



IJM



VOICES FOR JUSTICE

Strengthening the Proactive Criminal Justice
Response to Trafficking in Persons in Romania

ANA, Victor, DANIELA, IONUȚ, SILVIA,
MIHAELA, PETRU, ALEXANDRA, *Florin*,
MARIA, IONELA, RODICA, NICOLAE, FLORENTINA,
ELENA, ADRIAN, CRISTINA, *Denisa*, EMIL,
DIANA, ANA, MARIAN, ANDREEA, VASILE, ALINA,
CRISTI, *Ana-Maria*, ROXANA, LUIZA,
MARIANA, SORIN, LAURENȚIU, COSMINA, OANA,
RADU, ADRIANA, Constantin, ANA, Victor,
DANIELA, IONUȚ, SILVIA, MIHAELA, PETRU,
ALEXANDRA, *Florin*, MARIA, IONELA, RODICA,
NICOLAE, FLORENTINA, ELENA, ADRIAN,
CRISTINA, *Denisa*, EMIL, DIANA, ANA, MARIAN,
ANDREEA, VASILE, ALINA, CRISTI, *Ana-Maria*,
ROXANA, LUIZA, MARIANA, SORIN,
LAURENȚIU, COSMINA, OANA, RADU,
ADRIANA, Constantin

This report, like all International Justice Mission's efforts within the European Anti-Trafficking Program, is dedicated to the survivors of human trafficking and the fight for justice. Some of the survivors are assisted by International Justice Mission. Other survivors are assisted by other NGOs and institutions. Nonetheless, far too many victims are still exploited and trafficked and need to be rescued to regain lives of security and freedom.

UNTIL ALL ARE FREE.



4	Foreword
8	Executive Summary
12	Human Trafficking in Romania
16	Laws on Human Trafficking in Romania
22	Project Results
26	Case Studies
34	IJM Best Practice in Dealing with Human Trafficking Cases
44	Recommendations



FOREWORD



Human trafficking is a crime that affects millions of people globally. It is a scourge of humanity that destroys the social fabric of our communities and is an attack on the human dignity of us all. It seeks to strip away and violate one of our most fundamental human rights: Freedom.

Trafficking is the second most profitable crime in the world and reduces human beings to a commodity. Traffickers are ever increasing in sophistication and have rapidly adopted technology and infiltrated legalised business structures in our societies. It will take a concerted and sustained effort to alter the worrying trends that tell us that trafficking is expanding in the world - and in Europe. However, when institutions, governments and civil society come together, they can remarkably and drastically reduce it. There is hope!

A large percentage of the victims of human trafficking in the European Union

(EU) and the United Kingdom have been citizens of Eastern Europe including Romania, Bulgaria, Poland, and Hungary. Thus, it is necessary that the region addresses trafficking from a regional perspective. Ensuring criminal accountability and eliminating proceeds of crime are essential to ending the exploitation of others. A trauma-informed, victim centred approach is critical to ensure safeguarding, essential services and improved victim and case outcomes. Cross-border cooperation and a continuum of care for victims are the key ingredients to stop human trafficking.

Human trafficking thrives on a business model. Just like any profitable business, profits are driven on a cost benefit assessment. When there is a high profit margin with little risk, the business of trafficking thrives. We must understand this business model intimately to change the cost benefit equation. Until we figure this out, little will change. If the risk becomes too great and the profit margin disappears, few, if any, would engage in the practice. If traffickers face significant risk of being arrested and convicted, with their profits disrupted or confiscated, they will not engage in such an unrewarding criminal enterprise. It is a simple risk equation: when there is a consistent and reliable law enforcement response, crime goes away. But I need to emphasise that at the heart of such success must always be the victims and survivors of this crime. IJM has seen time and again that when victims are placed at the centre and they feel supported, honoured and protected, they bravely seek justice.

At International Justice Mission, we have seen this work. From across the world, in all finalised programmes, we have witnessed dramatic changes in the decrease of the prevalence of targeted abuse from 50-88%, supported by independent baseline and endline studies. We have

seen how increased efficiencies in justice systems, including social and legal services with robust partnership between law enforcement and civil society the results can be dramatic.

One of the biggest challenges identified by International Justice Mission in the EU is the growing transnational nature of human trafficking. Human trafficking has no borders, nor do traffickers. Recent Europol reports point to the inevitable and growing trends that organised crime groups cross borders and use those same borders to their advantage, particularly in Europe. Victims are recruited in one country and exploited in another. Jurisdictional differences, complex legislative tools, and older approaches impede successful investigations. Traffickers know this and exploit it. Thus, law enforcement efforts become less effective in cross-border cases, allowing organised crime groups to thrive.

Our collective anti-trafficking efforts and innovation have not kept up. We lack coordination, collaboration, and most importantly, we often fail to provide a continuum of care for survivors. Without this last component, judicial system investment will have limited impact. Cooperation and collaboration across borders need to adapt as do EU-wide initiatives and funding allocations. Again, the key to combatting cross-border trafficking is enhanced collaboration between law enforcement and civil society. The second key is the provision of a continuum of care for victims across borders. We believe that if these two areas can be increasingly and adequately addressed, we will see a similar drastic decrease in trafficking in Europe. IJM is committed to collaborate with those willing to make this a reality.

International Justice Mission in Romania has had the privilege to partner with the Romanian Government and civil society

to implement the project “*Strengthening the Proactive Criminal Justice Response to Trafficking in Persons in Romania*” funded by the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons. The project supported the Romanian Government in its efforts to respond to human trafficking. At the end of this project, which began in September 2020 and will conclude in October 2024, International Justice Mission has developed a series of recommendations outlined in this report through a dedicated monitoring, evaluation, research and learning component to identify key areas to focus in IJM’s next phase of partnership with the government of Romania, institutional partners and civil society across Europe.

We have been encouraged by the collaboration with the Romanian Government and our key institutional partners. IJM is eager to continue to invest in the people of Romania and those same institutions in the years to come to bring about lasting change that will protect thousands of Romanians for generations. This document is a result of a successful partnership with the government and demonstrates what is possible when civil society and government come together in a constructive manner.

I express my deep gratitude to the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, and to the Embassy of the United States in Bucharest for their partnership and support in the project “*Strengthening the Proactive Criminal Justice Response to Trafficking in Persons in Romania*.” We also thank and recognise our institutional partners in the project: the Directorate for Investigating Organised Crime and Terrorism (DIICOT), the Directorate for Combating Organised Crime within the Romanian Police (DCCO), and the National Agency against Trafficking in Persons. We thank our partners in the

“When there is a consistent and reliable law enforcement response, crime goes away. But at the heart of such success must always be the victims and survivors of this crime.”

Romanian Government who supported efforts to improve Romania’s response to human trafficking and our civil society partners for their constant effort to serve victims and for their valuable expertise. Last but not least, we thank the Prime Minister’s Office for the good cooperation and support it has shown in recent years and the Joint Special Committee of the Chamber of Deputies and the Senate for combating trafficking in human beings for the good collaboration and legislative initiatives aimed at discouraging the criminal phenomenon of human trafficking. Last, I would like to thank the staff of International Justice Mission and their dedication to excellence in delivering this project with success.

I encourage you to investigate IJM’s body of work to see how sustainable investments in government and civil society can work, it is possible at www.ijm.org.

*Yours sincerely,
Shawn Kohl*

*Director, European Anti-Trafficking Program
International Justice Mission*





JUDECATOR

PRESEDINTE

JUDECATOR

I. EXECUTIVE SUMMARY

International Justice Mission (IJM) is an international non-governmental, non-profit organisation whose mission is to support and protect vulnerable people from trafficking and violence. IJM works with local authorities via its 31 operational offices in 16 countries to combat slavery, violence against women and children, and police abuse of power. Through its actions, IJM supports the reintegration of victims, holding perpetrators accountable and strengthening justice systems.

In 2019, International Justice Mission started its work in Eastern Europe by launching a programme in Romania to combat cross-border trafficking in persons to Western Europe.

IJM is working with the Directorate for Investigating Organised Crime and Terrorism (DIICOT), the Directorate for Combating Organised Crime of the Romanian Police (DCCO) and the National Agency against Trafficking in Human Beings (ANITP) to implement the project “Strengthening the Proactive Criminal Justice Response to Trafficking in Persons in Romania,” funded by the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, which aims to support the Government of Romania in its efforts to respond to the issue of human trafficking in Romania.

In 2022, just after the outbreak of war in Ukraine, International Justice Mission also developed a programme dedicated to Ukrainian refugees. IJM, together with institutional and civil society partners, provides humanitarian aid, legal services and other assistance to combat the risks of human trafficking among Ukrainian refugees.

Romania is one of the main source countries of victims of human trafficking in the European Union. A significant number of

victims are exploited outside Romania’s borders, driven by the higher profits that can be made in Western Europe by exploiting and selling people. Organised criminal groups take advantage of the difficulties raised by transnational cooperation and the variations in legislation in different countries to avoid accountability. Often, victims are not assisted in the country of destination or in the country of origin when they return, leading to partial or no results in combating human trafficking.

Romania has a significant number of convictions for human trafficking and its efforts to improve the justice system and victim assistance have enhanced in recent years. However, there are several areas where Romania can make progress through the wider adoption of internationally used best practice models, efforts to strengthen legislation and administrative measures.

The legislative framework relating to substantive law and to the work of the judicial authorities has been successively amended in recent years, in a continuous effort to adapt to domestic needs, but also to European and international ones. However, the legislative amendments have not been made in a consistent manner in relation to the issue of human trafficking, but rather in a limited, uncoordinated manner. As a result, some rules either

have not been modified for a long time or have not addressed the issue of human trafficking (for example, those regarding victims), while others have been adopted without necessarily being correlated with each other or addressing the full spectrum of the issue (for example, changes have been made to child trafficking, but not to human trafficking).

At present, the existence of a complex and dedicated approach to this phenomenon (especially at European Union level) established through both the adopted strategy and the upcoming European Directive (namely the proposal for a Directive amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims), provides opportunities for the Romanian legislators to analyse all relevant regulations and to carry out a holistic and consolidated intervention. Thus, in the process of transposing the new Directive, but also reflecting the numerous signals made by the judiciary, professionals contributing to the act of justice, NGOs at national level and international evaluation structures (TIP; COE), a broad analysis can be carried out of all relevant rules, how they relate to

each other, the need to impose changes in the system through legislative interventions, so as to proceed appropriately.

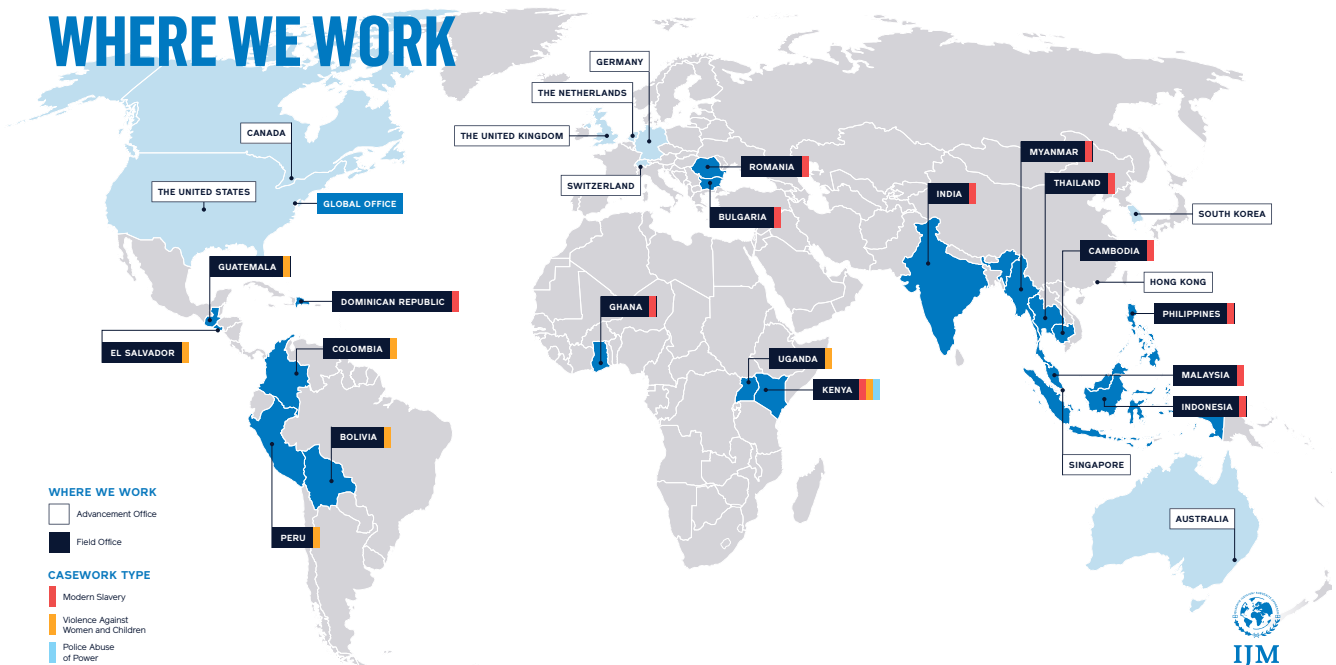
The upcoming period, especially in the context of Romania's new National Anti-Trafficking Strategy for the period 2024-2028, is a prime opportunity for authorities to comprehensively review the relevant legislation in the field of preventing and combating human trafficking. Romania is at a point where it has gained experience, has implemented specific mechanisms (DIICOT, ANITP), and will have an important legislative amendment at European level to implement - the draft EU directive. These steps will also benefit from an even stronger involvement of the legislature, given the establishment of the Special Joint Committee of the Chamber of Deputies and the Senate to combat trafficking in persons. 5

