



# The EU Mutual Learning Programme in Gender Equality

## Combatting trafficking in women and girls for the purpose of sexual exploitation

Spain, 30-31 October 2018

### Comments Paper - Romania



*The information contained in this publication does not necessarily reflect the position or opinion of the European Commission or the Member States. The Commission cannot guarantee the accuracy of the information contained therein.*



*This publication is supported by the European Union Rights, Equality and Citizenship Programme (2014-2020).*

*This programme is implemented by the European Commission and shall contribute to the further development of an area where equality and the rights of persons, as enshrined in the Treaty, the Charter and international human rights conventions, are promoted and protected.*

*For more information see: [http://ec.europa.eu/justice/grants1/programmes-2014-2020/rec/index\\_en.htm](http://ec.europa.eu/justice/grants1/programmes-2014-2020/rec/index_en.htm)*

# Combatting trafficking in women and girls in Romania

Ioana Săndescu  
eLiberare Association

## Introduction

Romania has been a main source country for victims of human trafficking in European countries since its ascension to the EU in 2007. The majority of the victims reported are women and girls, unfortunately in 2017 a new negative record was achieved: 51,4% of identified victims being minors, respectively a majority of girls - 258 girls and 82 boys. Because of these dire numbers, addressing human trafficking needs to happen from several perspective: from the human rights perspective, an organised crime perspective, a children protection perspective, as well as a gender perspective.

This paper will cover the general framework when it comes to human trafficking in Romania, the policies in place, good practice models, as well as room for improvement in all these areas.

## 1. Approaching trafficking for the purpose of sexual exploitation in Romania from a gender perspective

Comprehensive statistics in terms of social-demographic indicators of victims and traffickers, modus operandi and destination for Romanian trafficked persons have been produced since 2006, when the National Integrated System for Evidence and Monitoring Victims, shortly SIMEV, was operationalised within the National Agency against Trafficking in Persons, a national governmental agency under the Ministry of Interior.

In terms of the number of the identified victims and those that are registered in SIMEV, a decrease was observed over the years. However, this decrease is not directly correlated with a decrease in the phenomenon, as much as it is directly linked to the importance given to the issue, the budgets of local police stations, staffing within the ministry and other such logistical issues, as well as psychological ones linked to the incapacity of victims to self-identify once rescued from the exploitation they are in.

As mentioned earlier, Romania is mainly an origin country for trafficking, the majority of the identified victims being Romanians suffering diverse forms of exploitation internally or externally. In regards to the nationalities of the identified victims of trafficking, in the past 5 years a small number of foreign victims were identified in the country.

Persons coming from the Republic of Moldova are particularly vulnerable of being trafficked in Romania or for being transported for trafficking through Romania to other European countries, due to specific commonalities, such as: 1) a significant number of Moldavians also have Romanian citizenship, which allows them to travel

freely in Europe; 2) an educational agreement between the two countries has led to a number of Moldavians students to be enrolled in Romanian schools and universities; 3) common language; 4) similar culture.

Generally, as far as numbers are concerned, the rate of victimisation in the past five years was 4.33. In other words, 4 out of 100.000 Romanian residents have fallen prey to trafficking. These however are only the victims that went through the official NRM and through the judicial process.

Regarding the gender distribution, the share of female victims is bigger, minors being mainly sexually exploited internally, while the adult female victims are externally trafficked for both sexual exploitation and forced labour in farms, in the agricultural sector or in factories. Forced labour is mainly male balanced, the majority of them being exploited in the field of construction outside the country. At the same time, the minor males are forced to commit petty crimes or to practice begging on the streets.

Trafficking of Romanians happens mainly abroad, 54% of the victims are exploited outside of Romania. The EU integration has been a trigger for Romanians to migrate for work or for school, in order to fulfill their desire for a better life in a more developed country. Along this line, Romanians have been tricked with job offers abroad, recruiters manipulating them with promises of high wages and benefits. Once arrived in the destination countries, traffickers subdue the victims to exploitation, mainly sexual and forced labour, threaten them with violence against themselves and their family remaining at home. In these conditions, the victims feel like they have no choice than to comply with the exploitation. In the most recent years, new and more subtle forms appear as a modus operandi in relation with trafficking.

