

REPORT

EVALUATION OF ANTITRAFFICKING POLICIES IN ROMANIA



**Interministerial Working Group
for the coordination and assessment
of the activities to prevent and
combat trafficking of human beings**



ACRONYMS

CEA	County Employment Agency
NAPRC	National Authority for the Protection of the Rights of the Child
CC	County Council
LC	Local Council
CIDA	Canadian International Development Agency
CNP	Personal Numerical Code
CPI	County Police Inspectorate
DI OCT	Department of Investigations of Organized Crime and Terrorism
ICMPD	International Center for Migration Policies and Development
NSHIF	National Social Health Insurance Fund
GDSASCP	General Department for Social Assistance and Child Protection
GDOCCDE	General Department of Organized Crime Combating and Drug Enforcement
DPH	Department of Public Health
ILO-IPEC	International Labor Organization – International Program against Exploitation of Children
GIBP	General Inspectorate of Border Police
CSI	County School Inspectorate
MAIA	Ministry of Administration and Internal Affairs
MJ	Ministry of Justice
MER	Ministry of Education and Research
MLSSF	Ministry of Labor, Social Solidarity and Family
MOH	Ministry of Health
IOM	International Organization for Migration
NOPT	National Office for the Prevention of Trafficking of Human Beings and Monitoring of the Assistance Provided to Victims
UN	United Nations
PNI	Program of National Interest
SECI	South-East European Cooperation Initiative
SPVSRO	Service for the protection of victims and social reintegration of offenders
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

Foreword

The sociological research whose findings are presented in the following pages was conducted at the request of the Interministerial Working Group for the coordination and assessment of the activities to prevent and combat trafficking of human beings, with technical and financial support from UNICEF Romania, and was prepared by IMAS, the Institute of Marketing and Surveys.

The research and publishing of the report was made possible with the funds offered with generosity by UNICEF National Committees from United Kingdom and France.

Aiming to highlight the inter-institutional relations set in place by the implementation of the policies on the prevention and combating of trafficking of human beings and on the assistance provided to the victims of this crime, this research addresses at the same time the identification of methods to enhance the effectiveness of these policies in the future. Therefore, the sociological survey tried to show how anti-trafficking policies are viewed by the major social actors involved in combating this crime. The undertaking of the research would not have been possible without their competent support.

We give our thanks to the Interministerial Working Group, whose members most kindly supported the research, in the course of all its stages.

Also, we are particularly thankful to all the representatives of public institutions who answered IMAS' s request to participate in the research. Our gratitude goes towards central authorities, such as the Ministry of Administration and Internal Affairs, the Ministry of Justice, the Public Ministry, the Ministry of Education and Research, the Ministry of Health, the Ministry of Labor, Social Solidarity and Family, the National Authority for the Protection of the Rights of the Child, the National Employment Agency. Not least, we give thanks to the representatives of local authorities in Bucharest city and in the Counties of Timiș, Iași and Suceava, who cooperated with IMAS's team of researchers.

We are equally thankful to the representatives of international organizations who participated in the research and supported it by offering useful advice and remarks: UNICEF Romania, the International Organization for Migration – Mission to Romania, UNDP Romania, the Representation of the International Labor Organization ILO-IPEC, the Center for South-East European Cooperation Initiative, and USAID Romania.

We are grateful to all the managers of non-governmental organizations who accepted to participate in the survey. Without their support, and their close collaborators' support, this research would not have been possible. Thus, the following organizations deserve to be acknowledged: ADPARE, Alternative Sociale [Social Alternatives], Conexiuni Foundation, Generație Tânără [Young Generation], Reaching Out, Salvați Copiii [Save the Children], and SCOP.

We thank those managers of shelters for victims of trafficking of human beings who allowed visits of the institution or who answered IMAS questionnaires.

We are greatly thankful to all the social workers, all the psychologists, the magistrates and the police officers who had the kindness and professional dedication to accept the participation in this research. We believe that the opinions of these professionals represent an important working tool for the central or local authorities in their effort to combat and prevent trafficking of human beings or to provide the most effective assistance to the victims of this crime.

Last but not least, we express our particular gratitude to the UNICEF team, especially to Ms Lorita Constantinescu and Ms Voichița Pop, whose continuous support in the course of the research made the drafting of this report possible.

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Research objectives

Background

Starting with the last decade of the past century, Europe, set free from the Iron Curtain, found itself faced with a socio-economic challenge with bearing on human rights. And the challenge is the amplitude attained by the criminal phenomenon of trafficking of human beings encountered, in its most conspicuous form, as women and children exploitation in the sex industry and in begging, but also as forced labor. Unfortunately, this plague has not accompanied only the political reforms and the transformations in the societies of our continent. Trafficking of human beings and slavery encompass larger and larger geographical areas, belonging not only to Europe but also to Asia and Africa, and even the Americas. Trafficking routes start from less developed countries and go towards the prosperous ones. The response of governments and international organizations took shape, at the beginning of the years 2000, in various legislative acts of international law, and also in declarations, conventions and recommendations of European institutions.

The evolution of the social and economic context in Romania in the 1990s was favorable to the development of social cleavages and, implicitly, to sections of the population becoming vulnerable to being trafficked. The geographic closeness to conflict regions in the former Yugoslav republics led, by the end of the 1990s and the beginning of the years 2000, to an increased incidence of the phenomenon in Romania too. In order to combat the trafficking and exploitation of human beings, the Romanian Government developed a general frame of action, designed to be implemented by State authorities together with representatives of civil society.

The present research is designed to assess how the Romanian State and civil society have joined their efforts in the control and prevention of trafficking of human beings on the one hand, and in the protection of and assistance to victims harmed by this offense. At the same time, we aimed to detect what is the perception of the Romanian population of migration, but also of the most vulnerable social segments – the female population in the age group 15 to 24 years. Thus, the research aimed to cover the following:

- ◆ Legislation and institutional framework analysis;
- ◆ Assessment of policies on prevention and control of trafficking of human beings;
- ◆ Identification of progress and necessary changes;
- ◆ Outline of social perception of migration and trafficking of human beings.

In order to achieve these objectives, the research was structured around two main components: a qualitative survey and a quantitative survey.

One of the interest points of the qualitative investigation was to **outline some institutional maps** which include both the fields of action of anti-trafficking policies and the relationships developed within the *institutional-organizational sphere* following the implementation of the framework provided by the law. In order to determine **how social actors interrelate**, social actors involved in the development and the implementation of this framework, we conducted in-depth interviews with representatives of central and local authorities, and with representatives of civil society. These discussions were also meant to reveal points of interest concerning the realization of strategic lines of anti-trafficking policies.

At the same time, through 40 interviews with police officers, magistrates, social workers, and psychologists, we researched the **functional value of the institutional structure** formed by social actors and the relationships developed between them.

Following these interviews, but also by collecting information from 20 case studies focused on victims of the offense of trafficking in human beings, followed by semi-structured observations in transit and assistance shelters, we were able to identify the **range of issues proposed for change**.

The qualitative survey also determined the typology of currently existing perspectives regarding the criminal phenomenon of trafficking of human beings.

The quantitative component was designed to obtain a description of the perceptions on migration of the Romanian population, but also of the perception on trafficking of the female population at risk of being trafficked. Thus, we conducted a survey by questionnaire on a representative sample at national level of 1247 respondents, followed by an over-sample of 200 female respondents in the age group 15 to 24 years. This survey made it possible to determine the degree of public awareness regarding trafficking of human beings and how this phenomenon is perceived.

Research methodology

In order to respond to the objectives of the study, the research implied a complex approach.

I. The first stage implied documentation on the issues under consideration: an analysis of the legislation and of the relevant documents on the subject.

II. The second stage implied data collection in the field, by qualitative as well as quantitative methods.

Qualitative survey

Field of survey	Tool	Participants	No.	
The general framework, the assistance provided to victims and policies on prevention of trafficking of human beings were detailed through 85 in-depth interviews	In-depth interview	Representatives of central authorities	14	
	In-depth interview	Representatives of local authorities	20	
	In-depth interview	Representatives of international organizations	5	
	In-depth interview	NGO managers	5	
	In-depth interview	Social workers		21
		Police officers, prosecutors, judges		17
FG (focus group)	Border Police officers		1	
Assessment of assistance currently provided from the point of view of both recipients and workers in the field.	Case studies	Victims of trafficking of human beings	20	
	Questionnaires	Managers of government shelters	8	
	Semi-structured observation	Transit and assistance shelters for victims of trafficking of human beings	7	

Quantitative survey

Field of survey	Tool	Participants	No.
Attitude towards migration and perception of the phenomenon of trafficking of human beings	Questionnaire	Representative sample at national level for the population aged over 18 years	1247
	Questionnaire	Over-sample of female population aged 15 to 24 years	200

Research limitations. Given the range of the topic and the set objectives, not all the activities carried out in Romania in the fight against this criminal phenomenon could be directly assessed. Priority was given to the research of the assistance provided to victims, the identification of preventive policies in the field, and the organization of the institutional sphere.

Chapter I Institutional framework

1.1. Legislative outlook.

A problem for Romania during the transition period, coming to the attention of the authorities by the end of the 1990s, trafficking of human beings is criminalized by a special law, Law no.678/2001, while the general framework of the response of State institutions and civil society is established by Government decisions [GD] which enact Government strategies [GD 1216/2001 and GD 1295/2004) or the rules of application of the special law (GD 299/2003).

But for the processing and prosecution of trafficking of human beings cases, the list of legislative acts is more comprehensive, including, in addition to those mentioned above, Law no. 565/2002 on the ratification of the UN Convention against Organized Crime, and the Additional Protocols, Law no. 682/2002 on the protection of witnesses, and Law no. 211/2004 on some measures to provide protection to victims of crime.

With respect to the social protection of victims and their families, there are legal provisions included in other legislative acts: Law no. 116/2002 on the prevention of social marginalization, and Law no. 76/2002 on the system of unemployment insurance and promotion of employment.

A. Main legislative acts

Law no. 678/2001 on trafficking of human beings prevention and control, published in the Official Journal of 11 November 2001, transcribes into the Romanian legislation the provisions of the European and international legislation on trafficking of human beings. This legislative act includes regulations regarding:

- ◆ -assistance and protection provided to victims of the offense of trafficking of human beings,
- ◆ -combating crime,
- ◆ -prevention of trafficking situations.

