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2020 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 identifying significantly more trafficking victims, participating in twice as many international investigations, and conducting more awareness campaigns. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Authorities investigated, prosecuted, and convicted fewer traffickers. Alleged complicity in trafficking crimes persisted without punishment, particularly with officials exploiting minors while in the care of government-run homes or placement centers. Authorities 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. Services for child trafficking victims remained inadequate. Moreover, a lack of sufficient government funding for assistance and protection services endured, leaving most victims without services, susceptible to re-traumatization, and at risk of re-trafficking. Therefore Romania remained on Tier 2 Watch List for the second consecutive year.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking cases under the trafficking statute and punish convicted traffickers, including complicit officials, with significant prison sentences. • Proactively identify potential victims, especially among vulnerable populations, such as migrants and 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. • Significantly increase resources for, and the quality of, specialized victim services for 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. • 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. • Amend regulations to exempt all trafficking victims who testify in trials from the online disclosure of their names to protect participating witnesses from retaliation and stigma and 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 reparation. • 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. As in previous years, government data did not differentiate between cases exclusively related to trafficking or cases related to other crimes, such as pandering. The Organized Crime and Terrorism Investigation Directorate (DIICOT) and the Department for Combating Organized Crime (DCCO) were responsible for investigating and prosecuting trafficking cases. Authorities opened 532 new trafficking cases in 2019, a decrease from 695 in 2018 and 675 in 2017. Prosecutors indicted 347 alleged traffickers, compared with 399 in 2018 and 362 in 2017. Courts convicted 120 traffickers in 2019, continuing a multi-year decline from 130 in 2018 and 222 in 2017. Although 37 convicted traffickers received suspended sentences, and three postponed prison sentences, the remaining 80 traffickers received sentences from one to more than 10 years' imprisonment. During the reporting period, a court acquitted 25 alleged traffickers in the notorious “Tandarei” child trafficking case, in which the court tried the alleged traffickers under a law that provided lesser penalties and a shorter statute of limitations. The case resulted from a 2009-2010 joint investigation with the United Kingdom (UK) into a Romanian trafficking network, which Europol considered one of the biggest in Europe; the traffickers recruited hundreds of children from poor Roma communities in the southern part of the country and exploited them in the UK in forced begging or forced theft. In 2019, DIICOT

and DCCO participated in 80 joint investigative teams with European counterparts, a significant increase from 36 in 2018 and 44 in 2017. In July 2019, Romanian and German authorities partnered in an investigation that resulted in the arrest of four Romanian men for exploiting minors, including their own children, in commercial sex. Romanian authorities also participated in a pan-European case led by Europol involving child trafficking, which resulted in 34 arrests.

Widespread complicity and the failure to incriminate officials hampered effective law enforcement. While the government did not collect data on complicit officials, NGOs, journalists, and human rights activists reported alleged complicity in trafficking crimes by government officials, particularly with officials exploiting minors and acting as accomplices to traffickers. In May 2019, DIICOT indicted the former police chief of a southeastern Romanian town for allegedly protecting a trafficking network while leading the local police inspectorate. The media reported a transnational trafficking network used bribes and pressure to induce the police into hiring an officer to serve in the General Police Inspectorate. The media also mentioned traffickers negotiated other jobs and transfers within the police force and offered the police information about rival criminal groups in order to eliminate their competitors. Additionally, several NGOs expressed suspicion that staff working in placement centers for minors and residential centers for persons with disabilities facilitated trafficking in persons. Nonetheless, the government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

A new administration came into office in November 2019 and committed to reforming judicial structures; however, existing law enforcement deficiencies and knowledge gaps impeded progress. Authorities often charged suspected traffickers for crimes other than trafficking, such as pandering and pimping. DCCO continued to operate with limited staff due to provisions adopted by the previous government on the early retirement of police officers, which required 30 percent of the workforce to retire in 2018. As a result, overextended officers handled multiple cases simultaneously and struggled to build strong cases for prosecutors. Moreover, anti-trafficking efforts varied across the country, with some counties maintaining fewer staff and resources than other counties. Furthermore, authorities reported a lack of investigative tools and software that would allow them to perform faster and more effective online investigations. Additionally, observers reported that a split reporting structure hindered police efficiency and coordination with investigations and prosecutions. Likewise, NGOs noted that limited dedicated financial investigators—eight covering the entire country—restricted financial investigations and asset seizures, inhibiting evidence collection in trafficking cases to corroborate witness testimony. NGOs reported, while the legal sphere 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 trafficking. Additionally, observers frequently criticized police and members of the gendarmerie, particularly in rural areas and small towns, for being unaware of the exploitation potential in commercial sex, leading to a failure to check for indicators of force, fraud, or coercion when encountering individuals in commercial sex. The government continued to use donor funding to train police and prosecutors to organize a series of anti-trafficking training programs during the reporting period. The National Institute for Magistrates conducted a workshop on international judicial cooperation and techniques for investigating trafficking, identification, referral, and assistance; 14 prosecutors and judges participated. The National Anti-Trafficking Agency (ANITP) organized 160 trainings for government, judiciary, and front-line officials on a victim-centered approach in criminal cases and victim identification and assistance. The Border Police General Inspectorate organized three trainings for 15 border police officers that focused on working with vulnerable persons and combating trafficking.