Situations when people are forced to marry third country nationals in other European countries, or when they are forced to hand in their identity cards, which are afterwards used by traffickers to open credit accounts or leasing contracts also in countries like Cyprus or Sweden, where Romanian victims have been identified. According to the anti-trafficking police officers, there is a trend in the past years for the traffickers to use more and more psychological manipulation and to a lesser extent physical coercion, especially in the instance of victims recruited through the lover boy method, so that it is very difficult to perceive the exploitation situation.

The main destination countries for Romanian victims exploited abroad are Italy, Spain, Germany, United Kingdom, France, Austria and other European countries. The exploitation of Romanians in other than European countries happens only randomly. Turkey was destination for less than 10 victims in 2016 or Serbia for one victim in 2016.

## **2. General approach to public policies to fight trafficking in women and girls for sexual exploitation. A gender perspective.**

Romania started to recognise trafficking in persons as an independent crime starting with the adoption of the special Law for preventing and combating trafficking in persons in 2001. In 2002, Romania ratified through Law No. 565 the United Nations Convention against Transnational Organised Crime adopted by General Assembly

resolution 55/25 from the 15th of November 2000 and its two additional Protocols, the most relevant one being the so-called “Palermo Protocol” – Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. In 2006, Law no. 360 was ratified by the Council of Europe Convention for Action against Human Trafficking.

In the years following the adoption of the anti-trafficking law, the national analysis of the trafficking phenomenon expanding brought to the Government’s attention the need to enhance the institutional anti-trafficking capacity. Starting with 2005, a special Law provided the specific role and functioning of the specialised anti-trafficking prosecutor units. With them, special anti-trafficking units were created under the Romanian Police. In 2007, through a Government Decision, the National Agency against Trafficking in Persons was established, under the Ministry of Interior, with specialists for monitoring and preventing trafficking and 15 territorial offices. The main role of the Agency was to be the umbrella of the anti-trafficking activities at a national level, to present the trends and causes of the phenomenon and to keep track of the anti-trafficking national efforts, as well as monitoring the assistance and protection offered to victims.

The Romanian national legislation on human trafficking is comprehensive, it is in tandem with national trends of trafficking in persons and European regulations are encapsulated in Romanian legislation. Together with these, starting with 2006, Romania benefited from National Strategies against Trafficking in Persons and National Action Plans for implementing the strategic objectives that offered the possibility to the anti-trafficking units to follow their directions to reach the goals for their strategic objectives.

### **3. Examples of good practices against trafficking in women and girls for sexual exploitation**

#### **3.1. Strengthening prevention and detection of trafficking: Prevention by reducing the demand**

The National Identification and Referral Mechanism is the main tool for the detection of victims (psychological support and accompanying during identification conducted by police officers), the referral of victims of trafficking (VoTs) (with needs and risk assessment, psychological support, collaboration with other assistance providers) and for the assisted repatriations to Romania of the VoTs abroad. Once identified by the police officers in charge, the victims of trafficking in person are informed about their rights and assistance they can benefit from in order to be socially reintegrated. Within the organisation, a case manager will be assigned with the case during the assistance program. At the same time, the case manager will cooperate with other organisations involved in the fight of trafficking in persons (ANITP, Directorate for Combating Organised Crime, School Inspectorates, Agency for Employment), depending on the victim’s needs. All those involved will make sure the rights of the victim are respected.

Campaigns for prevention are being done in public-civic partnerships, but they are mainly targeted towards reducing vulnerabilities and equipping potential victims as far as what they should do in case of exploitations. There was a need pointed for transnational campaigns with main destination countries and having the issue

attacked from both sides: reducing vulnerabilities, as well as reducing demand. Examples of such campaigns can be provided, per a request basis.

### **3.1.1. Results and impacts**

Due to many campaigns conducted, but no longitudinal studies on impact measurements, a clear difference between awareness and prevention is needed. It is a common understanding that prevention cannot happen without alternatives being offered. There is data specifically regarding the number of flyers distributed and printed, number of counties reached, number of participants in trainings or informational sessions, but no clear number of how many people used that information in order to avoid victimisation or to escape a vulnerable situation. With this, a clear impact is very hard to be measured, beyond numerics.

### **3.1.2. Assessment of strengths and weaknesses**

The existence of a comprehensive legislative framework is a plus and the readiness to adopt several directives by the Romanian Government is also a positive positioning towards the issue. There are different initiative groups and there is a declared political will. Although there is a specific legal framework in Romania, there are roles specifically designated to ministries that are not aware and that consider their actions only as formal. The implementation of the law is very blurry, depending on the degree of familiarity with the issue, as well as the political will to address it. The referral mechanism is complicated and non-linear, hence there is room for interpretations and a possibility to pass the responsibility from one institution to another.