This report highlights a number of insights from International Justice Mission's casework and programming in Romania over the past four years, proposing steps for legislative improvements and recommendations on:



- Classification of certain offences as trafficking in human beings (Article 210 of the Criminal Code) versus pimping (Article 213 of the Criminal Code);
- The issue of punishment limits;
- Excluding the possibility of suspending the execution of the sentence under probation;
- The problem of proper application of the rules in the Criminal Code on victim hearings;
- Making the preliminary chamber procedure more efficient;
- Communication of the indictment to the victims;
- Speeding up proceedings and decreasing the average length of time for cases to be heard;
- Informing victims about the release of the accused or convicted person;
- Improving legal assistance to victims during criminal proceedings;
- Summoning procedures. Anonymisation of information;
- Ensuring adequate human resources in the fight against human trafficking and assisting victims;
- Provide sufficient professional training and psychological counselling for staff exposed to secondary trauma;
- Consolidating specialised services for victims;
- Strengthening efforts to confiscate and freeze illegally obtained income and assets;
- Improve data collection and aggregation for improved statistical analysis.

WHERE WE WORK



A close-up portrait of a woman with short, straight red hair. She is looking off-camera to her right with a serious, contemplative expression. She is wearing a dark, patterned jacket with a grey ribbed collar. The lighting is dramatic, with strong highlights on her face and a dark, blurred background.

II. HUMAN TRAFFICKING IN ROMANIA

Stock image IJM. Picture with actors.

Trafficking in persons is a widespread crime in all corners of the world, depriving people of their dignity, freedom and fundamental rights. According to an International Labour Organization (ILO) report¹ published in September 2022, around 50 million people globally are living in modern slavery.

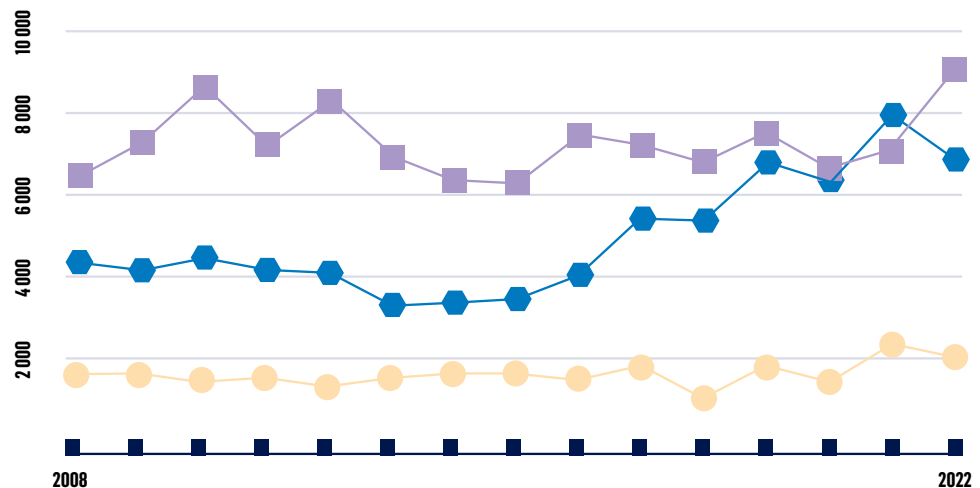
Moreover, the estimate shows a significant increase in the number of victims over the last decade. The Covid 19 pandemic, the proliferation of technology and the volatile geo-political context have put many people in a vulnerable situation, thus contributing to the increased risk of trafficking.

A UNODC report² published in 2022, shows that recent global developments have led to dramatic changes and accelerating trends in the issue of human traffick-

ing. Among the report's findings are changes in the profile of victims, decreases in identified cross-border cases and increased impunity in source countries, leading to increased exploitation, and a diversification of destination countries. The report also notes the increased vulnerability of many populations due to war and armed conflict, as well as more violent organised criminal groups exploiting people over longer periods of time.

As far as the European Union is concerned, according to Eurostat³, the year 2022 resulted in a record number of identified victims. While in the 2013-2021 period, the number of victims identified annually ranged between 6,000 and 8,000, in 2022 more than 10,000 victims were identified in the European Union.

Persons involved in trafficking in human beings by legal status(1) (number of persons, EU, 2008-2022)



(1) Totals for responding countries. No adjustments were made
Source: Eurostat (crim_thb_sex)

■ Registered victims
● Suspected traffickers
● Convicted traffickers

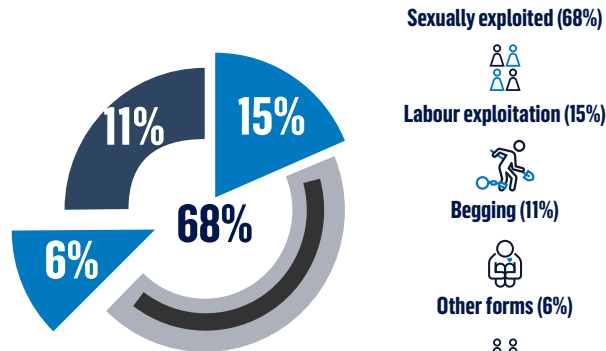
¹ "Global Estimates of Modern Slavery: Forced Labour and Forced Marriage" September 12, 2022, https://www.ilo.org/global/topics/forced-labour/publications/WCMS_854733/lang-en/index.htm.
² "Global Report on Trafficking in Persons 2022" United Nations: Office on Drugs and Crime, n.d. https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTIP_2022_web.pdf
³ "Eurostat - Trafficking in human beings statistics"; https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Trafficking_in_human_beings_statistics&stable=1#Number_of_registered_victims_and_of_suspected_and_convicted_traffickers

In Romania, the National Agency Against Trafficking in Human Beings (ANITP) reports⁴ a relative decrease in the number of victims over the last ten years, with 500 victims identified in 2022. Of the total number of victims, 42% were exploited abroad in 2022.

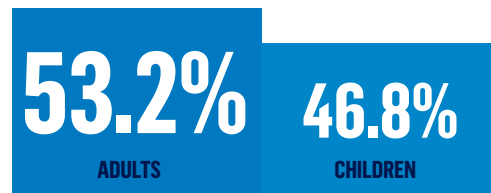
One aspect to be mentioned is the discrepancy between the ANITP figures and those of Eurostat, which reports 900 Romanians identified in 2022 in the European Union⁵. This discrepancy may be due to Eurostat's different data collection methodology. For example, Eurostat reports approximately 400 more Romanians exploited than Romania, when the data collected by ANITP indicates only 209 Romanians exploited externally. This reveals that there is a significant number of Romanians identified as victims in other Member States, who are not notified to the Romanian authorities.

Analysis of these figures highlights the cross-border nature of trafficking and the fact that most Romanian victims are exploited abroad. In the work of International Justice Mission in Romania, we have noticed that in many of the cases of sexually exploited Romanian nationals, the exploitation started within the country and then became cross-border. In these cases, the victims are usually exploited over a longer period of time and the exploitation takes place in several places across Europe.

In terms of forms of exploitation, Romania falls within the general parameters highlighted by Eurostat, without significant deviations. The ANITP report for 2022 shows that the majority of victims were:



Approximately half (46.8%) of the victims of trafficking identified by the Romanian authorities and included in the ANITP report for 2022 are children, most of whom are sexually exploited girls.



In terms of recruitment, according to the ANITP report, a significant percentage of victims were already involved in prostitution, pornography or begging prior to exploitation, indicating a high vulnerability to trafficking among these categories. 24% of the victims were lured with the promise of a job, while 15% were lured through the “loverboy” method. While the former exploits economic vulnerability, the “loverboy” method exploits emotional vulnerability - traffickers start romantic relationships with their future victims, promising them a better future, only to force them into prostitution later, using emotional blackmail, threats and violence to hold them captive. Around 80% of traffickers are acquaintances of the victims, using victim’s trust as a weapon and a control mechanism. The traffickers “other weapon is the victims” lack of trust in the police and the justice system.

⁴ ANITP - Annual report on the evolution of human trafficking in 2022 <https://anitp.mai.gov.ro//ro/docs/studii/Reportul%20anual%20privind%20evolu%C8%9Bia%20traficului%20de%20persoane%20%C3%AEn%202022.pdf>

⁵ https://home-affairs.ec.europa.eu/news/newly-released-data-show-increase-trafficking-human-beings-2024-02-28_en

The Loverboy Method

A method by which the recruiter/trafficker manages to manipulate the victim for their exploitation by feigning emotional commitment or exploiting the intimate relationship they have with them.

Source: ANITP - Annual report on the evolution of human trafficking in 2022

In Romania, the counties with the highest number of victims in 2022 were Dolj, Bacău, Constanța, Iași and Galați. However, we need to emphasise that these figures do not strictly indicate the counties with the most victims, but, in considering the hidden nature of human trafficking, they may also indicate better identification efforts. The main countries of destination for exploited Romanian citizens in 2022 were Germany, the United Kingdom, Italy, Austria and France.

Globally, human trafficking is on the rise because it is a lucrative illegal “business” from which traffickers can gain substantial amounts of money. Unlike drug trafficking or trafficking of other commodities, human trafficking is a consistent source of money, because a person can be sold and trafficked many times.

Of course, human trafficking would not exist if there were no demand - a market for cheap sex and labour, and clients willing to offer money to traffickers.

This demand exists both domestically in Romania and in Western countries, where many clients pay large amounts for such services, fuelling the activity of traffickers.

Similar to other fields, technology and the accelerated digital development in recent years are also influencing the field of human trafficking. Thus, we are seeing an increase in the advertising and provision of online services that target people in exploitative situations, people whose freedom has been taken away. Technology provides traffickers with more varied methods for recruitment, promotion, but also as a primary means of exploitation. Increasing numbers of people are being exploited in apartments and behind video devices for clients who consume sexual content from their own homes, anywhere in the world, often without questioning whether the person on their screen is engaging in a consensual activity, is being coerced by someone else to perform those services or is a child. Transactions that bring money into the pockets and accounts of traffickers are also done electronically and it is difficult to detect such cases. For this reason, justice must be in a continuous process of evaluation, analysis and accelerated evolution because criminals are constantly looking for new ways to easily make money and to make themselves as difficult as possible to trace and investigate.



III. LAWS ON HUMAN TRAFFICKING IN ROMANIA



The phenomenon of human trafficking is growing at an alarming rate and is not an episodic phenomenon. It affects large numbers of people and has profound social and economic implications, fuelled by globalisation and the use of new technologies and social media platforms.

The separate regulation of the offence of trafficking in human beings was introduced into the Romanian system as a result of the international obligations assumed by Romania through the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted in New York on 15 November 2000, ratified by Law no. 565/2002, published in October 2002. At the same time, at the level of the European Union, there were several specific initiatives in the pipeline - a proposal for a framework decision, a joint action, and at the level of the Council of Europe the Convention on Cyberspace⁶ was in the pipeline.

At that time, Romanian authorities made an important legislative and institutional effort, adopting, at national level, several normative acts:

- Law No. 678/2001 on preventing and combating trafficking in human beings, in force since 11 December 2001;
- Law No. 682/2002 on witness protection published in December 2002 and entered into force in 2003;
- Law No. 39/2003 on preventing and combating organised crime, published in January 2003;

- Law No. 161/2003⁷ regulating cyber-crime through Title III - Preventing and Combating Cybercrime, relevant to the punishment of child pornography.