In these three areas of activity, the law institutes capacities / prescribes roles for various social actors – State institutions, but also international and non-governmental organizations.

The Law is structured in three chapters.

The first chapter deals with general dispositions and **defines exploitation of a person.**

The second chapter refers to the prevention of trafficking of human beings and prescribes responsibilities to the Ministry of Foreign Affairs, Ministry of Labor and Social Solidarity and Family, Ministry of Administration and Internal Affairs, Ministry of Education and Research, Ministry of Health, National Authority for Child Protection and Adoption, Ministry of Justice.

The third chapter defines the offense of trafficking of human beings and the connected offenses, laying down also special dispositions to **confiscate the goods** obtained through the commission of the offense of trafficking.

Art. 12. - (1) Trafficking of human beings consists in recruiting, transporting, moving, giving lodging or receiving a person, by threat, violence, or other forms of coercion, by abduction, deceit or deception, abuse of authority or by taking advantage of the person's inability to defend himself/herself or to express their will, or by offering, giving, accepting or receiving monetary or other gain in order to obtain the consent of the person who has authority over another person, for the purpose of subjecting this person to exploitation, and carries a penalty of 3 to 12 years imprisonment and the interdiction of some rights.

(2) Trafficking of human beings, when committed in the following circumstances:

a) by two or more persons together;

b) it caused the victim grievous bodily or health harm, carries a penalty of 5 to 15 years imprisonment and the interdiction of some rights.

(3) If the deed resulted in the death or suicide of the victim, it carries a penalty of 15 to 25 years imprisonment and the interdiction of some rights.

Chapter four contains special dispositions referring to judicial procedure, as the obligation of the Public Prosecutor's Office to coordinate the criminal prosecution [with the possibility to delegate investigating competency to the police], the possibility to use under cover detectives, to try trafficking cases, in first instance, at the tribunal. It is stipulated, in this chapter, that these cases may be heard in closed sessions – either upon the request of the injured party, or mandatory, if it involves child pornography.

Chapter five deals with the assistance and protection provided to victims of trafficking of human beings. In this field, important roles are played by the Ministry of Administration and Internal Affairs, County and Local Councils through General Departments of Child Assistance and Protection.

Art. 26. - (1) Persons injured as a result of the offenses stipulated in the present law, as well as other victims of these offenses shall be provided special physical, legal and social protection and assistance.

(2) The privacy and the identity of the victims of trafficking of human beings are protected by the provisions of the present law.

(3) The victims of the offenses stipulated in the present law are entitled to physical, psychological and social recuperation.

(4) Minors, victims of the offenses stipulated in the present law, shall be provided with special protection and assistance, according to their age.

(5) Women, victims of the offenses stipulated in the present law, as well as those at high risk of becoming victims of these offenses, shall be provided with specific protection and social assistance.

The types of assistance services to be provided are stipulated by law: accommodation, social housing, legal assistance, assistance for repatriation. Art. 32 of the law provides for the setting up of 9 shelters to accommodate the victims for ten days, with the possibility to extend the period of accommodation *at the request of the criminal investigation authority* by three months or for the duration of the criminal action.

Chapter six deals with international cooperation and assigns particular responsibilities to the Ministry of Administration and Internal Affairs, as well as to the Public Prosecutor's Office within the Supreme Court of Justice.

The final dispositions are included in the final chapter and regard the assignment of particular responsibilities to the workers of the Ministry of Administration and Internal Affairs in view of identifying the victims of the offense of trafficking of human beings.

Law 678/2001 was amended (by GD 79/2005) in the month of July 2005, providing for a period of recovery and reflection also for victims of trafficking who are not Romanian citizens [90 days, not conditional on their cooperation with judicial investigation authorities], making a clearer distinction between trafficking of human beings and child trafficking, and introducing some aggravating circumstances. The enactment (**Law 287/2005**) of this GD brought about further amendments. The most important is the one which exonerates victims from responsibility for the commission of offenses connected to their being trafficked.

The government anti-trafficking strategy was decreed by **Government Decision 1216/2001**

Single Article. – It is approved The Government emergency Ordinance no. 79 of 14 July 2005 to modify and complete Law no. 678/2001 on the prevention and control of trafficking of human beings, published in the Official Journal of Romania, Part I, no. 629 of 19 July 2005, with the following amendments and completions :

...

3. At Single Article, point 4, par. (1) of article 20 will have the following content:

"Art. 20. - (1) The person subjected to trafficking, who committed, as a result of his/her exploitation, the offense of prostitution or begging shall not be punished for these offenses."

on the approval of the National Action Plan to combat trafficking of human beings. Its provisions constitute, up to the date of this research, the support for the implementation of policies in the field.

This legislative act structures objectives, activities, time frames, performance indicators, assigns responsibilities and establishes partnerships. It addresses the following areas of activity:

- -Research and assessment of the phenomenon;
- -Raising public awareness;
- -Improving the social and economic situation of persons at high risk of being trafficked;
- -Assistance, return and social reintegration of victims;
- -International cooperation and coordination.

The Rules of application of Law 678/2001 materialized in GD 299/2003, a legislative act designed to clarify the role and responsibilities that had been assigned to institutions by previous legislative acts. The corpus of provisions of the special law, and of the anti-trafficking strategy, demand, in order to ensure the coherence of action, an intersectoral approach, hence the need for nation-wide coordination of the institutional sphere. GD 299/2003 meets this need by forming the Interministerial Working Group for the coordination and assessment of the activity in trafficking prevention and control.

These regulations, issued at a somewhat later time after the special law, *update and describe in detail* the list of responsibilities of each ministry in regard to trafficking of human beings prevention and control, so as to include – at least as issues – all the provisions of the special law and every field of activity that the National Action Plan had in view. The role assigned to each central authority by these regulations will be mentioned in the next chapter.

B. Other legislative acts with incidence in the matter

Law 211/2004 on some measures to ensure the protection of crime victims transcribes into the Romanian legislation the provisions of the European Convention on Compensating Violent Crime Victims (1983) and the Recommendation R(85)11 regarding the victim's position relative to the penal procedure. At the same time, Law 211/2004 harmonizes the legal framework with that of the European Union:

- European Commission Communication "Crime Victims in the European Union" (1999)
- The Green Card of the European Commission (2001)
- Master Decision of the European Council on the position of victims in the penal procedure (2001)
- European Council Guidelines on compensations to victims of crime (2004)

The latter community act regulates the situation of compensations to which the victim is entitled in case the committed offense presents alien status elements.

The provisions of Law 211/2004 refer to the concern of the Romanian authorities to **inform** the victims of their rights, to **provide free psychological counseling and legal assistance**. According to this law, psychological counseling of crime victims shall be provided by social reintegration and protection of victims, services operating under tribunals.

Not less important, the law stipulates the introduction into the Romanian legal framework of **mechanisms of financial compensation to victims**. Several categories of requirements are thus established that a victim must meet in order to be awarded financial compensations. The most important requirement is that the victim contributes to ascertain the crime. Only child victims and victims under interdiction are exonerated from the obligation to notify criminal investigation authorities in view of ascertaining the crime.

Law 682/2002 on witness protection lays down measures to protect witness identification data or his/her place of residence/domicile. Due to this law, a witness may be heard under a different identity. Their real identity may not be recorded in the brief until the investigating prosecutor or the panel of judges finds that the danger that threatened the witness has disappeared. At the same time, the law provides that it is possible to hear the witness through adequate technical means, without the witness appearing in the room where the proceedings take place. Also important, the law establishes protection measures by surveillance of the witness' residence or by providing a different residence from the current one. In extreme situations, a witness may request a change of his/her appearance, work place, occupation [training] and to be provided with an income until he/she finds employment.

Law 116/2002 on the combat against social marginalization is part of the government strategy on anti-poverty and social inclusion promotion. This law contains specific provisions for groups vulnerable to social marginalization and who are at high risk of being trafficked. The law contains explicit provisions referring to youth in difficulty.

The law defines this social segment as being the category that includes those who are 16 to 25 years old and come from:

- Youth coming from placement centers and shelters for children belonging to specialized public services and to private organizations authorized to work in the field of child protection;
- Single youth with dependent children;
- Young families with dependent children;
- Young families without dependent children;
- Young families who served custodial sentences;
- Other categories of youth in difficulty.

In addition to the provisions referring to the right to professional counseling [i.e. career psychological counseling] and to mediation from county employment agencies staff, this law institutes the solidarity contract in view of integrating in the labor market those persons who are vulnerable to marginalization. Employment based on this type of contract is mediated by the above-mentioned agencies and the employer enjoys substantial financial benefits from the State. The expenses necessary to stimulate employers are funded from the unemployment insurance budget.

By **Law 705/2001 on the national system of social assistance**, social assistance is based on the **principle of social solidarity, universality and subsidiarity**. In accordance with the provisions of this law, the central authority to develop the policy on social assistance is the Ministry of Labor, Social Solidarity and Family, but other central public authorities, such as the Ministry of Health, Ministry of Education and Research, Ministry of Justice, Ministry of Internal Affairs, or the National Authority of Child Protection and Adoption develop, in their own field of competency.

At territorial level, more precisely at the level of each County, the “County Council [or Bucharest Municipal Council] organizes, as a public service, a department of social assistance which ensures, at territorial level, the implementation of social assistance policies in the field of protection of the child, family, persons who live alone, elderly persons, disabled persons, as well as any person in difficulty.” (art.40 of the law)

The County Council and the local council have duties in the technical and financial-administrative management of social assistance in the county, as provided by the law at art. 41 and 42 respectively. The Council **approves funding, or co-funding as the case may be, of public social assistance institutions** and evaluates the activities they carry out; it cooperates with social assistance public services in view of implementing the strategies in the field of social assistance and **draws up partnership conventions with the representatives of civil society involved in the implementation of social assistance programmes**.

The social assistance system is funded from the state budget and from local budgets.

Law 508/2004 on the organization and operation of the Department of Investigation of Organized Crime and Terrorism [DIOCT] within the Public Prosecutor’s Office of the High Court of Cassation and Justice lays down the material competency of this Department in the investigation of trafficking cases.

