetrators of child sexual assault under criminal law. In an effort to address these systemic challenges, the government took some small steps forward during the reporting period. Prosecutorial offices in Constanta, Vrancea, and Valcea inaugurated three child-friendly hearing rooms with the help of two NGOs that contributed funding. ANITP’s efforts to inform victims of their legal rights and provide psychological support led to increased participation of victims in criminal proceedings. In 2020, 433 victims participating in criminal proceedings accessed services available to victims assisting law enforcement (255 in 2019); these services included concealing victims’ identities, providing protection at victims’ residences, and transporting victims to and from legal proceedings. The government allocated 19,600 RON (\$4,940) for the legal assistance of victims provided by public legal counsel. However, the lawyers assigned often lacked experience working with trafficking victims, and courts did not always grant free legal aid to victims, particularly if they were not sex trafficking victims. Also, access to free legal aid was contingent on proof of indigence. Romanian law permitted foreign victims who cooperated with authorities to receive a renewable, six-month temporary residence permit. Additionally, in 2020, the government ceased publishing the names of all trial witnesses, including children, on its public website – a long-standing practice compromising victims’ privacy and safety. In doing so, though, the government removed all case information, creating concerns about transparency. NGOs raised concerns the removed case information, such as length of trials and court decisions, was crucial for tracking Romania’s anti-trafficking efforts and requested the government restore that information. As of the end of the reporting period, the government restored a few dozen cases, which did not include the names of victims, to the database. The law entitled victims to reparation 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. If victims did not obtain restitution in court, the government could reimburse for expenses related to hospitalization, material damage caused by the traffickers, and revenues victims lost while being trafficked. In the event traffickers’ assets were not seized but a guilty verdict was reached, the government could pay material damages for documented expenses such as medical bills. Throughout 2020, courts ordered defendants to pay 33 victims. The National Agency for the Administration of Seized Assets (ANABI) managed and sold assets confiscated from convicted criminals, and the money obtained following the selling of the assets could be used to pay the victims and cover lawsuit-related expenses. Despite these provisions, ANABI did not compensate any victims in 2020.

PREVENTION

The government increased prevention efforts. During the reporting period, the government adopted an action plan as part of the 2018-2022 national strategy, and dedicated financial resources to all of the proposed activities. The plan assigned financial and operational responsibility to various government agencies and ministries, which allocated approximately 41.2 million RON (\$10.39 million) toward the proposed activities. ANITP continued to publish yearly reports and statistics on trafficking and organized 94 awareness campaigns, compared with 85 in 2019, focused on educating children and adults on all forms of trafficking, including forced begging within the country and abroad. In October 2020, to better assist Romanian trafficking victims in Bavaria, the Romanian consulate general in Munich organized a cross-border conference on systemic and procedural gaps that occur in the repatriation, referral, and assistance of victims from Germany to Romania. In partnership with the Romanian embassy in Denmark and a Copenhagen-based migrant center, ANITP implemented an awareness campaign targeting the Romanian community in Denmark, which comprised more than 30,000 Romanians. In addition, ANITP signed cooperative agreements with the Bucharest municipal government and the Romanian Orthodox Church. The agreements laid the foundation for a national anti-trafficking campaign aimed at raising awareness throughout the Church’s vast community and among vulnerable populations, such as homeless persons and victims of violence, and for a joint project establishing a future shelter for repatriated victims. Furthermore, ANITP managed a 24-hour hotline but only staffed an operator during regular business hours. The hotline provided services in Romanian and English and primarily focused on informing Romanians about working abroad safely. The hotline received 15 calls (seven in 2019) regarding potential trafficking cases, seven of which DCCO investigated. In 2020, the government adopted a national strategy to implement UNSCR 1325/2000 on women, peace, and security; the strategy included measures to train Romanian troops on the protection of victims of sexual violence, including trafficking, and a plan to develop a reporting and response mechanism on sexual exploitation and abuse committed by members of the military as well as civilians carrying out missions abroad. The government made efforts to reduce the demand for commercial sex acts, including awareness campaigns aimed at educating purchasers on the nexus between sex trafficking and commercial sex.

In 2020, DCCO participated in a series of prevention activities at border crossing points to raise awareness on labor trafficking and identify potential victims. The General Inspectorate for Immigration conducted a campaign educating employers who hired foreign workers about workers’ rights and the risks of exploitation. While the criminal code prohibited Romania-based recruitment companies from charging recruitment fees and facilitating the exploitation of

citizens abroad, the government did not punish companies for practices that contributed to trafficking, such as charging recruitment fees. Throughout 2020, the Labor Inspectorate conducted 580 inspections on employers who hired foreign workers and 1,499 inspections on temporary staffing agencies and recruitment agencies. Before issuing a work permit to foreign workers, the General Inspectorate for Immigration verified job offers and employers' profiles to prevent fraud. According to some NGOs, 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. ANPDCA monitored and coordinated all programs for the prevention and elimination of child labor and investigated child labor abuse reports. The government did not effectively enforce child labor laws, especially in rural areas and where social welfare services lacked personnel and capacity to address violations. According to ANPDCA, official statistics did not reflect the magnitude of the crime as incidents of child labor frequently went unreported and official statistics were limited to police-documented cases. Experts noted a continued lack of awareness about labor trafficking among stakeholders and insufficient attention to identifying cases and labor law violations.

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 and labor trafficking victims in Europe. The vast majority of identified victims (72 percent) in 2020 are sex trafficking victims. Traffickers are typically Romanian citizens working as part of an organized crime group based on family and ethnic ties, who subject Romanian women and children to sex trafficking in Romania and other European countries, including Finland, France, Italy, Spain, and the UK. Experts continue to report Romanian women recruited for sham marriages in Western Europe; after entering these marriages, traffickers force the women into commercial sex or labor. Children represent nearly 50 percent of identified trafficking victims in Romania. Government officials and NGOs report increased recruitment of children via the internet and social media as a result of the pandemic. Media outlets allege the online sexual exploitation and abuse of girls as young as 12 years old. Children housed in institutions, particularly girls living in government-run homes and placement centers for disabled persons, remain vulnerable to sex trafficking. Several NGOs note former residents of government-run homes or residential centers serve as recruiters of underage girls from the same facilities. Traffickers exploit Romani children in sex trafficking and forced begging. Child labor abuse continues to be underreported, with children as young as five exploited in child labor. Traffickers subject Romanian adults 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. Some reports suggest traffickers operating in Romania and Moldova exploit Moldovan women and girls from Romania in operations in Europe; the extent of the trafficking is unknown. Romania is a destination country for a limited number of foreign trafficking victims, including migrants from Africa, Europe, and South and Southeast Asia, exploited in the construction, hotel, and food-processing industries. NGOs report a recent rise in the number of migrants, citing an unusually high number of migrants from Northern Africa and the Middle East entering Romania and a record number of them – approximately 6,000 – submitting applications for asylum in 2020. While their main goal is to continue their path toward Western and Northern Europe, many of these migrants may be or may become trafficking victims while in Romania. Furthermore, government corruption in law enforcement and the judiciary continues to enable some trafficking crimes, and officials have been investigated for suspected involvement in trafficking.

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