Two years later, three other relevant pieces of legislation entered into force:

- Law No. 508/2004 on the establishment, organisation and functioning of the Directorate for the Investigation of Organised Crime and Terrorism within the Public Prosecutor's Office, which also established the dedicated judicial structure, namely DIICOT;
- Law No. 211/2004 on measures to ensure information, support and protection of victims of crime, regulating the first separate legal framework for victims;
- Law No. 302/2004 on international judicial cooperation in criminal matters.

Around this important body of legislation, changes were subsequently made to adjust other regulations (Criminal Code - to include reference to the crime of trafficking in human beings in the measures of insurance, for example, specific rules for the Romanian Police, etc.). These laws have subsequently been amended based on identified internal needs of Romania or external obligations requiring regulation.

Another important moment in establishing the legislative framework was the adoption of the new legislative package on criminal matters, seven laws in the criminal, criminal procedure and criminal enforcement fields (two codes - Criminal Code and Criminal Procedure Code, two implementing laws, three laws on enforcement of sentences), all of which entered into force on 1 February 2014.⁸

⁶ Framework Decision No 629/2002 - on combating trafficking in human beings in the European Union and on the Joint Action concerning action to combat trafficking in human beings and sexual exploitation of children Communication from the Commission of the European Communities to the Council and the European Parliament on combating trafficking in human beings and combating the sexual exploitation of children and child pornography (Brussels, 21.12.2000, COM (2000) 854 final), which included the proposal for a Council Framework Decision on combating trafficking in human beings and the proposal for a Council Framework Decision on combating the sexual exploitation of children and child pornography.

⁷ Law No 161/2003 on measures to ensure transparency in the exercise of public office, public functions and in the business environment, and to prevent and punish corruption.

⁸ 1. Law No 286/2009 on the Criminal Code; 2. Law No 135/2010 on the Code of Criminal Procedure; 3. Law No 187/2012 on the implementation of Law No 286/2009 on the Criminal Code; 4. Law No 252/2013 on the organisation and functioning of the probation system; 5. Law No 253/2013 on the execution of sentences, educational measures and other non-custodial measures ordered by judicial bodies in the course of criminal proceedings; 6. Law No 254/2013 on the execution of sentences and custodial measures ordered by judicial bodies in the course of criminal proceedings; 7. Law No 255/2013 on the implementation of Law No 135/2010 on the Code of Criminal Procedure and on amending and supplementing some normative acts containing criminal procedural provisions.

A. CURRENT REGULATIONS

CRIMINAL CODE

The new Criminal Code incorporated (as it did with other regulations existing in special laws at that time) the texts on offences relating to trafficking in human beings. In the new Chapter VII - Trafficking and Exploitation of Vulnerable Persons, some changes have been made to systematise and correlate with the rules in the general part. For example, some aggravating circumstances from the special law were no longer taken over, as the general rules were applicable: the aggravating circumstance of three or more persons committing the offence together, Art. 77(2), Art. 77(3), Art. 77(4) and Art. 77(5). (1) (a), concurrence of offences in the case of causing bodily harm⁹ or death of the victim¹⁰.

Moreover, according to the Explanatory Memorandum of the New Criminal Code, incriminations contained in Law No. 678/2001 and in Government Emergency Ordinance No. 194/2002¹¹ have been introduced in this chapter. The texts incriminating trafficking in human beings, minors and migrants have been systematised for easier understanding and better correlation with other incriminating texts, without, however, making substantial changes¹². At that time, they were in line with international standards - the UN Convention mentioned and its protocols, the Council of Europe Convention on Action against Trafficking in Human Beings¹³ recently adopted at the time, as well as the EU Directive 2011/36 on preventing and combating trafficking in human beings¹⁴.

The structure of Chapter VII - Trafficking and exploitation of vulnerable persons and subsequent legislative interventions are as follows:

- | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • Art. 209 - Slavery - text unchanged; |
| • Art. 210 - Trafficking in human beings - text amended by Law no. 187/2012; |
| • Art. 211- Child trafficking, text amended by Law no. 187/2012, Government Emergency Ordinance no. 18/2016 ¹⁵ , Law no. 217/2020 ¹⁶ ; |
| • Art. 212 - Forced or compulsory labour - text unchanged; |
| • Art. 213 - Pimping - text amended by Law no. 217/2020; |
| • Art. 214 - Exploitation of begging - text unchanged; |
| • Art. 215 - Use of a minor for the purpose of begging - text unchanged; |
| • Art. 216 - Use of the services of an exploited person - text unchanged; |
| • Art. 216 1 - Use of child prostitution - text introduced by Government Emergency Ordinance no. 18/2016, amended by Law no. 217/2023 ¹⁷ ; |
| • Art. 217 - Sanctioning of attempt - text amended by Government Emergency Ordinance no. 18/2016. |

⁹ The New Criminal Code, commented by reference to the previous Criminal Code, A.Vlasceanu, A.Barbu, Hamangiu Publishing House, 2014; p. 465

¹⁰ V.Ciolei in Criminal Code, Commented by Articles, 2nd Edition, CH Beck Publishing House, 2016, p. 581

¹¹ Government Emergency Ordinance no.194/2002 on the regime of foreigners in Romania

¹² 09L260EM.pdf (senat.ro).

¹³ Ratified by Romania through Law no.300/2006.

¹⁴ V.Ciolei in Criminal Code, Commented by Articles, 2nd Edition, C.H. Beck Publishing House, 2016, p. 581.

CODE OF CRIMINAL PROCEDURE

Perhaps the greatest legislative challenge of the Romanian legal system after the Revolution in 1989, the criminal procedure code, which entered into force in 2014, incorporated various procedural and criminal rules from special laws, while also attempting to impose new approaches to the way in which criminal liability is organised and to the way in which the various participants in the criminal process manifest themselves, depending on their capacity - judicial bodies, lawyers, parties (including the civil party), main subjects of the proceedings (including the injured party, referred to in regular language as the “victim”), as well as other subjects of the proceedings.

This code has undergone almost 30 legislative interventions, some of them major, through laws and emergency ordinances, and has been the subject of numerous Constitutional Court decisions (over 70). Some of these decisions have imposed new regulations or even changed the paradigm of certain institutions, beyond the legislator's intention. Some institutions are still being challenged (e.g. the Pre-Trial Chamber) or criticised, with calls for improvements (e.g. victims).

There are numerous legislative texts relevant to the fight against human trafficking, contained in both parts of this Code. These texts range from those regulating the status of the victim, legal assistance to the victim and the way in which the victim can be heard, to the regulations of the preliminary chamber, the summons or the procedures in cases with cross-border elements.

It is noteworthy that an amendment to this code was recently adopted by Law 217/2023, in order to increase the attention paid to victims, including victims of trafficking in persons or minors by:

- introduction of the right of the injured person to be informed promptly of the fact that the person arrested, prosecuted or convicted for the offence against them is released or has escaped from detention, as well as of any relevant measures taken for their protection in the event of the release or escape of the offender (Article 81(1)(a)); imposing compulsory legal aid for such victims (Article 94(4));
- provision of special measures when victims have specific protection needs - hearing in dedicated premises, by or in the presence of a psychologist or other specialist, hearing by remote technical means of communication, rehearing by the same person or by a person of the same sex, compulsory recording of the hearing in the case of minors (Art. 111); possibility of declaring the hearing not public (Art. 352); urgent trial in cases involving minor victims (Art. 355).

Challenges remain in regard to both the proper application of these new legal texts and in their correlation with other institutions in the Code, i.e. making other institutions in the Code more efficient for the same purpose, i.e. the application of efficient judicial procedures in a reasonable time.

¹⁵ Government Emergency Ordinance no. 18/2016 for amending and supplementing Law no. 286/2009 on the Criminal Code, Law no. 135/2010 on the Code of Criminal Procedure, as well as for supplementing Article 31 para. (1) of the Law no. 304/2004 on judicial organization.

¹⁶ Law no. 217/2020 on amending and supplementing Law no. 286/2009 on the Criminal Code and amending Article 223 para. (2) of Law No. 135/2010 on the Code of Criminal Procedure.

¹⁷ Law No 217/2023 on amending and supplementing Law No 286/2009 on the Criminal Code, Law No 135/2010 on the Code of Criminal Procedure and Law No 504/2002 on Audiovisual.

B. OTHER RELEVANT REGULATIONS

The Directorate for the Investigation of Organized Crime and Terrorism (DIICOT), the main structure called to combat the phenomenon of trafficking in persons, established in 2004, has a complex and comprehensive regulation by Government Emergency Ordinance No. 78/2016 for the organization and functioning of the Directorate for the Investigation of Organized Crime and Terrorism, as well as for the amendment and completion of certain regulatory acts, which naturally complements all regulations on the justice system, both at primary and secondary level¹⁸.

DIICOT prosecutors cooperate constantly, at national level, with specific structures subordinated to, coordinated by or within the Ministry of the Interior, in particular with the Romanian Police, but also with

the Gendarmerie, the Border Police, the General Inspectorate for Immigration, as well as with the dedicated agency, i.e. ANITP¹⁹, as well as with homologous or different structures at international level (other prosecution units, Eurojust, etc.). There is a specific legislative framework for each of these cooperations.

Since 2006, Romania has had three national strategies dedicated to combating trafficking in human beings²⁰, with related action plans, approved by Government decisions. In 2024, the national anti-trafficking strategy for 2024-2028 will enter into force, for which an inter-ministerial inter-sectoral strategic coordination committee²¹ and a referral mechanism²² have been formed.



¹⁸ Law No 303/2022 on the status of judges and prosecutors, Law No 304/2022 on the judicial organisation, Law No 305/2022 on the Superior Council of Magistracy.

¹⁹ Decision No 460/2011 on the organisation and functioning of the National Agency against Trafficking in Human Beings.

²⁰ Decision No 1654/2006 on the approval of the National Strategy against Trafficking in Human Beings for the period 2006-2010 - Government of Romania, Decision No 861/2018 on the approval of the National Strategy against Trafficking in Human Beings for the period 2018-2022, the National Action Plan 2018-2020 and the National Action Plan 2021-2022 for the implementation of the National Strategy against Trafficking in Human Beings for the period 2018-2022

²¹ Prime Minister's Decision No 22/2023 on the establishment and tasks of the Interministerial Committee for Strategic Intersectoral Coordination of the Fight against Trafficking in Human Beings, as subsequently amended by Decision No 335/2023

²² Decision No 88/2023 approving the National Mechanism for the Identification and Referral of Victims of Trafficking in Human Beings which repealed the previous regulation - Order No 335/1.990/2.881/1.072/2007 / 266/409/6.880/2.353/2008 approving the National Mechanism for the Identification and Referral of Victims of Trafficking in Human Beings

As a preliminary conclusion, it should be noted that the legislative framework relating to substantive law, as well as that relating to the work of judicial bodies, has been successively amended in recent years, in a continuous effort to adapt it to domestic needs, but also to those reported at European and international level. However, the legislative amendments have not been made consistently in relation to the issue of trafficking in human beings, but rather in a limited and uncoordinated manner. As a result, some rules have either not been amended for a long time or have not addressed the issue of human trafficking (e.g. those on victims), while others have been adopted without necessarily being interrelated or without addressing the whole spectrum of the issue (e.g. amendments have been made to trafficking in minors but not to human trafficking offences).

At present, the existence of a complex and dedicated approach to this phenomenon (especially at European Union level) established through both the adopted strategy²³ and the upcoming European Directive²⁴ (namely the proposal for a Directive amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims), provides opportunities for the Romanian legislator to analyse all relevant regulations and to carry out a holistic and consolidated legislative intervention. Thus, in the process of transposing the new Directive, but also reflecting the numerous signals made by judiciary, professionals contributing to the act of justice, NGOs at national level and international evaluation structures (TIP²⁵, COE²⁶), a broad analysis can be carried out of all relevant rules, how they relate to each other, the need to impose changes in the system through legislative interventions, so as to proceed accordingly.



²³ EU Strategy on Combating Trafficking in Human Beings 2021- 2025, EU Strategy on Combating Trafficking in Human Beings 2021-2025,, Rom Vers.pdf (gov.ro)

²⁴ <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:52022PC0732&from=EN%20>. REPORT on the proposal for a directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims | A9-0285/2023 | European Parliament (europa.eu) Carriages preview | Legislative Train Schedule (europa.eu)

²⁵ Trafficking in Persons Report - United States Department of State Romania - United States Department of State

²⁶ GRETA report, e.g. 1680azbof8 (coe.int)



IV. PROJECT RESULTS

Stock image IJM. Picture with actors.