<p>Art.5.- The Department of Investigation of Organized Crime and Terrorism shall employ prosecutors, experts in the field of data processing and evaluation, economy, finance, banking, customs, information and other fields, as well as specialized support and administrative staff, within the limits of positions listed in the organization chart, as approved by law.</p>
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By law, DIOCT consists of five services, headed by chief-prosecutors. One of these services is the Organized Crime service, with a subordinate office of control of trafficking of human beings. Territorial DIOCT units operate within the Public Prosecutor’s Offices of Courts of Appeal [called services] or of tribunals [called offices].

In accordance with Law 508/2004, DIOCT also has competency in other offenses which are usually associated with trafficking of human beings: fraudulent border crossing [criminalized by GEO no. 105/2001 on the Romanian State borders, approved with amendments by Law no.243/2002 with subsequent amendments], criminal acts committed by Romanian citizens or residents of Romania on the territory of other states [GEO no.112/2001 approved with

amendments by Law no.252/2002], various other organized crime offenses [criminalized by Law 39/2003].

Law 39/2003 on combating and prevention of organized crime lays down specific measures in the matter. This law defines the legal category of the organized crime group and qualifies the offense of trafficking of human beings and connected offenses as a felony (grave offense). In accordance with this law, in matters of criminal activity by an organized group, the prosecutor is in charge with the judicial investigation.

Among the procedural dispositions provided by this law, it is stipulated the possibility to gather information during criminal prosecution by undercover operations or by surveillance of banking accounts, communication or information systems.

Law 302/2004 on international judicial cooperation in criminal matters allowing the transfer of judicial procedures in cases of trafficking of human beings and the possibility to set up rogatory commissions or to bring witnesses or experts before a foreign court.

C. Legislation on minors

The legislative acts regulating the judicial relation between minor citizens and social institutions [nuclear, extended or substitute family] and by right [education facilities, health care services, social assistance services] are incorporated in Law 18/1990 on the ratification of the UN Convention on the Rights of the Child. ***Drawing from the spirit of the provisions of this law, the legislative corpus, devised to build a social action framework for the protection of the abused, exploited or trafficked child is based on the principle of respect for the best interests of the child.***

Law 272/2004 on the protection and promotion of the rights of the child sets its sphere of regulation at the level of the **entire population under the age of 18 years, both Romanian citizens residing in the country or abroad and those who are on Romanian territory in emergency situations or claiming refugee status.** This is the legislative act that stipulates the responsibility of parents and of local communities in rearing and educating the children, and that lays the foundation for inter-institutional and inter-organizational cooperation with regard to the observance, under any circumstances, of the best interest of the child.

Structured in thirteen chapters, the Law on the protection and promotion of the rights of the child addresses a diverse range of issues, specific to the social action whose object by right is the child citizen.

Thus, except for the first chapter – containing general dispositions and definitions, and the last – referring to provisional and final dispositions on abrogations of other legal provisions, the other chapters deal with the rights of the child and the special protection for the child in difficulty, in various situations. Chapter six of this law stipulates the child's right to protection against exploitation, a special article referring also to the protection of minors against all forms of trafficking.

Art. 86

(1) The child's parents or, if applicable, his/her other legal guardian, public authorities and private bodies have the obligation to take all the appropriate steps to facilitate the physical and psychological readjustment and the social reintegration of any child who was victim of any form of neglect, exploitation or abuse, of torture or cruel, inhuman or degrading treatment.

(2) The persons mentioned at par. (1) shall ensure adequate conditions so that readjustment and reintegration promote the child's health, self-esteem and dignity.

Art. 98

(1) The Ministry of Administration and Internal Affairs and the National Authority for the Protection of the Rights of the Child, in cooperation with the Ministry of Education and Research, shall take the required steps to adopt all the legislative, administrative and educational measures designed to ensure the protection of children against any form of internal or international trafficking, for any purpose or in any form, including by their own parents.

(2) To this effect, the public authorities mentioned at par.(1) shall be responsible for developing a strategy at national level to prevent and combat this phenomenon, including an internal mechanism to coordinate and monitor the activities that are carried out.

In conformity with these provisions, several government decisions have been adopted drawing the strategic lines of the policies to combat child trafficking.

Three national plans of action in the field of combating and prevention of child trafficking and abuse were enacted, in the year 2004, by legislative acts issued by the Government.

GD 1295/2004 on the approval of the National Action Plan to prevent and combat child trafficking sets the following main objectives:

- Evaluate, analyze and research the criminal phenomenon of child trafficking from various angles [dimension, social characteristics of victims, creating a database at national level, updating it];
- Prevent the phenomenon by awareness campaigns, informing the population of the risks of trafficking, but also by developing the system of services provided to support families in difficulty;
- Protection, assistance and social reintegration of child victims of trafficking by developing a system of services, secure border control of children and ensure international cooperation;
- Improve the legislative framework and build institutional capacity.

Structured around conceptual dimensions, the **National Action Plan to prevent and combat child sexual abuse and commercial exploitation, approved by GD 1504/2004**, aims at:

- Developing policies and national strategies to protect children against sexual abuse;
- Building institutional capacity with regard to child protection, assistance and prevention of sexual abuse;
- Joining the strategic efforts of the Romanian authorities with those made at international level;
- Preventing the phenomenon;
- Rehabilitating and assisting victims of abuse in their social reintegration;
- Assessing and monitoring the criminal phenomenon of child sexual abuse;
- Adopting social communication practices, which imply consultation with children in matters affecting them.

Finally, GD 1769/2004 on the approval of the National Plan of Action to eliminate child labor has in view the same institutional management and the same areas of concrete action:

- Institutional capacity creation and building with regard to child labor prevention and combating by:
 - Designing a database for child labor cases, for work places and schools in areas of high risk of child labor,
 - Devising and adopting a monitoring mechanism of cases entered in the database, and mainly by compiling a list of hazardous types of work for a child;

- Quantitative and qualitative surveys of child labor [effects on education, on health, etc.];
- Developing local strategies and programs of action [protocols of cooperation between institutions and setting up local intersectoral groups, organizing training programmes].
- Developing outreach programmes with a view to prevent children from entering the labor market and to rehabilitate-assist children removed from the worst forms of labor.
- Informing and raising awareness of the population with regard to the need to combat child labor.

GD 1443/2004 describes the methodology of repatriation of unaccompanied minors including the measures to be taken for their special protection. This Government decision extends to any Romanian citizen who is under the age of 18 years, without having full capacity of exercise, who is on the territory of another state unaccompanied by his/her parents or other legal guardian, and who is not in someone else's custody in conformity with the law. This legislative act lays down special obligations for Romanian diplomatic missions and consular offices abroad, for the General Department for Passports of the Ministry of Administration and Internal Affairs, for the National Authority for the Protection of the Rights of the Child [NAPRC], for the General Inspectorate of Border Police, and for General Departments of social assistance in the counties and in district 2 of Bucharest.

Practically, the repatriation of unaccompanied children implies taking the following steps:

- Identify/verify the identity of the unaccompanied child and of his/her family;
- Issue an identity document [unless the child already has such a document] and a travel document;
- Obtain the consent for repatriation from the child's family, legal guardian, or, in case it is not possible, from the General Department for Social Assistance and Child Protection in the county the child had resided before his/her departure;
- Conduct a social inquiry at the child's home and draft an individual plan of social reintegration of the child;
- Take charge of the child at the port of entry and accompany him/her home or to a specialized shelter for unaccompanied children or child victims of trafficking.

In case the child's family or legal guardian are not present when the child enters the country, the task to take charge of the child is incumbent on the General Department of Social Assistance and Child Protection [GDSACP] of district 2, Bucharest, which supervises the pilot-shelter for repatriated children. This staff of this shelter has been trained in primary communication with repatriated children. In fact, the pilot-shelter in Bucharest is only a short stage in the assistance provided to children, up to the time when the child is taken in charge by the family or by the General Department of social assistance in the county of residence.

For at least 6 months from the moment of the child's repatriation, the GDSACP in the county of residence has the obligation to monitor his/her situation and draft periodic reports.

The entire flow of information concerning the situation of the child and his/her family is initiated and supervised by NAPRC, who may produce before competent foreign authorities, upon request, the results of the social inquiry, the reintegration plan, as well as monitoring reports. This methodology of repatriation must be seen as the materialization of some procedural guidelines deriving from the repatriation experience with some bilateral agreements with the Government of the French Republic [signed in 2002] and with the Prefect's Office of Turin [as of 2003].

The cooperation Agreement for the protection of Romanian children in difficulty on the territory of the French Republic and their return to the country of origin, as well as on the fight against exploitation networks (GD 1295/2002) introduces the notion of "the project of return to their own family, to a foster family or, where applicable, to an adapted Romanian institution", and the responsibility to draft this project is incumbent, under the law,

on the County Council of the child's place of origin, with the assistance of the National Authority for Child Protection and Adoption. Only the guarantees offered by this project entitle the French authorities to release the child – Romanian citizen – from judicial placement and to allow his/her return to the country.

The cooperation Protocol between the Romanian Government and the Local Council of district 3 of Bucharest Municipality, on the one hand, and the Prefect's Office and the Municipality of Turin, on the other hand, for the repatriation of Romanian child victims of abuse (GD 1179/2003) aimed at improving the exchange of information between the Romanian and the Italian parties concerning the protection of unaccompanied Romanian children on Italian territory and the cooperation between authorities in order to ensure the reintegration of these minors into their family of origin. As the previous agreement, with the French Government, this bilateral document stipulates the obligation of the Romanian party to manage all the information received about the Romanian citizens identified as unaccompanied minors and to conduct social inquiries at the child's home, and to draft projects regarding the possibility to reintegrate the child into his/her family. Also, the Romanian party has the obligation to ensure that the children are met at the airport, and to take measures and provide for their transportation to specially designated shelters. ***This agreement was in effect up to the year 2004. At the present time, the repatriation methodology is included in the provisions of DG 1443/2004.***

NAPRC Order 89/2004 on the approval of mandatory minimum standards for emergency shelters receiving abused, neglected or exploited children contains the list of physical indicators based on which the professional management of these centers can be monitored. The standards and the indicators refer to the following chapters or operational units:

- Position of the emergency shelter for abused, neglected and exploited children in the county or local system of social services;
- Emergency protection of the child [including standardizing the admission to the shelter, the planning of protection, the contact with the family, the discharge from the shelter];
- Quality of care, education and socialization [with standards concerning confidentiality, appearance and clothing, food, health care, education and recreational activities];
- Rehabilitation of the abused, neglected and exploited child;
- Complaints, protection against abuse and unusual events [including standards of child protection against abuse, or in case a child is absent without leave];
- Environment [standards of housing conditions];
- Human resources [standards for hiring staff] and management.

