ROMANIA (Tier 2)

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. Romanians represent a significant source of trafficking victims in Europe. Romanian men, women, and children are subjected to forced labor in agriculture, domestic service, hotels, and manufacturing, as well as forced begging and theft in European countries, including Spain, Italy, the Czech Republic, Denmark, Greece, Germany, Cyprus, France, Norway, Lithuania, the United Kingdom, Poland, Slovenia, Switzerland, and Austria. Men, women, and children from Romania are victims of forced prostitution in European countries, including Germany, France, Cyprus, Spain, Hungary, Malta, Switzerland, Sweden, Greece, Finland, and Belgium. Children likely represent at least one-third of Romanian trafficking victims. Traffickers recruiting and exploiting Romanian citizens were overwhelmingly Romanian themselves, typically seeking victims from the same ethnic group or within their own families. Frequently, traffickers first exploited victims within Romania before transporting them abroad for forced prostitution or labor. The Romanian government reported increasing sophistication amongst Romanian criminal groups, including the transportation of victims to different countries in Europe in order to test law enforcement weaknesses in each. Romania is a destination country for a small number of foreign trafficking victims, including sex trafficking victims from Moldova and labor trafficking victims from Bangladesh and Serbia. Romanian girls and boys, particularly those whose parents work abroad, are vulnerable to sex trafficking throughout Romania. Romanian children without proper identification documents are especially vulnerable to trafficking.

The Government of Romania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made strong prosecution efforts during the reporting period: the number of anti-trafficking prosecutions pursued was amongst the highest in Europe, and built on partnerships with governments in destination countries to increase accountability for trafficking offenders. The government also conducted creative anti-trafficking prevention efforts to sensitize the population to trafficking in persons. Nevertheless, services available to trafficking victims were very weak. For a third consecutive year, the government provided no funding to anti-trafficking NGOs, imperiling civil society victim protection. The care offered by the government was often minimal, failing to provide specialized attention to meet victims’ needs and reduce their chances of re-victimization. NGOs objected that government-run shelters were overly restrictive on autonomy. The poor state of victim care in Romania put the vulnerable population at high risk for re-trafficking.

Recommendations for Romania: Restore government funding for trafficking victim assistance programs, including grants for NGOs providing service to victims; improve the quality of victim services, ensuring that psychological care, rehabilitation, and other victim assistance provides substantive care; construct a trafficking specific shelter for repatriated victims in Bucharest; remove non-security related restrictions on victims’ movement while housed in government-funded shelters; encourage male trafficking victims to use assistance to prevent further exploitation; adopt stronger measures for the long-term rehabilitation of child victims who are vulnerable to re-trafficking; ensure that reintegration and rehabilitation of child victims addresses any parental involvement in the original trafficking of the child; improve the reporting of data on trafficking crimes prosecuted under Law No. 678/2001 and other relevant laws by disaggregating sex and labor trafficking offenses; explore ways to improve asset confiscation and victim compensation; vigorously investigate and prosecute acts of trafficking-related complicity allegedly committed by government officials, and punish officials convicted of such crimes with prison sentences; consider specialized training for labor inspectors in identifying trafficking cases; demonstrate efforts to investigate and punish acts of labor
trafficking and efforts to assist victims of labor trafficking; ensure protection of trafficking victims during trial by making sustainable plans and funding for victims’ appearances in pretrial hearings and travel to trial; reduce delays in trials; improve efforts to identify potential victims among vulnerable populations, such as undocumented migrants, foreign workers, Roma, and children involved in begging or prostitution; consider offering foreign trafficking victims the right to work during the duration of their temporary residence permits; and continue to provide victim sensitivity training for judges.