International Justice Mission (IJM) launched the project “Strengthening the Proactive Criminal Justice System Response to Trafficking in Persons in Romania” funded by the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons on October 1, 2020. The main partners of the project were the Directorate for the Investigation of Organised Crime and Terrorism (DIICOT), the Directorate for Combating Organised Crime of the Romanian Police (DCCO) and the National Agency against Trafficking in Human Beings (ANITP), but IJM also worked closely with the National Institute of Magistracy (INM) and the National Authority for the Protection of Children’s Rights and Adoption (ANPD-CA) to achieve the project goals.

Coordination between the justice system, other Government agencies and civil society organisations is essential to improve survivor outcomes, prevent re-victimisation, successfully prosecute offenders, increase crime deterrence and ultimately reduce trafficking. Therefore, in this project, IJM has worked with governmental and non-governmental partners to support individual cases of human trafficking in order to identify key training needs of specialists and develop recommendations to improve the fight against human trafficking.

The project “Strengthening the Proactive Criminal Justice System Response to Trafficking in Persons in Romania” had an initial implementation period of two years but received a two-year extension. It pursued the following three objectives:

1. Strengthen the capacity of criminal justice system actors to employ victim-sensitive, multi-disciplinary techniques to identify, investigate and prosecute cases of trafficking in persons.

2. Develop government champions and key influencers who will strengthen policies for victim protection and compensation and will support funding of activities in the National Anti-Trafficking Strategy and National Action Plan.
3. Strengthen the quality of essential social services through increasing coordination between key frontline service providers and improving trauma-informed approaches to service provision.

Capacity building of the justice system in Romania was one particular focal point of the project, with International Justice Mission running eight training sessions with DIICOT and DCCO. The approach promoted by IJM was victim-centred and trauma-informed. The model chosen by the organisation was one of cascading learning and passing on the knowledge gained, by organising “Train the Trainers” type training followed by regional training with those trained. This approach was designed to develop not only the skills of the participants but also the internal capacity of the institutions to train other specialists.

The trainings conducted were extensive (between 3 and 5 days), contained many practical elements and covered topics such as: trauma-informed interviewing techniques for child and adult victims; financial investigations; open-source online investigations; international cooperation mechanisms; and methods of preventing and managing vicarious trauma. In conducting these training sessions, IJM used both local and international trainers from institutions such as the Federal Bureau of Investigation (FBI), Homeland Security Investigations (HSI), Diplomatic Security Service (DSS), and brought in private sector perspectives through representatives from Western Union or Mastercard, and

civil society perspectives (People to People Foundation, ADPARE, FREE).

Moreover, IJM collaborated with the National Institute of Magistracy (INM) to organize three training sessions for judges of Courts and Courts of Appeal to develop their knowledge of the particularities of human trafficking, and the ways in which this crime is committed, to understand the phenomenon from a victim's perspective, understand the particularities of hearing victims of trafficking in persons and to be able to take legal measures for the protection of victims. Similar to those held for police officers and prosecutors, the sessions lasted three days and were held by judges and other Romanian experts in the field.

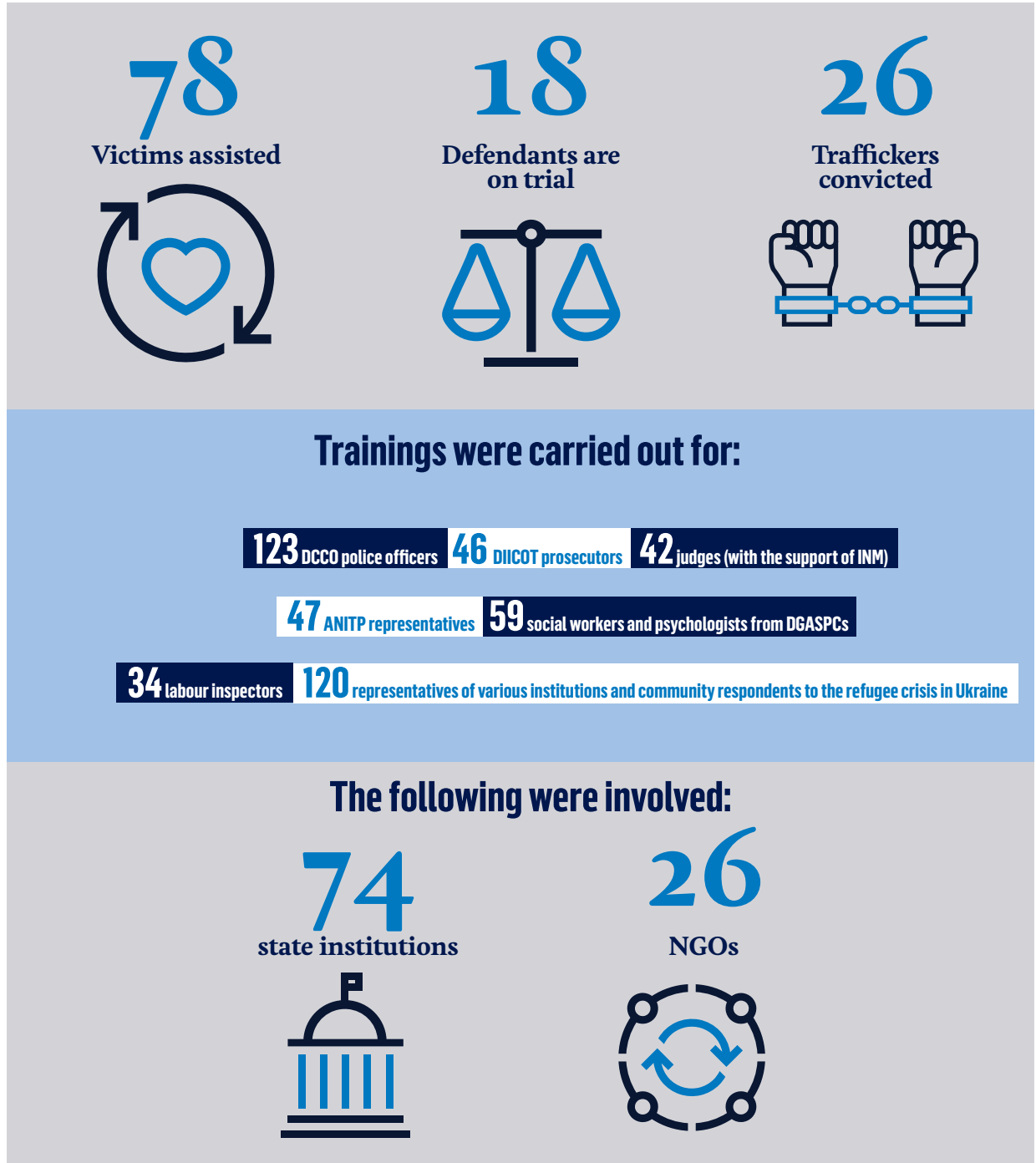
Other relevant actors in the anti-trafficking area were also trained in the project. They include ANITP representatives, social workers and psychologists from the DGAS-PC and labour inspectors. The participants had national representation in the trainings, with delegates from all counties and regions of the country.

To facilitate collaboration between all these representatives, IJM also organised multi-disciplinary working sessions that focused on crisis intervention in human trafficking cases and strengthening interpersonal collaboration skills. The trainings used practical exercises and discussions to develop case management skills in a victim-centred way throughout the process.

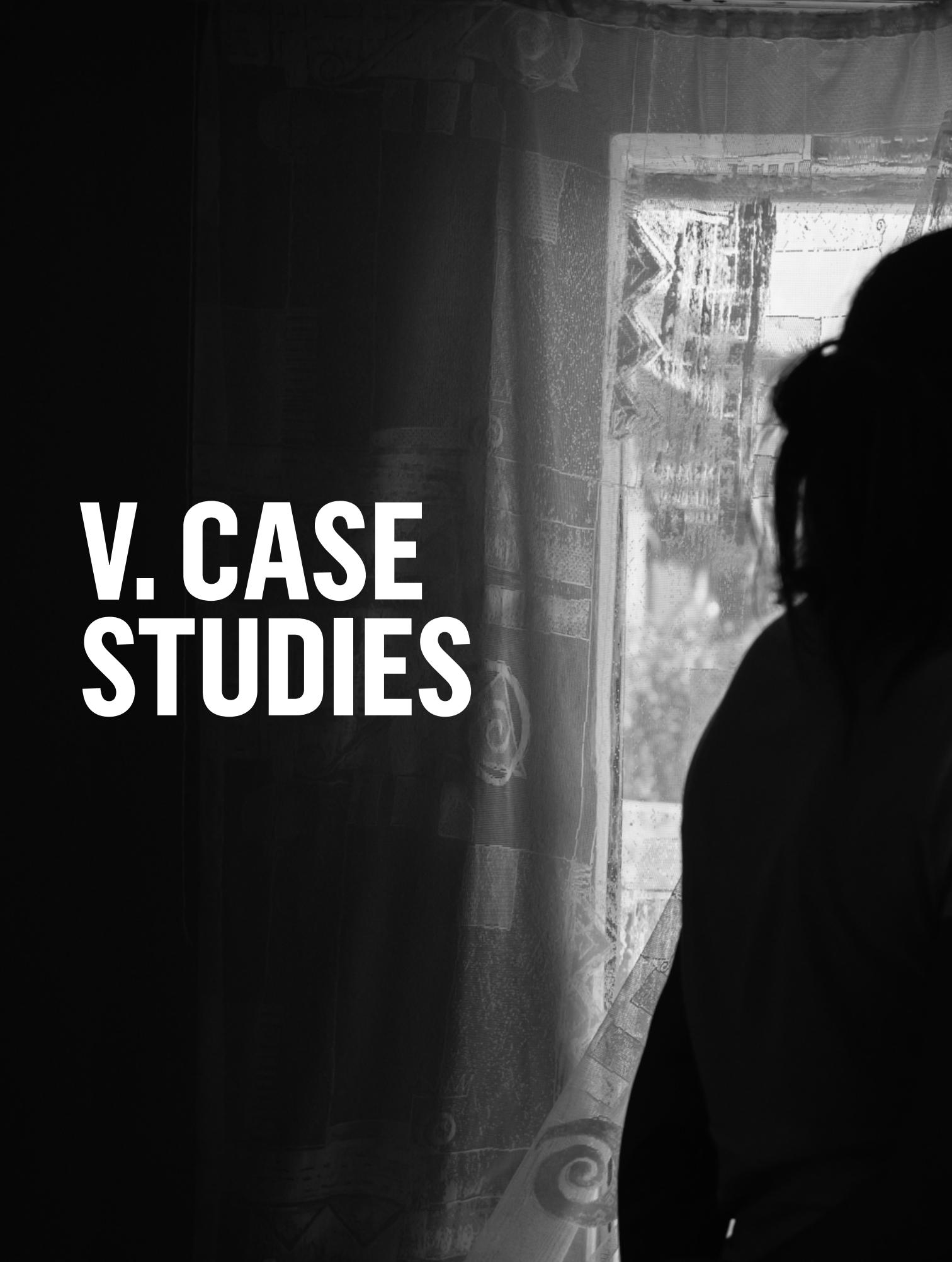
In terms of identifying the most important issues to be addressed through public policy, IJM organised over 10 consultations with civil society and government institutions to develop an advocacy strategy addressing issues related to strengthening the justice system, assisting victims, encouraging victim compensation policies and supporting the funding of activities in the National Strategy against Trafficking in Persons and the National Action Plan. Most of the consultations took place in a round-table format and focused on understanding the different points of view of participants on key issues in the fight against human trafficking. Specific proposals were discussed, converging on the formulation of practical and widely accepted solutions by the main actors involved. Among the most relevant topics are issues related to the criminal code, criminal procedure, licensing standards for services for victims of human trafficking, data collection, funding of services for victims, financial compensation.

Through these formal consultations and working sessions at various events organized during the project, the aim was to obtain feedback on the appropriateness and feasibility of measures that could have a positive impact in the fight against trafficking. Many of IJM's proposals outlined in this document have emerged from consultations with various partners and officials in key institutions.

In the framework of the project “Strengthening the Proactive Criminal Justice System Response to Trafficking in Persons in Romania”, carried out by the International Justice Mission, the following outcomes were achieved:



V. CASE STUDIES







**YOUNG ROMANIAN
WOMAN, SEXUALLY
EXPLOITED IN UK AND
ROMANIA**

Samara²⁷ has lived all her life in rural Romania. She is a strong and resilient young mother who has unfortunately faced many hardships and traumatic experiences throughout her life.