The Criminal Code

The new Criminal Code criminalizes the offense of trafficking of human beings at article 200 [child trafficking] and at article 201 [adult trafficking].

The following articles (202-207) define offenses in connection with trafficking and even the constitutive elements of trafficking.

- Article 202 stipulates the limits of penalty for the offense of holding a person in a state of slavery: 3-10 years imprisonment.
- Article 203 refers to penalties applicable in case of the offense of subjecting a person to forced labor: 1-3 years imprisonment.
- According to article 204, trafficking of human beings implies "recruiting, transporting, moving, taking in or taking over persons by threat, or other forms of coercion, by

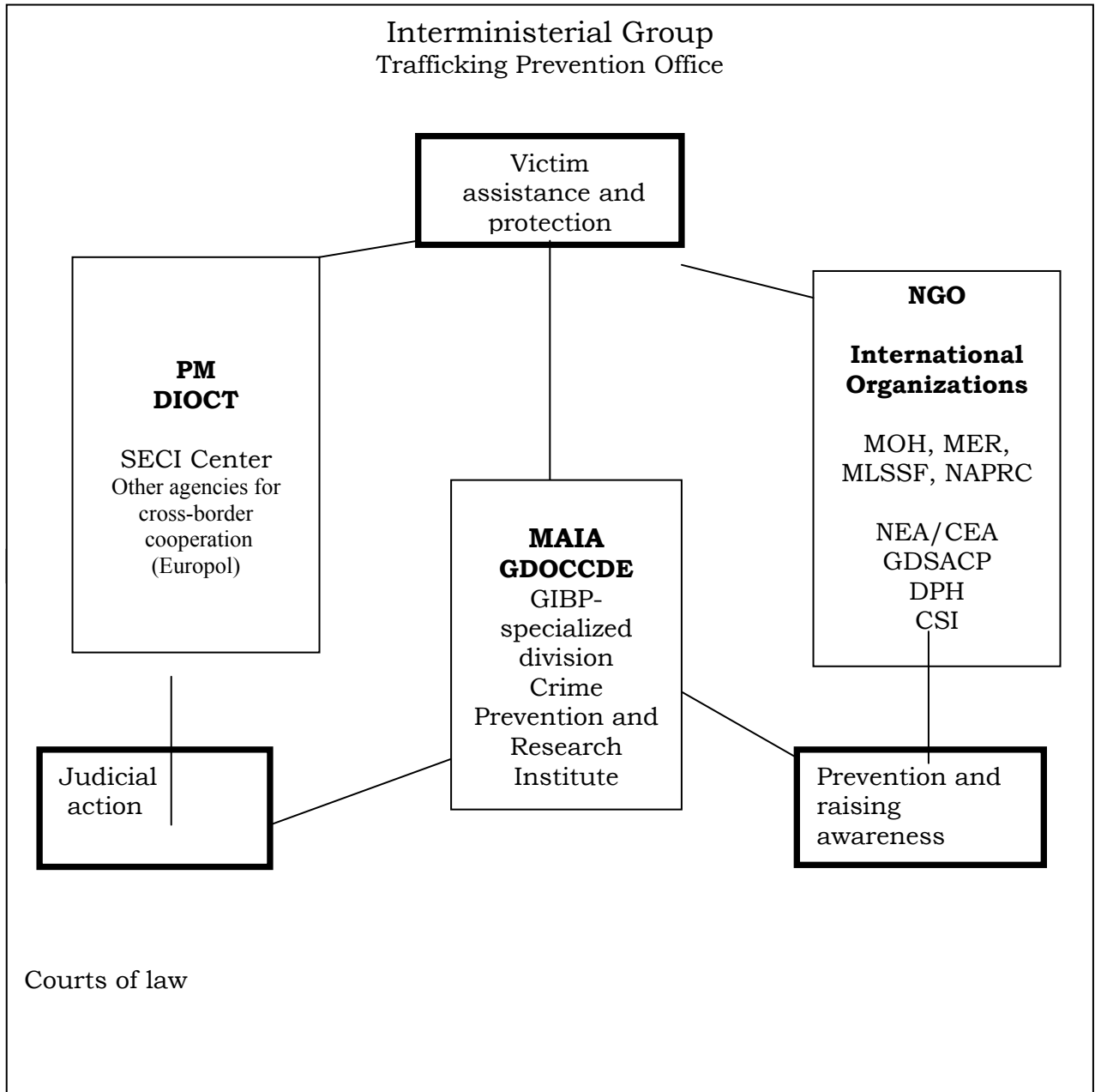
abduction, deception or deceit, abuse of authority or by taking advantage of the person's inability to defend himself/herself or to express their will, or by offering or accepting material gain, with the purpose of subjecting a person to exploitation". This definition is very similar to the one included in the Additional Protocols of the UN Convention against organized crime. The penalty provided at this article of the CC is from 3 to 12 years strict imprisonment and the interdiction of some rights.

- Article 205 criminalizes child trafficking, which is it punishes "recruiting, moving, taking in or taking over a person aged 15 to 18 years, with the purpose of exploiting that person".
- Article 206 does not exonerate the offender from penal responsibility, even in case he/she had, from the beginning, the consent of the victim.
- Article 207 defines the legal concept of exploitation of a human being as:
 - a) Forcing a person to perform work or provide services in violation of legal standards of working conditions, remuneration, health and safety;
 - b) Holding them in a state of slavery or other similar practices to deprive them of their liberty or to keep them in servitude;
 - c) Forcing them to engage in prostitution, in pornographic displays in view of producing and distribution of pornographic materials, or in other forms of sexual exploitation;
 - d) Forcing them to engage in begging;
 - e) Harvesting organs.

Procurement or prostitution – offenses sometimes related to the complex offense of trafficking in human beings – are incriminated in the new Criminal Code by article 235 and article 234 respectively. Procurement carries a penalty of 2 to 7 years imprisonment, and prostitution – 3 months to one year imprisonment.

Other criminal offenses as well, such as distribution of pornographic materials or child pornography, are associated with trafficking of human beings and are criminalized by art. 236-238.

The institutional chart of anti-trafficking policies, as derived from the above-mentioned legislative acts



After going over the legislation it becomes clear, as we have mentioned before, that the three main areas of action are prevention of trafficking of human beings, assistance provided to victims and combating the criminal phenomenon.

With regard to **judicial action**, the legal framework lays down responsibilities for the Public Ministry [PM], [more precisely the Department for Investigation of Organized Crime and Terrorism – DIOCT], but also for the Ministry of Administration and Internal Affairs [MAIA] [specialized structures in the fight against organized crime belonging to Romanian Police and Border Police]. The main goal of police officers and prosecutors in their investigations is to bring traffickers to justice, therefore, the final stage of the fight unfolds in court rooms, but these institutions have a unique positions among the others, by that they are not interrelated except for these referral relationships.

The special law on combating trafficking of human beings stipulates also a few general conditions for cross-border judicial cooperation. The regional cooperation organization SECI has had significant success in combating this crime.

Prevention and raising awareness of the population of the existence and consequences of trafficking of human beings are incumbent, in accordance with the legislation in effect, on several central and local authorities, in partnership with civil society. In addition to the Ministry of Administration and Internal Affairs, activities in this area shall be carried out, under the law, by the Ministry of Health [MOH], the Ministry of Education and Research [MER], the Ministry of Labor, Social Solidarity and Family [MLSSF], the National Authority for the Protection of the Rights of the Child [NAPRC], the National Employment Agency [NEA]. The efforts of these central authorities shall be carried on - by law – in the territory by the County Council and the General Department for Social Assistance and Child Protection [GDSACP], County School Inspectorates [CSI], Departments of Public Health [DPH]. Non-governmental organizations and international organizations provide assistance, financial support and expertise, in all the projects developed on prevention, raising awareness, and vulnerability reduction.

Assistance and protection of victims is an area where the roles are played by the same representatives of public authority and civil society. They are joined by all the structures which provide either protection to the victim, or referral of the victim to an authority able to protect them, therefore, this is the area where the activities of all the social actors involved in anti-trafficking policies meet and complement each other.

In designing the lines of action, the interministerial group addresses all three areas above referred to and includes the representatives of the institutional actors above specified.

1.2. Public authorities and framework of effective cooperation

The forum for debate and decision-making as regards the drafting, adoption and impact assessment of anti-trafficking policies in Romania is the **Interministerial Working Group for the coordination and assessment of activities to prevent and combat trafficking of human beings**.

According to the rules of application of the special law (GD. 299 of 2003), the Interministerial Group has the following main responsibilities:

- a) *to analyze the causes* of trafficking of human beings and the conditions that facilitate the phenomenon of trafficking of human beings, as well as its structure, status and dynamics, based on data provided by competent institutions;
- b) *to assess the effect of legislative measures* and of other measures taken for trafficking of human beings prevention and combating;
- c) *to analyze pertinent data and information and on this basis to advance proposals for modification and completion of the legislation*, as well as proposals for drafting new legislative acts on trafficking of human beings prevention and combating;
- d) *to develop prevention strategies* together with the concerned institutions and the representatives of non-governmental organizations active in this field;
- e) to support local programs on trafficking of human beings prevention and combating;
- f) to follow up on the fulfilment of tasks assigned by the National Plan of Action and to advance proposals for these tasks to be fulfilled;
- g) to produce information materials to be made available, by Romanian diplomatic and consular missions abroad, to victims of trafficking of human beings;
- h) to produce information materials on the rights of victims of trafficking, to be made available to them by the authorities in charge;
- i) *to draft quarterly activity reports* to be submitted to the attention of concerned institutions;
- j) *to conduct quarterly assessments of the activities of prevention and combating* of trafficking of human beings, on the basis of data provided by the institutions involved and by the associations and foundations with activities in this field;
- k) *to ensure the good cooperation* between State institutions and the associations and foundations with activities in this field;
- l) *to draft periodic activity reports and to share them* with the National Committee of Crime Prevention.

GD 299/2003 also establishes that the Interministerial Group includes representatives of the Ministry of Administration and Internal Affairs, of the Public Ministry, of the Ministry of Justice, Ministry of Labor, Social Solidarity and Family, Ministry of Foreign Affairs, Ministry of Education and Research, Ministry of Health, and of other ministries as well.