## **3.2. Coordination and cooperation between institutions and participation of the civil society: Multi-agency coordination and communication with a victim-centred approach**

The assistance referral of the victims is personalised, according to the anti-trafficking institutions and organisations involved in identification, and to the place and type of the identification. The protection and assistance services for victims of trafficking are offered either in shelters operated based on Law 678/2001 or in other types of public or private centres, operated by NGOs. Other government shelters, organised at the local level, for persons in at-risk situations, domestic violence victims, persons with disabilities or homeless persons, can also foster victims of trafficking, if other specialised services are not available in the area. Minors found in situations breaching their rights – like abuse, neglect or exploitation, can also be accommodated and assisted in centres that normally do not house children. In each county of Romania and each of the 6 districts of Bucharest at least one of these types of centres is running.

According to the national law, social assistance service providers can organise and offer services to victims of trafficking in day care centres or residential centres (shelters). Besides the specialised assistance services, other programmes and activities ran by the National Agency against Trafficking in Persons, in cooperation with different governmental and private institutions have arisen, providing remedies and solutions for victims participating in criminal procedures against their traffickers, with the victim's best interest in mind.

Repatriation or transnational referral of Romanian victims identified abroad is an activity performed by the National Agency against Trafficking in Persons, together with other institutions (law enforcement for risk assessment and NGOs for the needs assessment) and has the aim to manage the activity of returning the victims safely, to determine the best interest and to ensure immediate assistance. Romanian citizens identified abroad are repatriated through the Romanian diplomatic missions, international organisations or other NGOs, and the receiving and referral is coordinated by ANITP.

### 3.2.1. Results and impacts

The NGOs play a very important role in assisting the victims, the cooperation with them is very important. NGOs have specialised programmes meant to offer the appropriate support and care for their recovering and stabilisation. Due to different procedures, some NGOs do not report their numbers to the National Agency, hence it is hard to do a clear assessment of the numbers of victims assisted or identified. The official numbers are the ones listed above, but the real ones are probably much higher.

### 3.2.2. Assessment of strengths and weaknesses

Due to local infrastructural specificities of the assistance system of victims of trafficking which don't always meet the victims' needs, the path of the victims within the protection and assistance system is not clearly defined, the specialist having to turn to a variety of solutions. The assistance of victims of trafficking is granted irrespective of the form of exploitation, but sometimes revictimisation happens.

## 4. Conclusions

It is clear that Romania needs a better **gender-informed** perspective when offering assistance to women VoTs (mothers caring for children, girls who are more prone to shaming, etc.). This means taking into consideration the **connect issues** that need to be addressed when offering assistance (such as child care, extended protection, etc.). Also, there are huge discrepancies between the letter of the law and its implementation. This means that changes in the criminal code, for example, will have a tremendous impact in the area of protection of VoTs. Looking at the issue solely from the perspective of organized crime is no longer an option, hence a multi-disciplinary approach is more important than ever.

Considering the Spanish model, with an experience of almost ten years of looking at human trafficking from a gender perspective, there are many actions that have added value in prevention, awareness and protection activities.

First of all, decentralising the responsibilities of addressing human trafficking from a gender perspective is very important. Hence, empowering local governmental structures to initiate and implement programs on this topic is nothing less than vital.

Also, digitalising the cooperation is an innovative idea, minimising costs, efforts and complexity of access. These should definitely be actions for transferability. However, with the backwardness and bureaucratic specifics of the Romanian system, this will pose many challenges.

Another key finding in the strengths category is that of targeting awareness campaigns for different audiences. One theme is that of addressing demand, since most source countries work on addressing vulnerabilities and put the burden most of the times on the victim. This was already discussed in a previous section, but the idea of international cooperation with source countries, such as Spain, and tackling the issue from both angles would be a more complex solution.

## References

National Report of the National Agency Against Trafficking in Persons, 2017, no longer available online, but ready to be consulted per request

Country Report for Building Choices - European Project, Partnership between Madrid City Council, ANITP, TRABE association, CARITAS Prague, eLiberare - 2018, available on [www.building-choices.eu](http://www.building-choices.eu)

eLiberare Curriculum - Human Trafficking in Romania, Lesson 1, Ioana Sandescu, 2015

Hidden in plain sight, eLiberare Association, Catalina Matei, 2017