Samara was very young when she met a man on the internet who would win her trust and her heart. Taking advantage of her vulnerability, he convinced her to move in with him and his family. What seemed like a beautiful relationship quickly turned into a nightmare for her. The man turned out to be a trafficker, a member of an organised criminal group along with other members of his family. He began sexually exploiting the young woman for his and his family's benefit in Romania and the UK. For five years, Samara was under the control of the trafficker and his family.

clients, because they were taken by the traffickers. She didn't even have access to her ID, as she herself recounted: "I didn't have papers, I didn't have an ID, I didn't have anything, everything was with him." She was often kept hungry and cold, as the traffickers did not care to provide her with food and decent housing conditions and were not afraid to be violent in public. "The first time I arrived in England I lived in a car. Two weeks in a row and it was beyond horrible, hard to describe in words, because I didn't even have a place to go get washed. (...) I happened to get beaten up in the street and people were just turning their heads away..."

After years of exploitation, the traffickers decided that Samara was no longer profitable for them and kicked her out of the

"I remember the first night when I arrived on the street, I couldn't go with anyone. I couldn't get into anyone's car. So I took such a bad beating, because I didn't go. He said he needed money!"

Samara remembers the first moments of exploitation: "I remember the first night when I arrived on the street, I couldn't go with anyone. I couldn't get into anyone's car. So I took such a bad beating, because I didn't go. He said he needed money!"

For five years, Samara suffered constant physical and verbal abuse from the trafficker and his family.

She was forbidden to go outside without being guarded, she was restricted from communicating with her family. Samara had no access to the money paid by the

house. They already had other women they were exploiting to earn money for them. Once homeless, Samara managed to get back to her family, told them what she had been through and they supported her to go to the police, the specialised anti-trafficking unit, and file a complaint. Her case reached a prosecutor specialising in human trafficking at DIICOT and was referred by him to International Justice Mission so that Samara could receive appropriate specialised services.

The collaboration between IJM and the Romanian authorities - DIICOT (Directorate

²⁷ Samara is a pseudonym.

for the Investigation of Organised Crime and Terrorism - Specialised Unit of the Romanian Prosecutor's Office), BCCO (Brigade for Combating Organised Crime - Specialised Unit of the Romanian Police) and ANITP (National Agency against Trafficking in Persons) - provided Samara with the most effective protection measures and assistance services.

In close collaboration with the ANITP Regional Centre, the IJM team assessed the victim's needs and established a personalised assistance plan for her based on her necessities. The assistance plan was continuously updated according to accommodate Samara and support her progress towards reintegration process. Samara received ongoing care, including legal services, and had a lawyer who specialized in human trafficking cases. She also received medical services, therapy, material support and vocational training.



Having a support network around her, Samara felt listened to, understood and supported; as she says herself: "I met people who can really help you. (...) They are there for you, they listen to you. (...) A lot of them encouraged me and I don't know ... it's extremely rare that I felt such warmth and that someone really cared about me, until I met them."

The social worker from the IJM team was close to Samara, supporting her whenever she needed it. "I talked about everything that was weighing me down with her" Samara recalls. "I think I told her my whole life, both what I was planning to share and what I wasn't planning to share, what I felt ... everything. Because I knew she was there for me, because she was trying to teach me, trying to point me in the right direction."

Supported by IJM, Samara testified in the human trafficking trial against her trafficker and remembers how she felt seeking justice: "I saw myself determined ... I told myself I had to win against this man, who had done so much harm to me. He must pay!"

Following the trial and Samara's testimony, the traffickers were sentenced to up to five years in prison and the court ordered moral damages in the form of compensation for Samara. When her lawyer called to tell her about the sentence, Samara said she felt "so relieved, even though he deserved so much worse ... but I was so relieved. My God, look, I've done it. I'm not afraid anymore."

Samara now lives with her family in a village in Romania. IJM has been assisting her for over two and a half years and continues to be in close contact with her. With the organisation's help, Samara went to driving school and got her driving licence, which gives her mobility and flexibility because, living in a rural area, public transport is limited, and she could not get around easily. Also supported by IJM, she took vocational courses and is thinking of going back to school to finish high school.



ROMANIANS EXPLOITED FOR WORK IN THE UK



In December 2021, a UK court identified five Romanians, all members of the same organised criminal group and family, guilty of trafficking for the purpose of labour exploitation. Officially, they were running a staff leasing business for various construction work suppliers in London, but their business was only apparently legal. In reality, they were recruiting Romanian victims, mostly men, and luring them to the UK with the promise of construction jobs. They were promised wages of £50 a day, free food and accommodation to work on construction sites in east London. But all these promises were just a deception. The men, recruited from villages in Romania, were in fact trafficked into labour exploitation. The criminal family made a fortune off of them and the criminal enterprise they ran was systematic and planned, where each trafficker had a well-defined role, and no detail was left to chance.

Once in the UK, Romanian workers were

left without identity documents. Traffickers withheld their passports to prevent them from escaping the exploitative situation and to make it easier to control them. Victims were kept in houses in East London, and to hide the number of people living there during inspections by the British authorities, traffickers prepared bunk beds in the attic and crammed them in there. The accommodation was unsuitable, with up to 26 people forced to stay in one house in inhumane conditions. During the exploitation, traffickers charged the victims for certain utilities and housing costs, turning them into false debts and thus “justifying” withholding their wages. In fact, people were enslaved by these false debts. Those who dared to resist were assaulted and threatened by the traffickers, including a proliferation of threats against their families in Romania. In this way, they frightened the workers, who were fearful to ask for help. Moreover, the victims, with



Stock image.

grave socio-economic difficulties at home in rural Romania, had even taken out loans to pay for their transport to the UK. But without receiving the money from their so-called employers, they could not pay back these loans.

Following a joint investigation by UK and Romanian authorities into the organised crime group, 14 victims have been identified and safely recovered. Not all the victims were able to testify in the trial against the traffickers because they feared violent reprisals from the defendants and their supporters. However, 12 people found the strength to go to court to seek justice. Their cases were referred by the authorities to International Justice Mission for assistance.

The support of IJM has been essential in identifying victims, assisting, protecting and supporting them before and during the trial and in keeping the victims connected with the UK authorities. After exiting exploitation, victims changed their contact details, and the trial was delayed due to restrictions during the Covid 19 pandemic.

Victims assisted by IJM received material, logistical and psychological support. This enabled them to benefit from appropriate support services, to be involved throughout the criminal process and to cooperate with the UK authorities during investigations and court proceedings. Victims were heard giving evidence via video link to the UK court. Due to the long distance between

their residences and the court where the court procedure was held, an important issue was the organisation of transport for all parties, safeguarding and other services which were facilitated by the IJM team. After a trial in London that lasted more than 15 weeks, the traffickers were found guilty and sentenced to up to 5 years in prison, their assets were confiscated, and the victims received financial compensation.

The first step in IJM's process of assisting victims was to assess their needs. Based on this assessment, the IJM team prepared care plans tailored to each individual. "In the assistance process, we put a strong emphasis on financial-economic empowerment of victims. We wanted to help people become economically self-sufficient so that they could acquire stable, secure incomes and jobs. In this way they can build a decent living and a safe life," explained the IJM social worker who dealt with the case. "Our support included emergency material assistance, which was critical for these victims who were facing severe material deprivation. Our support even went towards purchasing building materials to improve living conditions and ensuring access to basic household needs such as electricity."

Supported by IJM, the victims have progressed towards economic recovery and stability. However, there are still post-exploitation aftercare needs that have yet to be met to reduce their vulnerability.

“In the assistance process, we put a strong emphasis on financial-economic empowerment of victims.”



Stock image.

A photograph of a weathered wooden fence. A single strand of barbed wire is wrapped around a vertical wooden post. A piece of newspaper is pinned to the fence with a nail. In the background, there are white flowers, possibly cherry blossoms, and a building with light-colored siding. The overall scene is somewhat somber and suggests a barrier or restriction.

VI. BEST PRACTICE IN DEALING WITH HUMAN TRAFFICKING CASES



International Justice Mission considers inter-agency cooperation, the development of key victim-centred skills and working in multi-disciplinary teams to be essential for the successful resolution of trafficking cases and the prosecution of perpetrators.

The challenge that International Justice Mission has found is that in practice, although these approaches are applied, they are not standardised nor consistent across all areas of the country and all institutions involved in the anti-trafficking process.

Widespread use of these methods in Romania can bring significant improvements in the way victims are reintegrated and in combating the phenomenon, their effectiveness being proven by the results the organisation has achieved in the four years of the project in Romania and by various other studies²⁸.

Since the beginning of its presence in Romania, International Justice Mission has cooperated with the Romanian authorities in 56 cases, assisting 122 victims of human trafficking. These included both Romanian and foreign victims who were exploited on Romanian territory or victims recruited from Romania and exploited sexually or through labour in other Western European countries. The good practice models presented below and promoted by International Justice Mission are in line with international standards, are centred on the needs of victims and focus on a trauma-informed approach, on the understanding and awareness of what victims experienced during the period of exploitation.

²⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9021523/>

A. TRAUMA-INFORMED APPROACH



Trauma-informed intervention is an approach that recognizes and acknowledges the effects and impact of trauma on victims of human trafficking, requiring planning of all interactions with them in a way that minimizes the potential for re-traumatization. Trauma-informed intervention focuses on creating the premises of physical, psychological, and emotional safety to meet the unique needs of survivors.

It is essential that this kind of approach is implicit for all professionals working in the field of human trafficking, from the moment a victim is identified, throughout the court hearing and the person's reintegration. Such an approach is not only essential for the assistance and recovery process but is particularly important for victims' trust in anti-trafficking authorities.

The setting and behaviour of people who

interact with victims when they are identified and removed from exploitation, when they are heard or informed of their rights, dictates how the survivor will relate to law enforcement institutions. Ensuring basic needs, creating a safe environment and generating as many opportunities as possible for victims to rebuild a sense of control will massively influence victims' choice to participate in the criminal justice process.

Moreover, this type of approach is essential to be maintained throughout the criminal justice process, especially in courts where victims are often confronted with the person or persons who trafficked them. Given the difficulty of remembering the traumatic events they have experienced, victims should be entitled to special protection measures, to be treated with compassion, dignity and respect, and to be protected from any attempt at interference or coercion by traffickers or their associates.



B. MULTIDISCIPLINARY CASE MANAGEMENT TEAMS

The aim of the fight against human trafficking is both to reintegrate the victims and to bring justice and deter the phenomenon. These components are closely interlinked and interdependent, which is why they must be managed holistically. While there is no easy or one-dimensional solution to human trafficking, as it is influenced by a complex set of factors, often working in combination with each other, multidisciplinary teams are a model of good practice that lead to better outcomes in terms of the victim's journey and the criminal justice process.

A multidisciplinary approach involves the coordination of different professionals from anti-trafficking institutions and organisations which allows them to pursue, above all, the best interests of the victim. Multidisciplinary teams of police officers, prosecutors and service providers can facilitate a much simpler and more direct pathway for the victim through the criminal justice and reintegration process. The cooperation and coordination of the various actors involved brings a number of benefits including:

- Better reintegration of survivors. Multidisciplinary teamwork enables comprehensive care to be provided. With each specialist focused on a different aspect of the victim's situation, actors are more likely to identify areas of need and then manage those needs effectively. Each team member can work with the victim in his or her area of expertise, while collaborating to provide recommendations that work together to improve the outcomes of the victim's journey.
- Simplified workflows and time saving. Multidisciplinary support increases

productivity and saves time. Attempting to support a victim's journey in an uncoordinated justice system can lead to miscommunication and support errors that jeopardise victims' willingness to engage.

- A simple route through the justice system. While navigating such a system can often be complicated and time-consuming, responding to the needs of victims can provide them with a constant support network, predictability and clarity about the process.

In order to increase the chances of successful outcomes in trafficking cases, International Justice Mission recommends the creation of multidisciplinary teams that provide victim protection, social support services, psychological counselling and legal aid services. Specifically, it recommends close cooperation between service providers, ANITP specialists, DCCO case officers, the DIICOT prosecutor and the victim's lawyer.

Critical stages in emergency response and certain stages in prosecution and trial need the widest possible consultation of all actors involved, so that each intervention by one actor or institution is informed and supported by the expertise of others. For example, the prosecutor's approach in the hearing could be adjusted if they were aware of the victim's suicidal ideation or the challenges in the residential centre where the victim is being held because of psychiatric problems. Similarly, the social worker's intervention could be adjusted if they are aware that the victim has someone in their social circle who has been convicted of murder, rape or other serious offences.



C. MAIN POINT OF CONTACT



Stock image IJM. Picture with actors.

A victim of human trafficking should be able to interact with all actors involved in her case, but a primary point of contact is recommended to increase the victim's understanding and confidence in how their case is managed and supported.