Representatives of civil society and of other institutions participate as observers in the meetings of the Group.

It is noticeable that most of the Group's responsibilities imply analysis and reflection, being incorporated, on the one hand, into the design of prevention and combating strategies, and on

the other hand, into drafting reports on the casuistry of the phenomenon and on the activity undertaken.

The Group's function is encumbered by the fact that, on the one hand, the representatives of ministries are not vested with powers of decision, and on the other hand, the statute of the ministries does not stipulate the obligation to adopt definite positions, be they of support or of rejection, vis-à-vis the issues raised in the Inter-ministerial Group. Furthermore, with the exception of the coordinator appointed by GD 299/2003, who is the Director General of the General Department for Organized Crime Control and Drug Enforcement (GDOCCDE) within the Ministry of Administration and Internal Affairs, none of the ministerial representatives has departmental affiliations established by a legislative act. It is time to take note that between the members of the Group the framework of cooperation has not been formalized, since the ministries do not have, as yet, bilateral agreements or memoranda concerning one or another area of anti-trafficking policies.

Finally, the fact that the Interministerial Group has not been vested by law with the powers to sanction the member ministries for failure to fulfill their responsibilities is another obstacle in the implementation of the strategies designed to combat trafficking of human beings, its causes and effects.

Regular monthly group meetings, stipulated in fact in GD 299/2003, became the practice only in 2004.

When it was set up, in November 2004, the National Office for the Prevention of Trafficking of Human Beings and Monitoring of Assistance Provided to Victims (NOPT) took over, as part of its responsibilities, the secretarial duties of the Group. NOPT was set up within the Institute of Crime Prevention and Research, within the General Police Inspectorate. This Office is doubly subordinated, both to the Institute and to the Group, which *may* create a bureaucratic-type overload.

The international organizations IOM, UNICEF and UNDP provide technical and financial assistance to the Group for its activities. Central public authorities acknowledge the merit of these organizations as regards the adoption and creation of interministerial communication patterns, and even between departments of the same government structure. The representatives of state institutions acknowledge as well the contribution of ILO-IPEC to the imbedding of intersectoral cooperation mechanisms in the territory. Furthermore, another result of the international organizations' efforts was the invitation extended to local authorities or NGO representatives to attend the meetings of the Group, which is the opening to the working base of the system.

In the year 2004, the representatives of MAIA proposed that the Interministerial Group should be dissolved and that a National Agency should be created to take over the issue of trafficking of human beings, the grounds for this proposal being the fact that the Group does not have decision-making power. The project to set up the Agency includes responsibilities for developing strategies, policies, studies and drafts of national standards in the field, responsibilities for data, information communication, and proposals for changing the legislation in the field.

As to the effectiveness of the new Agency, there is support from civil society, but there are some reservations too, in some opinions the creation of the Agency being associated with an undesirable centralization of the activities of the Interministerial Group.

1. **The Ministry of Administration and Internal Affairs (MAIA)** is the main factor in the implementation of policies on combating trafficking of human beings.

According to the rules of application of law 678/2001, MAIA

- Creates and updates the database for trafficking, monitors and evaluates this phenomenon regularly.
- Conducts researches concerning the causes and the evolution of trafficking at national level and it shares them with the interested institutions.
- Provides, upon request, on Romanian territory, physical protection to victims of trafficking who are parties in the criminal trial.
- Provides, at all border crossing points, staff with special training to identify and take charge of victims, in view of referral to competent institutions.
- Investigates cases of trafficking of human beings, the investigations to be conducted by officers trained in interviewing victims of trafficking (usually female officers).
- Organizes, for its own staff, training and specialization courses in investigation of trafficking cases.
- Informs the population living in high risk areas of the issue of trafficking.
- Identifies the persons involved in activities related to illegal migration and trafficking of human beings, as well as the place where these activities are carried out.

The following structures ensure the fulfillment of these tasks:

- The General Department for Organized Crime Combating, through its regional centers, and also through organized crime county offices subordinated to County Police Inspectorates
- The Office for combating trafficking of human beings within the General Inspectorate of Border Police
- The National Office for the Prevention of Trafficking of Human Beings and Monitoring of Victim Protection set up within the Institute of Crime Research and Prevention.

The General Department for Organized Crime Combating was assigned the role of coordinator of the Interministerial Group. In this capacity, it organized the meetings of this Group, and was the most constant participant among all the other institutional actors involved. It appears that from the moment this Interministerial Group was set up, the **Organized Crime Department has supported all the actions along the lines of anti-trafficking policies, i.e. not only those directly relating to combating proper**. Nevertheless, at the level of this institution the perception is that the efforts in the field would be more judiciously spent if in charge of policy coordination was a body without operational character, as the new Agency is planned to be.

Within GDOCCDE, there is a structure whose express task is to produce databases, statistics and studies/reports that reflect as precisely as possible the dimensions of this criminal phenomenon: the trafficking of human beings Resource Center. Its role is to collect data, to process them, and to issue periodic reports regarding particularly the number of victims, the number of traffickers, and the number of definitive convictions. To this effect,

the Center has a direct link with the Border Police, the Public Ministry, and the Ministry of Justice. The activity of the Center continues to be perfected with PHARE funds.

The physical protection of victims of trafficking of human beings is provided by officers from organized crime for the entire duration of the investigation and in the court room, **although it is not part of their formal duties.**

The Organized Crime Department has hired, in conformity with legal provisions, **female officers.** Their role is very important, both in **communicating with the victims, and in developing pro-active investigative operations.**

At border-crossing points, the **pecially trained staff is made up of Border Police officers and agents.** Their duty is to refer the victims of trafficking of human beings to the nearest shelter.

Currently, the GDOCCDE uses PHARE funds to improve its performance and to ensure the necessary supplies. **Many officers belonging to this police department** have been trained in the management of the fight against this phenomenon due to **international cooperation** (with police officers from the United States of America, United Kingdom of Great Britain or from Germany), but also to **training sessions organized by non-governmental or intergovernmental organizations.**

With regard to the **Border Police, their staff has been trained by foreign partners – border police from Spain, Germany, France and England – and by NGOs active in Romania.** The foreign partners focused particularly on combating illegal migration, and subsequently, on specific issues related to drug trafficking or trafficking of human beings.

Even the representatives of this ministry bear witness to the fact that civil society has the merit of being the pioneers of bringing together these two police structures – organized crime control and Border Police – so that they succeed in cooperating better, overcoming the bondage of performance indicators (that is the number of processed files).

The best cooperation is between police officers and prosecutors. In accordance with Law 678/2001, the prosecutor runs the investigation in any trafficking of human beings case. Nevertheless, many times, police officers view their efforts as being wasted, considering the proportion of cases brought to justice out of the number of investigated and processed cases.

The Institute of Crime Research and Prevention is another structure of the ministry engaged in combating trafficking of human beings. **Prevention police officers conduct public information and awareness campaigns, together with proximity police officers and with representatives of NGOs involved in prevention projects.** Within the Institute, the National Office for the Prevention of Trafficking of Human Beings and Monitoring of Assistance to Victims develops, with the help of prevention police officers, projects whose target-groups are vulnerable social segments and which aim at structuring an education campaign, at the level of educational facilities at high risk of school drop-out.

2. **The Ministry of Justice** (MJ) manages the legal framework with regard to combating trafficking of human beings and providing assistance and protection to victims of this crime.

This ministry:

- Ensures training and specialization courses for magistrates in the field of trafficking;
- Contributes to the development of national and local strategies for trafficking prevention;
- Aims at improving the internal legislative framework in the matter;
- Prepares and proposes bills in matters relating to trafficking prevention and control ;
- Conducts periodic surveys to evaluate the effectiveness of legislative measures on trafficking.

With the help of EUROJUST and IOM Romania, a network has been established consisting of 56 judges specialized in trafficking trials. Its internationalization is currently under consideration.

In designing the internal legislative framework, MJ took into account the acquis communautaire with regard to combating trafficking of human beings. On January 1st, 2005, Law 211/2004 came into effect establishing four categories of measures addressing victims of grave offenses, therefore including those under the provisions of Law 678/2001.

The Services for victim protection and social reintegration of offenders operating under tribunals provide psychological counseling to victims. These services are the reformed services for social reintegration of offenders and supervision of execution of non-custodial penalties, to which the assistance component has been added. Together with MJ, IOM and MAIA make efforts to realize a project to build institutional capacity by forming working groups including police officers, prosecutors, and **representatives of victim protection services operating under tribunals**, with a view to institute a **national mechanism of victim identification and referral**.

The Ministry also manages the activity of rogatory commissions that collect evidence from the victims of trafficking of human beings.

3. By the Rules of application of the special anti-trafficking law, no particular tasks have been assigned to the **Public Ministry**. Nevertheless, through the prosecutors of the Department of Crime and Organized Crime Investigation, this state structure plays an important role.

The Department of Investigation of Organized Crime and Terrorism Offenses within the Public Ministry was set up as a structure specialized in combating organized crime and terrorism offenses of the Public Prosecutor's Office within the High Court of Cassation and Justice by Law 508/2004. The Department of Investigation of Organized Crime and Terrorism Offenses exercises its function on the entire territory of Romania, through **prosecutors trained in combating organized crime** and terrorism.

In trafficking of human beings offenses, the Department of Investigation of Organized Crime and Terrorism **conducts the criminal prosecution and refers the cases to judicial instances to take the measures provided by law and for judgment**.

Practice has shown that in trafficking files, generally, **the prosecutor in charge with the investigation works very well with GDOCCDE and GIBP officers**. To collect evidentiary material, the prosecutor may delegate certain tasks (for instance, to conduct a search) to police officers.

In cases of trafficking of human beings, the role of the prosecutor is not limited to proving the offense. Prosecutors, like police officers, have the duty to inform the victim of his/her rights and to refer them to an institution or organization which can provide protection and shelter to them. (Prosecutors do their duty in every case, but going into the protection system is rarely a point of interest for victims. Usually, they prefer to be reintegrated into their family.) It is expected that, once a standardized mechanism of referral is in place, the specialized prosecutor should decide on the referral of the victim to the counselors of the service for victim protection and social reintegration of offenders, who will inform him/her of his/her rights and will refer him/her to the services responsible with providing assistance to victims.