PROTECTION

The government maintained insufficient protection efforts. Public officials and NGOs identified 698 victims in 2019 (518 sex trafficking; 138 labor trafficking, including forced begging and forced theft; and 42 victims of attempted trafficking), an increase from 497 in 2018 and 662 in 2017. These statistics included victims from ongoing investigations and prosecutions initiated in previous years. Of these victims, 327 were minors. As in past years, fewer than half of identified victims received assistance. In 2019, 49 percent (339) of identified victims received assistance from public institutions, public-private partnerships, and NGOs, compared with 48 percent in 2018 and 46 percent in 2017. Authorities used the existing national victim identification and referral mechanism to identify and refer victims. While ANITP drafted a new mechanism in 2018 with the support of NGOs, the government did not implement it during the reporting period. Observers reported authorities did not proactively identify victims, particularly among vulnerable populations, such as individuals in commercial sex. They also noted authorities did not identify victims in key places such as placement centers, and identification typically occurred after a criminal investigation started. Consequently, NGOs claimed the actual number of victims was higher than the reported number. Observers also reported authorities fined persons in commercial sex, even if they were minors, without looking for trafficking indicators.

Based on information gathered during the identification process, authorities informed victims of the services available to them, after which victims decided the services they preferred and consented to the referral process. Authorities referred identified adult victims to ANITP and minor victims to child protection services. Victims received protection and assistance services in government-run facilities and in NGO-run trafficking shelters. The government maintained three government-run shelters designated for trafficking victims with the capacity to accommodate 18 adults; the shelters also housed domestic violence victims. Authorities placed child victims in general child facilities or in facilities for children with disabilities run by child protection services. Despite children representing 47 percent of identified victims, these shelters did not offer specialized services and frequently re-traumatized children. The National Authority for the Protection of Children’s Rights and Adoption (ANPDCA) reported that child protection services in most counties did not have the expertise and resources to offer services

tailored to the special needs of trafficking victims. ANPDCA also reported local child protection services, which were supposed to provide service to trafficking victims, lacked the necessary knowledge that would allow them to justify funding requests for specialized services. Child protection services managed only two centers that focused specifically on child trafficking victims. Perennial problems of abuse and neglect of institutionalized children, coupled with the lack of proactive identification in government facilities, left children in placement centers vulnerable to trafficking. In 2019, authorities identified no foreign victims among refugees and asylum-seekers, but observers estimated there were 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. Romanian victims abroad received free travel documents issued by Romanian embassies; however, the government did not pay for repatriation expenses, resulting in NGOs and an international organization having to absorb the costs.

Nonexistence of government funding for NGO assistance and protection services remained a problem. 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 government did not impose mandatory minimum standards on the quality of victim assistance, and as a result, assistance varied greatly depending on the facility. The law entitled all victims to psychological and medical care; however, the government did not provide 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. NGOs also covered victims' 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 2019, 255 victims participating in criminal proceedings accessed services available to victims assisting law enforcement; these services included concealing victims' identities, protection at victims' residence, and transporting victims during travel. While the government provided legal aid to victims, the lawyers assigned often lacked experience working with trafficking victims. Additionally, the government published the names of all trial witnesses, including minors, on the internet, putting victim-witnesses at risk of retaliation. 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. However, 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. Furthermore, 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.

PREVENTION

The government marginally increased prevention efforts. The government continued to implement its 2018-2022 national strategy and national action plan, but it did not allocate financial resources to any of the activities or goals. ANITP continued to publish yearly reports and statistics on trafficking and organized 85 awareness campaigns, compared with 36 in 2018, aimed at educating youth and adults looking for jobs abroad. Several NGOs criticized ANITP for investing too many resources in awareness campaigns and neglecting the pressing needs of victims. Furthermore, NGOs expressed concern about ANITP's capabilities, noting its limited capacity, decrepit infrastructure, and lack of authority, funds, and support from the government. The government made efforts to reduce the demand for commercial sex acts, including awareness campaigns aimed at educating purchasers on the role and demand of sex trafficking in commercial sex. In 2019, the General Inspectorate for Immigration conducted information sessions for asylum-seekers and foreign citizens studying in Romania about work regulations and the duties of employers. While the criminal code prohibited 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. 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. Despite these shortcomings, the government issued 22,000 work permits for non-EU migrants, which put them particularly at risk for trafficking. 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. In 2019, the hotline received seven calls, compared with 13 in 2018, regarding potential trafficking cases, four of which DCCO investigated.

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 commercial sex or labor. Minors represent nearly 50 percent of identified trafficking victims in Romania. Traffickers subject institutionalized

children, particularly girls living in government-run homes and placement centers for disabled persons, to sex trafficking. Traffickers subject Romani children, as young as 13 years old, to forced begging and sex trafficking. The extent of trafficking from the Republic of Moldova into and through Romania is unclear, though some reports suggest that traffickers operating in Romania and Moldova exploit Moldovan women and girls from Romania in operations in Europe. 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.

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Austrian Red Cross
Austrian Centre for Country of Origin and Asylum
Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
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F.A.Q.
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