International Justice Mission's experience shows that having a lead person to liaise with the victim and to inform and support them in all aspects of their assistance, reintegration and journey through the criminal justice process leads to much better and easier collaboration with the authorities and to an increased quality of the testimony and evidence provided. The victim's main point of contact must be in good communications and a coordinated process with prosecuting authorities in order to achieve results in trafficking cases. In the practice of the IJM, cases have been reported where the absence of support services or lack of connection between those assisting the victim and the prosecution have led to poor results in the prosecution process, some-

times also in reintegration.

However, this main point of contact can only be possible if actors operate as a multidisciplinary team.

Currently, in Romania, this role is informally performed by the ANITP staff, but in the absence of coordination and communication between the different actors, the process and the relationship with the victim is fragmented. IJM recommends that this role should be formally defined, along with the existence of multidisciplinary teams, and should be carried out by persons who receive professional training to understand and manage the complexity of the process of assisting victims of trafficking and their journey through the criminal justice process. Standardising this practice and ensuring optimal resources, including human resources, necessary for good coordination of trafficking cases at national level will lead to successful outcomes both in justice and in the lives of people who have experienced exploitation.

D. PROVIDING CONTINUOUS ASSISTANCE AND SUPPORT TO VICTIMS OF CROSS-BORDER HUMAN TRAFFICKING



The cross-border nature of human trafficking not only makes criminal investigations and proceedings more difficult, but often leads to situations where victims who are repatriated or who voluntarily return from the country where they were exploited to Romania are not connected with relevant anti-trafficking actors or support services. These situations deprive victims of their rights, of support, and they increase the chance that they will be re-trafficked and perpetuate impunity.

This is why International Justice Mission considers the provision of continuous assistance and support to victims of cross-border human trafficking to be an essential element in combating the phenomenon at European level. A significant number of the cross-border trafficking cases in which IJM has provided assistance have been cases that would not have gone to court without the network developed in Europe by the organisation, both in countries of origin such as Romania and in Western destination countries such as the UK, the Netherlands and Germany. As a result of IJM developing cooperative relationships with prosecution

authorities in several countries, as well as service providers at European and local level, many cases have been referred to the competent authorities.

International Justice Mission advocates and works to ensure that assistance services are provided continuously throughout the repatriation of victims and that the service providers in the country of origin are connected with the victim even before they leave for Romania. Therefore, IJM strongly recommends the existence of a transnational identification and referral mechanism to ensure prompt cross-border collaboration between relevant actors in various countries for specific assistance, support and integration measures. Such processes will enable victims to exercise their rights and provide them with the necessary resources to access a recovery and reintegration process.

Due to its practical experience, IJM can attest to the fact that a continuum of care for victims of trafficking will lead to a continuum of accountability, in which perpetrators will be held accountable and ending impunity.

A photograph of a courtroom interior. The background features a large, ornate wooden bench with intricate carvings. A Romanian flag is visible on the right side of the bench. The text is overlaid in the center of the image.

**VII. RECOMMENDATIONS
FOR STRENGTHENING
THE FIGHT AGAINST
HUMAN TRAFFICKING**



DINTE

JUDECATOR



A. LEGISLATIVE PERSPECTIVES

The coming period is a great opportunity for the Romanian authorities to comprehensively review the relevant legislation in the field of preventing and combating trafficking in human beings. Romania is at a point where it has gained experience, has specific mechanisms in place (DIICOT, ANITP), there is an important legislative change at European level to be implemented, namely the new Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims²⁹. These steps will also benefit from an even stronger involvement of the legislature, given the establishment of the special joint committee of the Chamber of Deputies and the Senate to combat trafficking in human beings³⁰ at the end of 2023. The desirable course for this parliamentary initiative would be to make the commission permanent with the next legislature, in order to strengthen Romania's efforts to combat human trafficking.

The new interventions will take into account existing regulations at an EU level³¹

as well as Council of Europe standards, both at a convention level and in the reports assessing how states are complying with their standards³², together with other international assessments, such as those at UN level - e.g. in the framework of the "Universal Periodic Review" mechanism³³ or globally with reference to Romania - "UNODC Global Report"³⁴, the US Department of State - "Trafficking in Persons Report" (TIP Report)³⁵ etc.

On this occasion, an analysis will be made of the national legislative texts that need to be amended or improved, but it may also be analysed how other relevant texts can be amended so as to respond to the real needs observed over time in judicial practice. These issues have also been captured in the draft of the new strategy on preventing and combating trafficking in human beings³⁶, in general terms. We will specifically point out below the main lines of intervention that International Justice Misson considers relevant in the future legislative approach.

²⁹ https://home-affairs.ec.europa.eu/proposal-directive-preventing-and-combatting-trafficking-human-beings-and-protecting-victims_en

³⁰ Parliamentary Committees Romanian Senate

³¹ 1. Council of Europe Convention on Action against Trafficking in Human Beings, adopted on 3 May 2005, opened for signature and signed by Romania in Warsaw on 16 May 2005, ratified by Law no.300/2006;

2. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings, and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

3. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA;

4. European Strategy against Trafficking in Human Beings 2021-2025.

³² 1. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, adopted in Lanzarote on 25 October 2007 and signed by Romania in Lanzarote on 25 October 2007, ratified by Law no.252/2010 and the issues identified by its monitoring group, available at <https://rm.coe.int/compliance-report-concerning-recommendation-12-follow-up-given-by-part/1680a5e8f1>

2. Council of Europe Convention on Action against Trafficking in Human Beings, adopted on 3 May 2005, opened for signature and signed by Romania in Warsaw on 16 May 2005, ratified by Law no.300/2006 and GRETA Group reports 1680a2bcf8 (coe.int)

³³ Considered one of the most important instruments of the UN Human Rights Council in the promotion and protection of human rights at the global level, it evaluates States in evaluation cycles, Romania being at the 4th such round. Universal Periodic Review - Romania | OHCHR

³⁴ UNODC 2022 Trafficking in Persons report (unodc.org), with references to Romania available at Central_South-Eastern_Europe_2022.pdf (unodc.org)

³⁵ Romania - United States Department of State

³⁶ https://webapp.mai.gov.ro/frontend/documente_transparenta/642_1711725460_Strategie%62oSNITP%62o2027.o3.24.pdf

1. ASPECTS TO BE ANALYSED WITH REGARD TO THE CRIMINAL CODE

1.1. Since the adoption of the special regulations on trafficking in human beings, there has been the problem of the rather fluid borderline between the classification of certain offences as trafficking in human beings (Article 210 of the Criminal Code) versus pimping (Article 213 of the Criminal Code). The problem of classification is still being raised today. Various possible legislative solutions have been analysed, from the inclusion of the form of pimping to exploitation by coercion, with a view to determining the commencement or continuation of the practice of prostitution - in the offence of trafficking in human beings or minors (Art. 210 or 211) to the correlative repeal of paras. (2) and (3) of Article 213, until the rules on concurrence of offences are imposed. To what extent legislative intervention is necessary will need to be further examined. Whether regulation of judicial practice through classical mechanisms - appeal in the interest of the law, discussions on judicial practice organised within the National Institute of Magistracy (INM) or in meetings to unify judicial practice at the level of courts of appeal or the Public Prosecutor's Office - is more useful will have to be determined.

1.2. The issue of penalty limits was also raised. Some texts have undergone recent legislative interventions but, as has been shown, their approach was not holistic but limited. For example, Law No. 217/2020³⁷ made some interventions with regard to the offence of child trafficking and pimping, but the whole chapter was not analysed in order to assess the range of penalties in full. Moreover, the same legislative

intervention increased the minimum penalty limits for some sexual offences - for example, the minimum limit for the offence of rape in the standard version was raised from 3 to 5 years - art. 218 para. (1), but also in the aggravated form, Art. 218 (3) from 5 to 7 years, or Art. (4) - if the offence resulted in the death of the victim - from 7 to 9 years, so that the level of penalties, once correlated, is no longer maintained. The issue of maintaining a certain minimum threshold for trafficking offences has often been raised in judicial practice. This allows the courts to apply sanctions with suspension of the execution of the sentence, which was not considered to be allowed in relation to the message that all Romanian state authorities should give in combating this serious phenomenon. More recently, proposals have also been made to increase the maximum limits by at least 2 years compared to the existing level. These steps to increase penalties are essential to deter human trafficking offences and hold perpetrators accountable.

1.3 Excluding the possibility of suspending the execution of the sentence under probation, by supplementing Article 91 of the Criminal Code, is a new legislative proposal which aims to ensure that in the case of the offences referred to in Article 209 - slavery, Article 210 - trafficking in human beings and Article 211 - trafficking in minors, of the Criminal Code, the penalty will always be imprisonment. This will adjust the practice of the courts towards harsher penalties to fight against this phenomenon. Of course, at a general level, the question may be raised whether

³⁷ Law no. 217/2020 on amending and supplementing Law no. 286/2009 on the Criminal Code and amending Article 223 para. (2) of the Law no. 135/2010 on the Code of Criminal Procedure

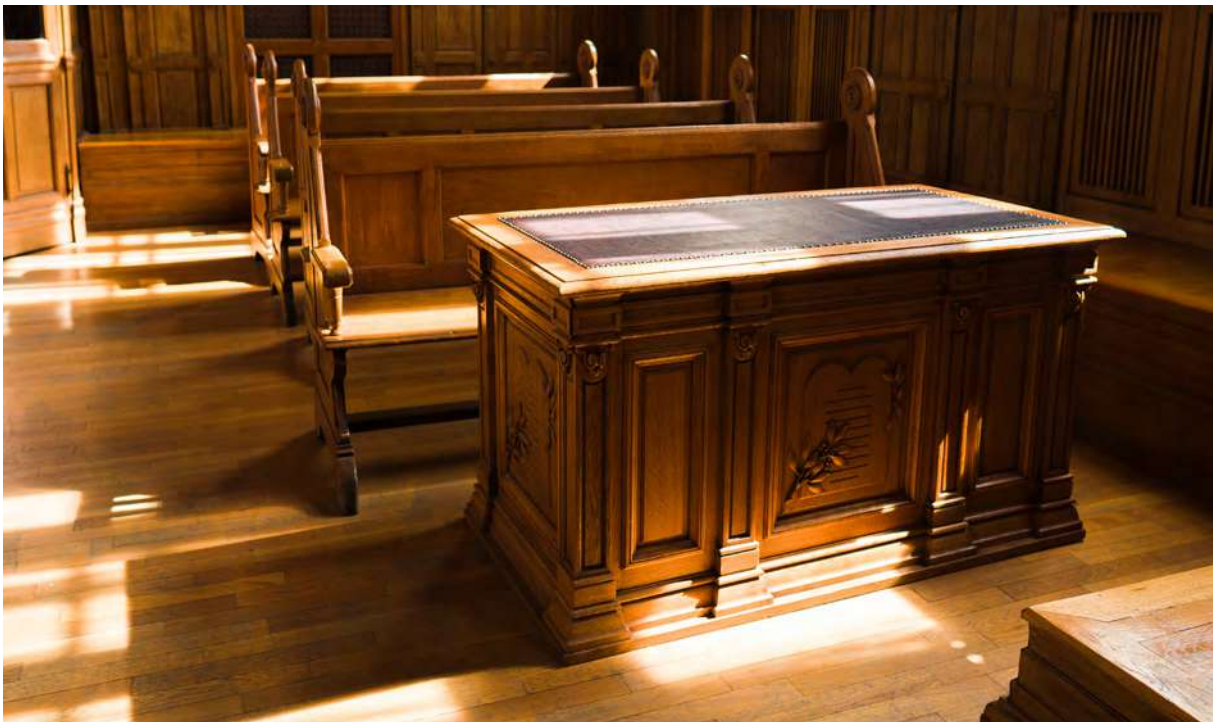
such a provision would not be justified in the case of other serious crimes and even whether such legislative intervention, which is relatively recent, the precedent having been set by Law No 213/2023³⁸, is in compliance with constitutional regulations, whereas the texts did not benefit so far from a specific control by the Constitutional Court.

1.4. The problem of proper application of the rules of the Criminal Code. Aside from being a matter of legislative interest, International Justice Mission casework has indicated that some useful provisions of the Code are applied only to a limited extent or not at all by the courts - e.g. Art. 101 para. (2) - supervision measures and obligations that may be ordered as part of conditional release if the remainder of the sentence not served at the time of release is two years or more, namely (e) - the sentenced person shall not communicate

with or approach the victim or members of the victim's family, participants in the offence or other persons as determined by the court.

1.5 New substantive law regulations

Consideration should be given, for example, to amending Article 182 of the Criminal Code to extend the concept of exploitation to other cases, such as forced marriages (or similar relationships), a legislative solution also outlined at the EU level in the proposal for a directive amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims³⁹. There are also other aspects shaped by national specificities which deserve attention in future analyses, for example exploitation by being forced to commit offences, forced marriages, illegal adoptions, surrogate mothers.