4. According to the legislation, the following responsibilities are assigned to the **Ministry of Education and Research** (MER):

- Make recommendations, during civic education classes, concerning particularly the subject of trafficking of human beings;
- Include, during guidance counseling classes, topics relating to trafficking of human beings;
- Develop extra-curricular activities and provide educational alternatives to students and youth coming from dysfunctional families, at risk of dropping out of school and family abandonment.
- Vocational and career guidance for students and youth, consisting in information, documentation and counseling in view of their school and vocational integration - ***reintegration of students victims of trafficking into the educational system, in terms of the particular trauma they suffered.***

The Ministry carries out these tasks in partnership with the International Organization for Migration, partnership which was formalized by a memorandum.

Due to this collaboration, the most important disseminations of information, about trafficking of human beings, took place in the system of education. IOM and MER organized the training of trainers for teachers of social science and humanistic subjects from all the counties of the country, and, in a second stage, of teachers of religion. They received educational materials and, in their turn, trained others in their respective counties.

Also, together with IOM, MER evaluated the concrete effects of the training of teaching staff. County school inspectorates informed the Ministry of the manner in which, during guidance classes, topics relating to trafficking of human beings were included in 8th and 10th grade. The international organizations and the NGOs engaged in this mission of disseminating information, turned into an educational technique in small groups¹, at their suggestion, sent an encouraging feed-back too.

It may be said that the Ministry of Education and Research, in cooperation with County School Inspectorates and County Police Inspectorates, but mostly with NGOs, carries out prevention activities in the field of trafficking of human beings. There are even successful information and awareness raising activities among the students about trafficking, but subsequent evaluations by questionnaire show that these actions do not trigger a change of attitude towards migration.

¹ Peer group education

The curricular structure of the subject 'civic education' and the recommendations for the contents of guidance classes include topics relating to trafficking of human beings.

Regarding the introduction of educational alternatives for students at risk of dropping out of school, the ministry implemented, starting with the year 2001, the Phare programme for access to education of disadvantaged social groups. An important component is "A Second Chance" programme for persons who have not completed their compulsory education and are at least two years older than the appropriate age for the grade. The provisions of this programme are implemented in school, but also by NGOs in cooperation with local authorities.

The methodological guidelines for the organization of the "A Second Chance" project stipulate that for a class to be constituted it requires a minimum complement of 8 students, which is a limitation hard to overcome in rural areas.

5. The Ministry of Foreign Affairs plays an important role only in the repatriation of victims of international trafficking of human beings.

- The Diplomatic Missions and the consular offices of Romania provide assistance, upon request, to Romanian nationals victims of trafficking, who are in the country where the respective missions or offices have jurisdiction.

Indeed, Romanian diplomatic missions play an important role in the identification of Romanian national's victims of trafficking of human beings, but the Ministry does not receive funds from the State budget to provide assistance to victims. In all cases, efforts are made to find local donors, NGOs or international governmental organizations, to finance the repatriation or other forms of protection. In situations where the respective person does not cooperate with law enforcement agencies in the country of residence, therefore they are not involved in a criminal legal action, then it is even more difficult to identify the funds required to cover their repatriation and protection.

6. The Ministry of Labor, Social Solidarity and Family (MLSSF)

Legal framework:

- The National Employment Agency produces information materials on the risks of trafficking of human beings, to be supplied to people looking for work .
- The victims of trafficking and the persons from poor areas entitled to the minimum guaranteed income, as well as other persons at high risk of being trafficked are included as «target-group» in the National Employment Program and the National Program for Annual Vocational Training.
- The Ministry of Labor and Social Solidarity, the Ministry of Industry and Resources, and the Ministry of Public Finances study the appropriate incentive measures to stimulate those economic agents who employ both persons at high risk of being trafficked, and victims of trafficking who have completed courses, and advance proposals to this effect.

The National Strategy in tackling the issue of poverty and social inclusion comprises: the National Anti-Poverty and Promotion of Social Inclusion Plan (G.D. 829/2002), the Government Social Program for the period 2002-2003, Law no. 705/2001 on the national social assistance

system, G.D. 90/2003 on the approval of the Standard Rules for the organization and function of the public social assistance service, Law no. 416/2001 on the minimum guaranteed income, and Law no. 116/2002 on prevention and combating social marginalization.

The economic agents who hire underprivileged persons, at risk of being trafficked, benefit, in conformity with Law 116/2002, from the provisions of the solidarity contract, by which County Employment Agencies pay to employers substantial sums of money, provided that they hire young people in difficulty aged 16 to 25 years, persons with disabilities, young graduates, persons over 45 years of age – sole provider for the family, and persons who have 3 years to retirement.

In recent years, six job markets were organized: one general employment market, and other five intended for social segments who have less access to the labor market, such as: women, Roma ethnics, persons with disabilities, students and graduates. The market for Roma was quite a success, after 3-4 years. G.D. no. 430/2001, the 2001-2004 Strategy of the Government of Romania for improving the situation of Roma, includes provisions, among others, for favoring projects to create jobs for women of Roma ethnic origin.

At the job market for women organized in March 2005, 27,976 jobs were on offer and 37,120 persons showed up. 16,111 persons were selected and 6,458 persons were hired, out of which 5,790 women.

However, the reinsertion into the labor market of victims of trafficking cannot be monitored at central level at the present time. There is the stipulation of the special law that these persons have «priority» on the labor market, but more often than not, they do not identify themselves as such, or they cannot prove that they are victims of trafficking.

7. The Ministry of Health, in accordance with the legal framework,

- Organizes, in vulnerable communities, information and education campaigns on sexually transmitted diseases.
- Develops health and psychology education programs targeting the groups at risk, street children and institutionalized children.

These lines of action are realized at county level by the Departments of Public Health. Generally, there are periodic activities involving also other local authorities and organizations.

The major institutions some DPHs work with are the local offices of DOCCDE, NGOs ('Save the Children', ARAS), GDSACP and CSI. These programs have mostly preventive components.

However, sometimes the local representatives develop these programs without knowing that they are included in the National Anti-trafficking Plan, so that the objectives regarding prevention that they aim at are not fully attained.

Considering this situation, the Ministry will organize in the near future training courses on trafficking of human beings for physicians. The training courses are designed to familiarize health professionals with the methods to identify potential victims of traffickers. Thus, the physician will be given the possibility to refer the victim to the system that provides assistance.

But health care for victims of trafficking is far from being free, as stipulated in the law. Only child victims enjoy free health care services. This situation is perpetuated with the major contribution of the current legislation on social health insurance. Its provisions have not been

harmonized, as yet, with those of the special Law 678/ 2001, and no authority has been charged with budgeting for health care services provided to victims of trafficking.

Reality shows that health care for victims is provided through the agency of social assistance providers, many times the victim's medical tests and treatments being paid due to their benevolence.

8. As provided by Law 678/2001, shelters for victims of trafficking of human beings have been set up in Romania. At the moment when this law was promulgated, the coordination of their activities was incumbent on the Ministry of Public Administration, a government structure that no longer exists today. These shelters, which were set up through various programs and came recently into operation, were transferred under the financial administration of **county and local Councils**, being subordinated to the General Departments of Social Assistance and Child Protection, in accordance with Law 705/2001 on the organization of the system of assistance.

The Government of Romania adopted, in the year 2004, the Rules of organization and operation of these departments; this legal act stipulates that GDSACP, does not fulfill only functions of strategic management and administration of county social assistance funds, but also functions of collaboration with other institutions with social assistance duties (see Law 705/2001), and representatives of civil society. In accordance with this legal act, GDSACP ensures the transfer of expertise in the field from civil society to the staff of the shelters. Actually, many times, after the transfer of expertise was realized by special projects, the trained staff left their job at the shelter. There are exceptional situations too, where GDSACP itself contributes to the dissipation of gained expertise by redirecting the staff of the shelters toward other branches of social assistance. These moves are usually motivated by the lack of activity in the centers for assistance and protection [shelters] of the public service, where the victims rarely request accommodation.

9. By its very mission, the **National Authority for the Protection of the Rights of the Child** (NAPRC), an agency currently subordinated to MLSSF, is the State institution whose range of professional activity includes the issue of child trafficking. NAPRC, taking into account age particularities and other differentiations arising from various points of view (legal, socio-educational, etc.), advocated, justifiably so, for the implementation of policies adequate for the special needs of trafficked children as well as of children vulnerable to being trafficked.

Relying on the experience gained since its establishment, NAPRC succeeded in standardizing a working methodology for the rehabilitation of the child in difficulty¹. The results have shown that, from the point of view of social assistance at least, it is improper to attempt to make a distinction between the trafficked, exploited, neglected child or abused in any other ways, since the overall effect on the development of the child's personality is not sensibly different in all these cases. Starting from this observation, **NAPRC devised three strategies designed to combat any form of child abuse and exploitation, therefore, child trafficking too**. Three legal acts, presented in the previous chapter – GD 1504/2004, 1295/2004, 1769/2004 – aimed to achieve an effective joining effort of all social actors to contribute to the reduction of children's vulnerability.

NAPRC encouraged the establishment of a **sub-group of the Interministerial Group, designed to combat child trafficking, composed of NAPRC, GDOCCDE, Border Police,**

¹ The first shelter to implement the working methodology was the one currently subordinated to GDSACP of district 2, Bucharest, a shelter for unaccompanied and trafficked children.

Department of Passports, MER, MOH, MFA. The international organizations ILO, UNICEF, and IOM participate as observers. The legal basis of the sub-group's activity is ensured by GD 1295/2004 and NAPRC Order no. 123/2004. The latter act represents the sub-group's rules of operation, defining at the same time its mission and responsibilities. Essentially, they relate to the coordination and monitoring at national level of child trafficking prevention and combating activities, as well as child victim's assistance and protection activities, particularly those actions included in the National Plan for combating and prevention of child trafficking.

NAPRC is considering the drafting of a master plan to include the sectoral range of issues of these strategies, all the more so as they are built following the same institutional action pattern, and the staff cannot be trained sectorally. The examination of the three strategies for combating child abuse (included in the 3 GD mentioned above) reveal the logical pattern they are built on:

- strengthening institutional capacity to obtain primary and secondary information about the matter (creating databases, monitoring cases, producing data analyses);
- strengthening institutions capacity to respond appropriately in all the concrete fields: prevention, control and assistance;
- describing some activities essential to the three fields.