**Prosecution**

The Romanian government improved its law enforcement efforts during the reporting period, conducting a high number of prosecutions and establishing close working relationships with law enforcement authorities in destination countries. Romania prohibits all forms of trafficking in persons through Law No. 678/2001, which prescribes penalties of three to 15 years’ imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape. In 2011, Romanian authorities investigated 897 human trafficking cases, in contrast to 717 cases investigated in 2010. The government prosecuted 480 and convicted 276 trafficking offenders in 2011, compared with 407 offenders prosecuted and 203 convicted in 2010. The government lacks statistics distinguishing sex from labor trafficking, though it indicated that at least 77 of the investigations involved forced child labor and 396 cases involved sex trafficking. The government reported that approximately two thirds of convicted trafficking offenders – 192 out of 276 – were sentenced to time in prison, receiving terms ranging between one and 15 years. Romanian law enforcement authorities included specialized anti-trafficking investigators and prosecutors in the organized crime section. NGOs praised these specialist agencies for sensitive treatment of trafficking victims. The government gave specialized training to investigators in anti-trafficking law enforcement techniques and proper treatment of trafficking victims. During the year, Romanian officials pursued joint trafficking investigations in partnership with counterparts in many European countries, including Belgium, France, and Germany. Romanian authorities reported a particularly close working relationship with prosecution counterparts in Belgium. The rate of prosecutions and convictions of trafficking offenses was very high for a European source country; Romanian law enforcement officials successfully collaborated with governments in destination countries to ensure that offenders from entire criminal networks were prosecuted. The government reported investigating two government employees for potential human trafficking crimes, but did not otherwise report prosecuting, convicting, or sentencing government employees for trafficking-related complicity.

**Protection**

The Government of Romania demonstrated weak efforts to protect and assist victims of trafficking during the reporting period. For a third consecutive year, the government failed to provide funding to NGOs providing victim protection services. The continued lack of funding has led several trafficking-specialized NGOs to shut down and cease providing services to victims. Although some services are available through the government, this trend has threatened a real loss of anti-trafficking expertise and quality victim care in Romania. Several trafficking shelters closed; other NGOs had to severely restrict their provision of services to victims. Nevertheless, the government’s victim identification rate remained high. The government reported the identification of 1,043 victims in 2011, compared with 1,154 victims identified in 2010. Of those identified, 417 were referred to public institutions for victim assistance; in 2010, 451 victims of trafficking received government-funded services. One hundred and twenty-three trafficking victims received government-funded shelter in 2011, of which 36 were housed in trafficking-specific
shelters and 87 were housed in shelters for domestic violence or homeless shelters. NGOs reported that government shelters restricted trafficking victims’ autonomy and freedom of movement. The government did not provide access to trafficking shelters for adult male victims of trafficking, though nine men were housed in non-trafficking shelters. Other trafficking victims received medical help, financial assistance, vocational assistance, or psychological help. NGOs questioned the quality of these services; at times, psychological assistance consisted of a single visit to a counselor, rather than meaningful care. Similarly, rehabilitation of child victims highly vulnerable to re-trafficking sometimes consisted of only one or two visits by social workers. The government continued to operate its national identification and referral mechanism, which provided formal procedures for referrals between law enforcement and other institutions. Labor inspectors were reportedly not well trained to identify trafficking victims.

Romanian trafficking victims participated in criminal prosecutions at a high rate; in 2011, 882 victims participated as an injured party in a trial, while 123 victims testified. While the law provides for witness protection during a trial, NGOs noted that pretrial witness protection was sometimes ineffective, as victims were required to travel to the courthouse unescorted. NGOs did not report the punishment of any trafficking victims for unlawful acts compelled as a result of their trafficking experiences. Foreign victims were permitted a 90-day reflection period to remain in the country. One victim applied for and was granted a reflection period and a temporary residence permit to remain in the country until completion of law enforcement investigations and prosecutions. Third-country national victims of trafficking granted residence permits are not permitted to work in Romania during the time of their residence permit.

Prevention

The Government of Romania continued to improve its anti-trafficking prevention efforts during the reporting period, employing creative methods to ensure anti-trafficking messages reached vulnerable populations. The government coordinated its anti-trafficking efforts through a section of the Ministry of Interior; its activities included overseeing prevention and protection efforts and publishing a quarterly report on Romania’s anti-trafficking efforts. The Romanian government’s anti-trafficking reporting was of high quality and contributed to an environment of transparency in anti-trafficking efforts. The government conducted four national campaigns and twenty-five local or regional campaigns encouraging both potential trafficking victims and the general public to discuss trafficking in persons. These campaigns included a partnership with a music band integrating anti-trafficking messages into concerts reaching a total of more than 1,000 spectators, television broadcasts, and messages displayed in public transportation. These campaigns were designed to address the specific form of exploitation most common in the targeted area and were implemented in coordination between many different governmental entities and NGOs. The government also conducted anti-trafficking outreach to secondary schools and universities. The Romanian government strengthened its partnerships with other EU member states to address trafficking in persons, including establishing a bilateral working group with Switzerland on trafficking in persons. The government did not report specific efforts to reduce the demand for commercial sex acts. The government did not report specific efforts to address child sex tourism, although some prevention campaigns did address child sex trafficking.