³⁸ Law No 213/2023 supplementing Article 91 of Law No 286/2009 on the Criminal Code
³⁹ <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:52022PC0732&from=EN%620>.

2. ASPECTS TO BE ANALYSED WITH REGARD TO THE CODE OF CRIMINAL PROCEDURE

There are many institutions in this Code which, if improved, would increase, where appropriate, the speed or efficiency of judicial proceedings or, more specifically, the compliance of proceedings in criminal cases with European and international standards on victim protection. Of course, the interventions in this Code cannot be exclusively targeted at trafficking cases, but will cover all criminal cases, regardless of their subject matter.

2.1. Some proposals have been aimed at broader, conceptual interventions, such as making the preliminary chamber procedure more efficient. Following multiple interventions and interpretations by the Constitutional Court of Romania (CCR), it has moved far away from the original purpose for which it was regulated (which was a novelty in the Code, namely, to constitute a relatively short step at the beginning of the trial, verifying the legality of the committal for trial), the purpose being to prepare the case for trial, and to filter the resolution of the criminal action⁴⁰. It is up to the legislator to consider whether this institution can be modified to make it more efficient and, above all, to shorten its duration. The original duration of the preliminary chamber step was based on the way it was originally regulated by the CCR decisions, but the procedure has changed; it must be carried out in the presence or with the summons of the participants, which leads to the 60-day recommended deadline to often be greatly exceeded. This makes the period in which a victim seeks justice in the courts very long, sometimes up to two, three or even

four years, which also contributes to the perception of 'delaying' the justice process and which sometimes even discourages victims from continuing to fight for justice.

2.2. Communication of the indictment to victims was proposed as practice has shown that victims of trafficking in human beings or minors usually have limited possibilities to consult or photocopy the file. Ex officio communication would raise standards in supporting victims in criminal proceedings. It is therefore proposed to implement a specific legislative intervention on Article 329 of the Code of Criminal Procedure - the act of referral to the court, and Article 344 - preliminary measures in the preliminary chamber procedure, so that certified copies of the indictment, or its translated form for those who do not speak Romanian, are also communicated to victims. The proposal needs to be examined in depth - should copies be sent to all victims or only to those who wish to receive them? If they are sent to the victims as the main parties in the proceedings, should they not be sent to the other parties in the criminal proceedings, such as the civil party and the party liable in tort? etc.

2.3. Legislative interventions to speed up proceedings and reduce the average length of time for the prosecution of cases of trafficking in human beings and trafficking in minors have been proposed because the case records show a duration of 2-3 years for the prosecution phase and even longer for the trial phase. Of

40 I. Kuglay in *Code of Criminal Procedure, Comments by Articles, 2nd Edition*, CH Beck Publishing House, 2017, p. 1413-1416.

course, such an intervention requires an analysis of all procedural stages (Does the procedure take longer in the prosecution phase? In the trial at first instance? In appeal proceedings?) and of the existing mechanisms for speeding up proceedings (e.g. the institution of an appeal against the length of the criminal trial - Article 4881; is this actually applied in practice? Does it speed up proceedings?), as well as of the texts on cross-border elements, given that proceedings requiring international judicial cooperation in criminal matters are lengthy and many trafficking cases have this component. The analysis will show what can be improved.

2.4 Hearing victims. International Justice

Mission's casework reflects the fact that very often victims of human trafficking, whether minors or adults, are excessively reheard by the judicial authorities, without the texts of the Code of Criminal Procedure being effectively applied. These stipulate that the rehearing of the injured person should only be happening if strictly necessary for the conduct of the criminal proceedings. The number of contacts and statements provided by a victim could be decreased significantly through the implementation and strengthened multi-disciplinary approach as cited above.

The judiciary lacks an active role in this matter; there are situations where, if requested by the victim's lawyer, the victim is ordered to be heard in a separate room, by videoconference, but this procedure is not, as a rule, raised *ex officio* by the prosecutor or the court. The victim is not asked whether they wish to use this mechanism, and it is left solely to the victim's defence to request it. There have also been cases where, although the lawyer has requested it, the prosecutor has refused.

An important step is the recent adoption of dedicated texts by Law 217/2023, which

focus more on how the hearing of victims takes place, on the use of special hearing facilities and on the hearing of child victims. These are intended to bring about, even indirectly, the avoidance of excessive rehearing, even if the texts explicitly indicating this concept in the Code of Criminal Procedure have not all been consolidated.

It should therefore be considered whether legislative intervention is required to consolidate this text or other relevant texts of the Code of Criminal Procedure (Art. 81, Art. 127(d), Art. 130), or to allow, in cases where a rehearing is granted, the possibility of conducting the rehearing only on the essential aspects or on those that require further clarification, and not on all aspects of the case. Consideration should also be given to whether it is sufficient to raise awareness among the judiciary of the purpose and effects of those texts aimed at preventing re-victimisation in criminal proceedings.

2.5. Informing victims of the release of the accused or convicted person.

The texts of the Code of Criminal Procedure, as well as some of the laws on the execution of sentences, have transposed this institution, as a form of compliance by the Romanian State with a European standard on the matter, more specifically, contained in Art. 6 para. (5) and (6) of Directive 2012/29/EU.

In practice, two types of problems have been reported - either this information is not provided or is not provided promptly in national procedures, or, in the case of release from foreign places of detention, this information is no longer provided, especially when the countries concerned are not part of the European Union and therefore do not have this obligation to comply when imposed at EU level. Recently, Law No. 273/2023 brought an important legislative change, introducing the right of



the injured party (victim) to be promptly informed of the fact that the detained person (potential trafficker) is released or has escaped from detention, as well as of any relevant measures taken for their protection in case of release or escape of the offender (Article 81(1)(a) of the CPC).

It is therefore necessary to consider what further legislative intervention is required with regard to the other specific texts referring to this aspect of the Code of Criminal Procedure (Art. 111 para. 5 - how to hear the injured party, Art. 404 para. 6 - content of the statement of case, Art. 230 para. 5 - the preventive detention warrant) or special laws (Art. 53 - release from custody under Law no. 254/2013, art.4 - information of crime victims, under Law no. 111/2004).

Solutions should also be found to enable the Romanian authorities to notify victims on Romanian territory when convicted or remanded perpetrators in custody abroad are released and are likely to return to the country. In this respect, the texts on judicial cooperation in criminal matters - Law No 302/2004, on international judicial cooperation in criminal matters, as well as the special normative acts regulating cooperation at the level of police bodies, i.e. prison authorities, should be analysed.

2.6. Assisting victims during criminal proceedings. Threatening victims' lawyers. Casework often reflects instances of indirect threats, simply by the large number of defendants' attorneys present or waiting in the courtroom for the start of the trial. In contrast, victims are often unattended, alone or with few close friends in the courtroom, and they can be easily intimidated and threatened.

The recent amendments to the Code of Criminal Procedure by Law no. 217/2023 offer the possibility of declaring hearings as non-public, together with the possibility of hearing by technical means of remote hearing - texts likely to determine, indirectly, a reduction of this pattern, as long as they are properly applied by the judicial bodies. It remains to be seen to what extent further texts along the same lines are necessary. Thus, although not regulated in the Code, we consider that the need for specific protection measures or a hearing under special conditions requires the court to grant an appropriate deadline or set the date and time of the hearing after a thorough analysis of the victim's needs and consultation with the defence, i.e. with the specialists involved - e.g. if the victim is a disabled person undergoing medical treatment, at what time of day the hearing is appropriate, if the victim is a minor and needs to be accompanied by a specialised psychologist with whom they have already established a relationship of trust, or the ANITP specialist, when the latter might be available, etc. Other situations, often encountered, are those of threats to victims' lawyers, which calls for a careful analysis of the legislative framework that allows protection for them as well⁴¹.

2.7. Summoning procedures. Anonymisation of information. Casework has reported situations in which victims are summoned by post, usually by applying standard procedures. This makes the identity of victims publicly known and poses a danger to them. There is currently no regulation that allows both the rigorous fulfilment of the summons procedure and the maintenance of the confidentiality of the victim's address - for example, summons through the ANITP or exclusively through a lawyer. Other more convenient

⁴¹ Law No 51/1995 on the organisation and practice of the legal profession

and secure means of notification for victims, such as electronic communication, are not envisaged.

Throughout its activity conducted in Romania, International Justice Mission has also reported situations in which, although the injured person chooses the address of service at the office of the lawyer assisting them from the prosecution stage, they are not summoned to that address or are summoned to their address and the lawyer's address. This reflects a regrettable disregard by the courts of the vulnerability of trafficked persons. There are also cases where, if for various objective reasons, the victim no longer resides at the notified address, the procedure is deemed to have been completed without the judicial authorities checking whether the victim in fact still lives at that address. This seriously affects the ease in which judicial proceedings run.

Moreover, casework has reported extremely serious situations of enabling intimidation of victims precisely by not taking specific measures and simply applying common law rules. Victims, in their capacity as injured parties or civil parties in criminal proceedings, are even summoned with a warrant of arrest if they have not appeared following the traditional summons. There have even been cases where victims have been brought in with gendarmes or left to wait in the hallway of the courts unattended. Moreover, there have also been cases reported by IJM where intimidated victims have changed their statements, and we draw attention to the fact that the judiciary are strongly urged to focus on issues related to the victims' ability to cooperate in order to avoid procedural delay of cases by defendants.

We consider that the summoning of victims of trafficking in human beings must be carried out under conditions different from those of common law, including prior information that they may request

protection measures. These may range from hearing by audio-video means, to the possibility of being accompanied throughout the procedure, including waiting periods, by a State body, if necessary, and not only by a trusted person.

As far as anonymisation is concerned, this is currently possible for victims who are injured parties, but not for victims who are civil parties, unless they expressly request it later. But it may be too late. The obligation to respect the privacy and dignity of the victim must be followed throughout the proceedings and must be continuous. This applies also to victims participating in proceedings as witnesses. Suffering the consequences of a limited and uncoordinated application of the legislator's concern for the protection of victims, victims sometimes find themselves in the situation of finding their names in ECRIS (the Romanian courts' data portal) when they are also civil parties, either because the auxiliary staff are not properly trained or because the system/programme does not allow it.

Moreover, there are situations in which the names of victims appear on the courts' portal in the operative part of decisions to change pre-trial measures - for example the words: "do not approach or contact the injured person (name and surname) and witnesses (name and surname)". Such serious errors occur even at the prosecution stage, with serious consequences for the victims, specifically, but also for the act of justice in general, in relation to which those called upon to complete the information in the system (especially auxiliary staff) appear to be less than diligent.

3. TERTIARY LEGISLATIVE CHANGES

A number of other needs reported in practice require legislative changes related to the conduct of judicial proceedings, which are of a tertiary level, such as:

- Use of specific spaces for hearing victims;
- Adapting the behaviour of the judiciary bodies to the vulnerabilities of child victims or persons with disabilities;
- Making legal aid provided by duty lawyers more efficient;
- Insurance and payment of transport and, where appropriate, accommodation costs for victims called upon to participate in various legal proceedings before prosecuting authorities or courts;
- The use of cultural mediators - in the dialogue of the judiciary with victims from foreign cultures, especially for the prosecution phase, or facilitators for justice - in the dialogue of the judiciary with people with mental disabilities, for example.

Clearly, legislative interventions will not achieve their purpose if the training of the professionals called upon to apply them, both magistrates and police officers, as well as auxiliary staff - for example court clerks or other categories of professionals called

4. ISSUES TO BE ANALYSED WITH REGARD TO OTHER SPECIAL REGULATIONS

4.1. There may also be other criminal law or criminal procedure institutions that require intervention as a result of the implementation of new solutions to specific challenges identified in practice. For instance, if it is found that administrative interventions regarding misdemeanours influence criminal investigations, it could be taken into consideration to create an **institution to exclude victims of trafficking in human beings or minors from the criminal liability already established.**

4.2. The transposition of the new Directive and the comprehensive analysis of the whole relevant legal framework will certainly require specific interventions at least for the following legal acts:

- **Law No. 678/2001 on preventing and combating trafficking in human beings;**
- **Government Emergency Ordinance No 194/2002 on the regime of foreigners in Romania;**
- **Government Emergency Ordinance no.78/2016 on the organisation and functioning of the Directorate for the Investigation of Organised Crime and Terrorism.**

4.3. A separate intervention on Law 211/2004 is necessary both for domestic reasons and because of the need to adapt it to current or future European standards. This intervention should at least address issues such as: how victims are effectively informed and assisted, how foreign victims are offered assistance, how damages are awarded and enforced for victims, how access to free legal aid takes place and how compensation is awarded, how the categories of victims entitled to receive support are extended to include victims of pimping and parents of child victims, etc.