To date, NAPRC has organized a database containing cases that were entered based on requests for repatriation. The data are primarily collected by the staff of Gavroche pilot-shelter for unaccompanied or trafficked children, since, in conformity with GD 1443/2004, every repatriated child goes through this shelter. A momentary deficiency of this database is the lack of information about domestic trafficking.

With regard to concrete actions, NAPRC initiated and developed, in the period June 2004 – February 2005, the Program of National Interest¹ (PNI 415 of 2004) aiming to prevent illegal migration and child trafficking, as well as to assist the victims of trafficking. The budget of ROL 14.5 billion allocated to this PNI allowed to run prevention campaigns in schools (with 10,470 recipients, out of which 3,440 students), to set up and supply 10 protection and assistance shelters for repatriated unaccompanied children or child victims of trafficking, one of them being declared a pilot-shelter². The same funds financed the training courses for the staff of these shelters, covered the costs of the assistance provided to 63 victims and their families, as well as the steps taken to repatriate a number of 248 children.

In the year 2005, NAPRC has implemented PNI "Reintegration and support of repatriated children or victims of trafficking". The major goals of this program are to prevent child abuse and neglect, to establish and develop specialized services for repatriated children, and to develop a package of measures designed to facilitate their social reintegration. Certainly, other subsidiary objectives have been set, such as: the efficient management of human and financial resources involved in the system of child special protection, social and family reintegration of repatriated children, and combating, and most of all preventing child migration or trafficking situations. Practically, the plan is to increase by 4 the number of services for the reintegration of repatriated children and prevention of child migration, to reduce budgetary expenditures for repatriation by 25%, and increase the number of repatriation cases. The budget for the year 2005 allocated for this PNI is of ROL 7,277,140,000.

With regard to building institutional response and intervention capacity, in relation with each of the 10 shelters, inter-institutional task forces have been set up, coordinated by County Departments of Child Protection and composed of representatives of CPI, CSI, DPH, CEA. In

¹ Per GEO 192, a Program of National Interest means any program approved by government decision, which contributes to attaining the objectives of the reform of services and institutions for the care and protection of children and the promotion of the rights of all children, or to ensuring the adequate operation of this system.

² That is protection and assistance shelters separate from the shelters for adults, set up under Law 678/2001.

every county, these task forces may be completed with other partners, trade unions, employers, NGOs.

1.3. Other social actors of consequence in combating trafficking of human beings

Public authorities receive financial, logistic support, and acquire expertise, skills in playing their role in combating trafficking from intergovernmental and non-governmental organizations.

A. International organizations

1. International Organization for Migration

The mission of this organization to Romania covers, by its projects / activities, all the areas of anti-trafficking policies.

Assistance and rehabilitation of victims are concrete activities in which IOM gets involved directly, at national scale, by repatriating Romanian nationals, victims of trafficking abroad, who were removed from trafficking and referred to its missions in the respective countries. In order to assist and protect the repatriated victims, IOM formed a network of 20 non-governmental organizations that provide to victims shelter, health care, counseling, recovery and socio-professional reintegration. Upon entry into the country, IOM's social worker meets the victim and refers him/her to the organization nearest to his/her home.

With regard to accommodation, IOM runs the activity of a shelter for trafficked persons. For the victims who live there, psychological counseling and legal assistance are provided by the agency of a non-governmental organization, with which IOM has established clear working instruments.

GD 1226 of 19 December 2001 legislates the Agreement between the Government of Romania and the International Organization for Migration on a project, at the time, "to set up a center to receive and temporarily shelter, provide health care and counseling for repatriated women, victims of trafficking of human beings". In terms of this agreement, the State pledged to provide the space needed to set up the center and to ensure its protection and security, while IOM was to cover the furnishings and the expenses of the center, as well as transport, accommodation, meals, health care and counseling of the victims. The mediation for these services was to be performed by an NGO, agreed on by both parties. This agreement materialized by the setting up of a shelter, the first in the country, in partnership with the organization Alternative Sociale (Social Alternatives). Currently, this shelter is run by the local authorities.

IOM cooperates with the SECI Center for the recovery of victims of international trafficking of human beings. Following notifications received by IOM and relayed to the SECI Center, the police of SECI member states managed to remove victims from trafficking in less than 24 hours.

Another major contribution by IOM is in strengthening the capacity of State institutions to be pro-active in combating trafficking. At least at a first stage, the strengthening of this capacity is the result of an improved framework for the application of the law. The network of judges specialized in trafficking of human beings was formed with the help of IOM too. Not lastly, IOM representatives are concerned with the definition of the term "victim", so that a person injured in trafficking offenses could "become more visible" to the system of assistance.

Actually, IOM has always endeavored to bring about the building of completely new institutional capacities, by forming inter-institutional and inter-organizational partnerships.

In the field of prevention of illegal migration and trafficking of human beings, IOM conducts awareness rising and information campaigns at national level. IOM assists in the dissemination of information by creating a website on combating trafficking of human beings.

2. UNICEF

An advocate of the rights of the child, UNICEF tackles the range of issues relating to trafficking in an intersectoral and systemic way. Its fields of action are assistance, prevention, transfer of expertise to State authorities, institutional capacity-building.

In the area of national projects, UNICEF has provided technical and financial support to the Interministerial Group and to the Sub-group. The main outcome of this project was the increased capacity of these two forums of debate and strategy development to interrelate with local institutional structures, with the people effectively working in the field, and with civil society. At Group meetings, UNICEF was the supporter of a decentralized frame of action, of instituting social actions involving the responsibility of all participants to the same extent, and succeeded in opening the Group to organizational segments which implement, by concrete actions, the various strategies developed.

Of national interest as well, but devoted to an area of concrete action, there is also the support for the implementation of a mechanism of victim identification and referral. This project is developed in partnership with IOM. UNICEF's aim is the improvement of the working methodology in the area of providing assistance firstly by creating a referral mechanism able to respond better to cases.

Institutional capacity-building and the transfer of expertise were the issues UNICEF addresses in a project implemented in nine counties with the help of the Save the Children organization.

UNICEF supports the refinement of intervention means in prevention campaigns, so that in every social segment the communication should convey the most intelligible messages. In UNICEF's view, a prevention campaign should be conducted in an integrated manner, not unidimensionally in the media, and implies having a profound knowledge of the root-causes of the phenomenon and of the target-groups. Constant to these principles and to its mission as advocate of the rights of the child, in 2004 UNICEF developed, in partnership with the Foundation for the Child, Family, and Community, a project to reduce vulnerability to being trafficked in four communities in Țara Oașului. The target-group was, mainly, the children of these communities where migration for work has become a pattern of action, a generally accepted life strategy.

In the field of prevention, UNICEF has supported the implementation of several programs. Their range was relatively small, allowing for the message to be adapted to the receiving public. Thus, UNICEF organized, together with the ecumenical organization AIDRom and the Institute of Crime Prevention and Research, a series of training courses for the prevention police officers, as well as for other professional groups, in ten counties. In Bucharest, UNICEF granted its support to the organization ADPARE in carrying out preventive actions targeting the school population in ten high schools. In support of the Alternative Sociale organization, UNICEF developed two projects to reduce vulnerability – one by career counseling for the students of Iasi, and the other by peer-education, where ILO and MER were partners in the implementation. This project was implemented in four counties – Iași, Botoșani, Giurgiu and Bucharest București. In the central region of the country, UNICEF, in partnership with the Conexiuni Foundation, is implementing another project of prevention with the help of school and police inspectorates.

Assistance and social reintegration of victims are also important issues to UNICEF, which finances the service packages provided by non-governmental organizations. With regard to assistance though, UNICEF has pointed out that the victims of trafficking come against bureaucratic obstacles when they try to avail themselves of their rights under the law: free health care services and school reintegration, which is difficult even for the minors who have not dropped out of school for longer than two years, due to the multitude of formalities required.

3. UNDP

Supporter of the sustainable and democratic institutional development, UNDP's activity in anti-trafficking policies relies on the establishment of professional tools. UNDP's aim is the implementation of a coherent strategy of training at all the levels in the structures pertaining to law enforcement.

Therefore, in the period 2001-2003, one of UNDP's priorities was to produce a handbook of best practices in the investigation of trafficking cases, published in cooperation with the Center for Development of Immigration Policies in Vienna, SECI Center, USAID and other national or international institutions. The handbook was written by experts of European reputation in trafficking of human beings, and includes a section of best investigative practices, a compendium of anti-trafficking legislation in the region, and a set of measures for the first approach of the victims, consistent with the guidelines of the UN Convention and the European recommendations. The content of the handbook highlights the importance of protecting the victim as witness in the judicial investigation. The handbook is addressed to a public consisting of border police officers, officers of special departments of organized crime, and prosecutors involved in the investigation of trafficking cases. The handbook has a modular structure and covers the whole range of problems law enforcement has to face in the field. UNDP Romania believes that the key to transform the handbook into a working tool is the capacity for inter-departmental and inter-institutional cooperation.

In order to obtain the feed-back necessary for the implementation of any strategy, the following months are devoted to testing the handbook through training sessions with police officers. In fact, this project addresses S.E. European countries (Albania, Bosnia -Herzegovina, Bulgaria, Croatia, Macedonia, Moldova, Romania, Serbia and Montenegro, and the province of Kosovo) aiming to harmonize law enforcement tools in these countries. The expected outcomes of the testing are the validation of a corpus of professional knowledge in trafficking of human beings, and of training methodologies, the outline of comprehensive national anti-trafficking strategies.

UNDP is active as well in the efforts to improve the legal framework, supporting the creation of the National Anti-trafficking Agency, expecting it to be similar to other central anti-trafficking bodies in West European states, for instance the Office of the National Anti-trafficking Coordinator in the Netherlands.

4. The International Labor Organization – ILO – IPEC

ILO's main activity in combating trafficking of human beings is bound to the objective of IPEC – International Program for the Elimination of Child Labor – to reduce, restrain and prohibit child labor, in accordance with international labor standards regarding the worst forms of child labor (Convention no. 182) and the minimum age for work (Convention no. 138).