By way of example, we note situations in which, in the same case, victims of human trafficking were assisted by a lawyer, but

victims of the aggravated offence of pimping were not assisted by a lawyer. There are still rules in the Code of Criminal Procedure which allow the judicial body, if it considers that the victim is unable to defend himself or herself, to order the assistance of a public defender, but the judicial bodies make little or no use of them. In this context, it may be useful for the legislator to impose a uniform approach to victims in relatively similar situations.

The amendment of the regulatory framework on victim protection will need to be assessed in the broader context of identifying a predictable and stable mechanism to support specialized NGOs in Romania. Certainly, significant progress compared to the previous situation has been made with the creation of ANABI and assigning 42 to it the “National Support Mechanism for Crime Prevention”, more specifically its component concerning the protection of crime victims, the Annual Programme for the granting of non-reimbursable funding to non-profit activities of general interest - “Support for Victims and the Community. Offenders pay.”, which provides actual benefits. However, there is a need to develop a mechanism that is consistently funded to allow NGOs assisting victims of human trafficking or children can build medium and long-term programmes in this area.

4.4 Finally, it is necessary to strengthen the National Agency Against Trafficking in Persons (ANITP), through substantial intervention on its organisational and operational rules, the Agency being regulated by Government Decision no. 460/2011 regarding the organization and functioning of the National Agency against Trafficking in Persons. ANITP is the link between all the structures involved in preventing and combating human trafficking, its role being essential in relation to the victims, the justice system and the Romanian and European society as a whole.

B. ADMINISTRATIVE PERSPECTIVE

International Justice Mission believes that, in addition to the legislative aspects mentioned above, a multilateral package of measures should be developed to improve the performance of the system and ensure adequate human resources, both in terms of numbers and training of specialists involved in combating trafficking in human beings, in order to achieve measurable effects. The main lines of intervention identified by International Justice Mission are presented below.

1. Ensuring Adequate Human Resources

The demographic effects of recent decades, such as falling birth rates and emigration, have affected Romania in a systemic way, and have led to a decrease in the existing workforce.

This is all the more visible in the shortage of staff in the justice and police system, which, coupled with the complex procedures and difficult nature of the work involved in combating human trafficking and the large number of people retiring, has a considerable effect on Romania's ability to carry out the justice process for all victims of trafficking.

As the pace of schooling and integration of new graduates and the specialisation of police and organised crime prosecutors in combating trafficking in human beings is a lengthy process, solutions need to be developed both to attract and encourage potential candidates to take up these positions and to encourage them to stay.

Departments dealing with human trafficking cases need sufficient staff, adapted and updated to the level of the criminal phenomenon and the needs of victims, to deal robustly and in a timely manner with all potential trafficking cases. This translates into the need to prioritise the filling of these positions, to increase the

number of resources dedicated to the fight against trafficking in human beings, but also through utilising measures to retain professionals.

Various strategies such as developing a strong onboarding process, promoting possible career development paths, offering incentives, improving leadership skills or motivating staff who meet the retirement conditions to continue working (by allocating fewer files, involving them in mentoring and training roles etc.) can be key measures for the institutions' ability to prevent staff turnover.

2. Ensuring Adequate Professional Training

2.1. Initial Training

In order to better identify victims of human trafficking, initial training, including indicators of human trafficking and referral procedures, is needed for all professional categories who may interact with potential victims — these may be social workers from town halls and DGASPC, educators, labour inspectors, school counsellors, teachers, immigration inspectors, border police etc. Furthermore, it is recommended that training of police officers on the criminal phenomenon and how to interact with potential victims, be prioritised as they are essential for initial detection and referral to specialised structures.

2.2. Continuous Professional Development

Professionals who interact with victims of human trafficking and participate at different times and with different competences in the justice system and in the process of counselling and reintegration of victims need specialised training in trauma, in victim interaction and in practical models of working in crisis situations. The



professional trainings must be adapted to the roles and functions of the specialists, but must also be institutionalized and continuous, with a sufficient budget allocated each year.

Institutions may also consider developing dedicated learning and development (L&D) departments or creating hybrid training and professional development tools, with some of the components available online and/or video, but fundamentally they should focus on developing skills specific to combating human trafficking and working with victims, not just on accumulating knowledge. Among the needs recently identified in collaboration with justice system actors are:

- **Training for anti-trafficking police officers on the effects of trauma, hearing victim and witness, open-source**
- **online investigations, international cooperation mechanisms and financial investigations;**
- **Training for DIICOT prosecutors on the effects of trauma, hearing victims and witnesses, international cooperation mechanisms, financial and money laundering investigations (including through cryptocurrencies) and extended confiscation;**
- **Training for prosecutors from prosecutorial structures other than DIICOT on the effects of trauma, human trafficking legislation, shared competences and special laws relating to victims of human trafficking and victims of crime;**
- **Training for judges, in particular judges in the criminal departments**

of courts and courts of appeal, on the effects of trauma and special protection measures for victims of crime and victims of human trafficking, on damages and compensation for victims.

For a unified professional practice, it is critical for justice professionals to have common standards in terms of continuous development and in their manner of working in human trafficking cases.

2.3. Professional Counselling

Developing the skills of justice system actors as well as other anti-trafficking specialists should be thought of as a continuous process that takes place over a long period of time, rather than isolated training sessions. As research shows, adult learning stems from direct practical and concrete experiences. It is therefore appropriate to develop mentoring schemes, organise exchange of good practice sessions, as well as intersectoral and multidisciplinary training. These training needs could also be met by using the experience of specialists approaching or at retirement age, which will contribute to both human resource development and staff retention as well as stimulate the development of specialists.

2.4. Psychological Counselling

A professional barrier not often addressed in the public space, but present among specialists working to combat human trafficking, is that of vicarious or secondary trauma. Anti-trafficking work leads to pronounced emotional wear and tear, especially when no measures are taken to manage the effects of constant exposure to other people's trauma on the self, a situation faced by specialists working with victims of trafficking. Moreover, it is a risky environment where threats are received and the intensity of

the work regularly leads to burnout. It is important that those working in specialised services against organised crime, especially those working with traumatised people, have access to psychological counselling and are encouraged and supported to access it.

3. Deterring Human Trafficking and Increasing Public Reliance on the Justice System

Discouraging trafficking in human beings must be done both by fighting against it and by warning potential offenders of the consequences they will suffer if they choose to commit the crime. When traffickers fear they will be convicted, put in prison, and the money they have made will be confiscated, they will be discouraged from continuing to exploit others. Therefore, in order to discourage the phenomenon, it is recommended that successful cases, where perpetrators have been convicted and held accountable through detention and confiscation of the proceeds of crime, be widely advertised. These types of campaigns and sustained communication from justice system institutions will not only discourage the phenomenon but will increase public confidence in the possibility to get justice.

Reliance on the justice system is particularly important for victims of human trafficking. They are often reluctant to report abuses to the police for fear of not being punished, fear of social stigma, not knowing their rights, but also not trusting that justice will be done. Success stories give hope to victims, hence, these stories need to reach them. Stories also need to be told in the public space in an ethical, non-sensationalist way and using language that is accessible to the general public. Modern technology offers us opportunities to do this, making it possible to create and disseminate types of prevention messages or

campaigns targeted at specific geographical areas and demographic groups. In other words, information and prevention campaigns and materials should always be designed with the citizen and their expectations of justice in mind.

Similarly, vulnerable groups and potential traffickers need to perceive human trafficking as a dangerous activity because of the high potential to be caught and punished. International Justice Mission's global experience shows that good counter-trafficking results need to be accompanied by effective, relevant, engaging and contextualised communication to deliver results at community level and increase public confidence in justice.



4. Specialised Legal Assistance

Injured parties' lawyers are the professionals who represent the victim in court, claim compensation and raise the issue of respect for rights during hearings and throughout the trial. Given the complex nature of human trafficking cases, given the trauma victims have experienced and how it affects their lives after exiting exploitation, and given the existence of special laws (678/2001 and 211/2004), it is particularly important that the assignment

of public defenders to represent victims in court is prioritised to those who have specific training in the field or recent experience in such cases. Although discussions with the National Union of Romanian Bar Associations have taken place in recent years, there is currently no system in place to facilitate this. It is essential to identify ways for public defenders representing victims in court to have specific experience or training in the field due to the many components that enable victims to make an informed choice: information about protection and assistance measures, the different options open to victims, legal advice on the different possible forms of legal redress, the manner in which the criminal law system works (including the consequences of an investigation or trial, its duration, the duties of witnesses etc.).

5. Strengthening Service Provision for Victims

Victims of human trafficking need specialised services both on an emergency basis and in the medium and long term. The services for victims of crime and victims of human trafficking within the General Directorates for Social Assistance and Child Protection (DGASPC), as well as services operated by civil society, need to be strengthened.

Creating a funding system for private services for victims of trafficking in human beings to compensate for the current lack in the offer of state authorities is necessary. In this respect, outsourcing when necessary and strengthening the expertise in DGASPCs by providing funds for the recruitment and continuous development of professionals in the field are solutions that can contribute to improving services to victims. Equally, there is a need to develop a network of psychological counselling and psychotherapy professionals who can pro-

vide quality services to victims. For best results, all services must be provided in an integrated manner and coordinated by a specialist working in a multidisciplinary team.

6. Strengthen Efforts to Seize and Recover Illegal Assets

Financial investigations are important to prove human trafficking offences occurred, but they are essential to identify the proceeds of crime and to seize and confiscate them in criminal proceedings. Such measures not only discourage trafficking in human beings, but also allow the recovery and social re-use of these seized assets and goods. Strengthening the confiscation and recovery capacity will allow the Romanian state to invest more funds in combating trafficking in human beings, reducing vulnerabilities and assisting victims of trafficking. A strong approach to the recovery of assets derived from crime may even offer the possibility of setting up a compensation fund for victims which can ensure that damages or compensation obtained in court go to the victims.

7. Improving Data Collection

Monitoring and evaluation through systematic data collection is essential to provide institutions and decision-makers with relevant information to understand how an intervention evolves over time, how effectively it is implemented and if there are gaps between planned and achieved results. A well-defined monitoring and evaluation framework contributes to operational planning and decision-making, provides evidence for impact measurement and reinforces accountability for best use of resources.

Moreover, interim evaluations, carried out during the implementation period, can be useful for designing the next cycle of initiatives or action plans, avoiding the

creation of gaps between public policy cycles.

Human trafficking is a dynamic phenomenon, with changes in recent years regarding the profile of the victims, the modus operandi of the traffickers (e.g. use of the online environment) and requires an agile response. That is why we recommend supporting efforts for better data collection regarding the entire process of investigation, prosecutions and assistance in cases of human trafficking, as well as the integration of different data collection systems for a more accurate understanding of the phenomenon, the state's ability to intervene in order to inform public policy.



Stock image IJM. Picture with actors.

To conclude, we would like to emphasise once again the commitment of International Justice Mission to continue to work well with Romanian state institutions and civil society partners to support progress on the above-mentioned issues. Our methodology involves gathering direct experience from assisting victims and the justice system in criminal cases to bring forward and advocate for such recommendations. The aim is to bring about systemic change and to present policy makers with the needs and experience of those who have been working in this field for a long time, to ensure that they have the necessary tools for greater effectiveness. We believe that the successful adoption of the recommendations in this document can produce significant, positive systemic change.

In the context of the forthcoming approval of the new National Anti-Trafficking Strategy 2024-2028, and the National Action Plan 2024-2026, we are confident that the objectives will receive the necessary attention and funding to ensure that the results are commensurate. At the same time, we are willing to facilitate the exchange of best practices through international partnerships built over the years, and to support initiatives that can advance the fight against trafficking in persons as well as expertise where needed.

We have full confidence in the partnerships and the results that will be achieved through sustained, constructive and collaborative work with the Prime Minister's Office, the Ministry of Justice, the Directorate for the Investigation of Organised Crime and Terrorism, the Directorate for the Fight against Organised Crime of the Romanian Police, the National Agency against Trafficking in Human Beings, the National Institute of Magistracy, the National Agency for the Administration of Seized Assets, the National Authority for the Protection of Children's Rights and Adoption, as well as other relevant institutions and civil society.



Disclaimer

Gift of the United States Government. This report was funded by a grant from the United States Department of State. The opinions, findings and conclusions stated herein are those of the authors and do not necessarily reflect those of the United States Department of State.

VOICES FOR JUSTICE

Strengthening the Proactive Criminal Justice
Response to Trafficking in Persons in Romania

Find us on www.ijm.org/romania



IJM