The first stages in attaining this objective were to raise awareness about the consequences of child labor, and the methods to resolve this problem and to involve all the social actors engaged in the field in the development and implementation of programs of action against child labor. The major partners are NAPRC and the Labor Inspectorate, but members of the National Committee for the Elimination of Child Labor are also representatives of the Ministry of Education, the Ministry of Health and the Ministry of Administration and Internal Affairs. After having an informal function from 2000 through 2004, this Committee was given legal status by GD 1769/2004, a decision marking the transition to operational working stages, integrated however into a development strategy.

ILO contributed to the implementation of the strategies to fight against child abuse and exploitation by:

-creating a database at national level regarding child labor,

- forming intersectoral action groups at local (county),
- improving the legal framework by clarifying some concepts, and by instituting some working methodologies in the field of prevention.

ILO's most important concern would be the elimination of the worst forms of child labor. They include trafficking, prostitution, and another component regarding hazardous work. This category has not been defined, as yet, in Romania. Practically, by ratifying the Convention no. 182, Romania has committed to compile a list of hazardous types of work for children, and have them prohibited. ILO is being consulted in order to identify these types of work. The list will have to be validated by the National Steering Committee and then to be sent to the Government to be adopted. The current legal provisions refer to the formal sector, but not to the informal one where children work instead of adults, in fact.

Starting from the year 2002 even, ILO has implemented monitoring mechanisms in 18 counties – by forming local intersectoral teams consisting of representatives of child protection, police, school inspectorates, labor inspectorates, local NGOs. By the agency of these teams, the tools to identify both children at risk and children who work have been tested. The next stage would be the removal of the children from labor, and their referral to certain services, on a case-by-case basis. The intention is to further monitor them, to avoid their engagement in a worse or more concealed form of labor. This project was developed in partnership with NAPRC and with financial support from other international organizations (UNICEF, USAID). ILO aims at standardizing the experience gained and at developing a working methodology that is applicable at national level. An explicit expectation is that the monitoring system should be applicable both to children who are vulnerable to being trafficked and to children exploited by other grave forms of labor.

To prevent risk situations (including the vulnerability to being trafficked) requires, in ILO representatives' opinion, that support should be given to families to find employment. Support to the parent – in the hiring process proper, but also to the child, as vocational counseling. Since ILO representatives consider that in the educational process vocational training and career counseling appear parsimoniously, the organization has developed projects to cover this aspect. Among these projects, we mention the standardization of a battery of cognitive tests allowing the child to be guided in the choice of his/her vocation (taking also into account his/her personal option), and the survey of groups of students from vocational schools at risk of dropping out. For the reduction of vulnerability to be real, ILO focuses on the life-skills component, on building communication skills to find and keep a job.

Pertaining also to the area of vulnerability reduction, there is a project to develop a network of Development and Information Centers – CDIs, run by ILO together with Alternative Sociale and with MER. Funded by Romanian government resources and by the Embassy of France, CDI started from the idea to provide methodological support to teaching staff in the rural areas, recognized as a closed social space, with few possibilities of communication. Mainly, the project meant the re-creation of the library space, transforming it into an information center. Initially, CDI had 300 nuclei, a tripling of this number being expected in the future, by the very contribution of the teaching staff who also have a network of trainers for the management and development of the project, and now about 700 are about to be opened. Both the ministry and the involved organizations plan to use the CDI network to prevent school drop-out.

Not lastly, it deserves mentioning that ILO has a particular tool that is used in cooperation with Alternative Sociale in several projects: the SCREAM guidelines, focusing on the promotion of children's rights through education and the media, and published by a group of teachers from Geneva. The first training session – for teaching staff – on the use of the guidelines had an encouraging feed-back.

5. The Regional Center of the East-European Cooperation Initiative SECI

Set up through the combined efforts of 12 countries – Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Republic of Moldova, Romania, Serbia and Montenegro,

Slovenia, Turkey – this organization aims at eliminating cross-border crime, in a region that is not yet part of the European Union. The role of this organization, engaged in effective combating, is to support and coordinate the efforts made by each member-state in the eradication of crime. In order to achieve this aim, SECI divided its activities into task forces – specialized teams consisting of representatives of member-countries – whose mission is to increase the capacity of professional response of law enforcement bodies, particularly in organized crime sectors (i.e. trafficking of human beings, illegal migration, drug trafficking, stolen cars trafficking, smuggling and financial-customs fiscal fraud), and in counter-terrorism (trafficking of small, light, mass destruction weapons, etc.).

At the Center, 6 task forces have been established. The first, and, even in the opinion of SECI representatives, *the most important* among them is the one for combating trafficking of human beings, with a recently added component of illegal migration. Its importance derives from the fact that this task force is trying to annihilate organized crime rings with very large profits, sometimes estimated as being larger than in other criminal sectors.

The task force for combating trafficking of human beings is engaged in actions to dismantle trafficking gangs, subsequent to police investigations that uncover and verify their activities. Regional scale operations have been undertaken since the year 2002, under the code name MIRAGE, resulting in the rescue of several hundreds of victims a year.

Right from the first MIRAGE operation, an operational central unit was set up, acting as headquarters in the exchange of information between member-states, and staying active without interruption for the entire duration of the operation. The information discovered and shared during that time generated investigations even after the conclusion of the operation.

In September 2004, the organization of the activity of the task force for trafficking of human beings was modified, and the code name MIRAGE was taken by the task force itself. The change consisted in going from one-time operations, conducted all over the geographical area of the countries included in the Cooperation Initiative, to all-time activity, which does not necessarily involve all member-states in a single action and which allows for faster processing of the collected information, and even the exchange of investigators. The organization has evolved in the sense of a more effective structure.

The combating activity performed at SECI Center has a very high degree of efficiency, being the result of a strongly formalized work frame doubled by the creation of a communication flow based on relations of trust.

Realizing the importance of ensuring the protection of the victim in case he/she agrees to testify in court against his/her exploiters, SECI Center officers provide protection, either by covering the cost of travel to the state where the trial takes place for the victim and for some officers belonging to police forces with responsibilities in organized crime combating, or by facilitating the communication between the victim and the court through transmission on a coded signal INTERNET channel.

B. Non-Governmental Organizations in Romania

The non-governmental organizations which develop projects in the range of issues pertaining to trafficking of human beings make up a special communication sphere, united by the generally shared view on the root causes of increased trafficking in recent years, and on the definition of victim. Differences between NGOs exist, particularly with regard to working tools, concrete ways to provide assistance. Since we did not set out to make an exhaustive study of the organizational sphere linking (or separating) NGOs in Romania, but to highlight some qualitative aspects of the transfer of expertise between representatives of civil society and relevant institutional structures, this research presents a sample of a few interviews with NGO managers.

1. Having branch offices in 15 counties, Save the Children is one of the most active organizations in the implementation of anti-trafficking policies, in the field of providing assistance to the victims, of prevention campaigns, but also in institutional capacity-building. Save the Children provides trained assistance (social, psychological, and legal). It is an NGO included in the IOM network. It has also formed a partnership with MAIA, respectively GDOCCDE.

Most of their cases are referrals from IOM and are voluntarily repatriated victims. They enjoy protection in a shelter run by IOM, while Save the Children, as partners, provide psychological assistance and rehabilitation to these cases, who are offered the option to enter a reintegration program, within the *Counseling Center for abused and trafficked children*, a separate service of the organization Save the Children. There, the victim participates in drafting and establishing the plan. The plan may propose the reintegration into the family if circumstances allow, but if the source of conflict was the family, if the family contributed directly or indirectly to the situation of trafficking of the victim, then social reinsertion will be realized by-passing the family. The organization Save the Children is involved in actions of trafficking of human beings prevention and in the transfer of expertise to state-run transit centers and shelters.

In the year 2004, Save the Children was involved in the implementation of PNI 415 – the program for the opening of transit centers for trafficked or unaccompanied children, with funding from NAPRC and support from the Departments for Child Protection. The development of a working methodology for the 10 transit centers and of specific working tools, and the training of the staff employed in the project on providing direct assistance to trafficked or unaccompanied children were two important components of the transfer of expertise received by the public service network from this NGO.

Save the Children has been also conducting a sustained trafficking prevention campaign, particularly in the information-raising awareness component, having as target the school population. The materials used for this campaign include publicity clips, posters, and brochures.

2. The ADPARE organization (Association for the Development of Alternative Practices in Reintegration and Education) is the result of the specialization of the assistance provided by the IOM network to victims of trafficking of human beings. ADPARE provides psychological assistance in crisis situations; health care, legal aid; vocational guidance; career counseling; family counseling, and also training and prevention services to combat trafficking of human beings. As far as this organization is concerned, the victims may live in its own shelter, in IOM's shelter, or with their family.

The cases are also mainly referred by the International Organization for Migration. ADPARE provides services both to victims receiving residential assistance at IOM's shelter, and to victims who, after repatriation, go back to their family and wish to receive assistance in the family. ADPARE has also organized prevention and training activities for Border Police officers.

Engaged especially in prevention activities, with funds from UNICEF and having as implementation partner the National Office for the Prevention of Trafficking of Human Beings and Monitoring of Victim Assistance, ADPARE is developing the project "Together with us for them". The target-group of this program (8 months long) consists of students from 11 schools in Bucharest and the child victims or victims with children assisted by the organization. The working method within this project is to form groups of students in each school selected for the issue of trafficking and to involve them in the organization of preventive activities in the classroom. At the same time, students are involved in activities of support of trafficking victims, in producing information materials, and in organizing artistic shows conveying a prevention message to the public or raising its awareness.

3. The Alternative Sociale organization defines its mission as being the development of psycho-social and legal services for people's victims of abuse and trafficking of human beings.

This NGO is one of the most important contributors to the professionalized structuring of an organizational sphere who succeeds in developing and implementing regional scale strategies.

Therefore, in addition to assistance services provided to victims, Alternative Sociale has made efforts, starting with the year 2003, to solidify a network of eight NGOs in the region of Moldova (the Counties of: Botoșani, Suceava, Bacău, Neamț, Vaslui, Galați and Iași), that have a united working platform regarding the range of issues of trafficking of women. Furthermore, Alternative Sociale then set to the effective implementation of the public awareness campaign in all the seven counties of Moldova, with impact on about one third of the population of the region. The eight organizations used the same materials, but local plans – as they were working with different authorities. Some counties cooperated with passport sections, others with departments of public health and private companies, for instance to print the help-line number on the packaging of a product. The representatives of the organization appreciated the collaboration with the police as the most productive. The project had a particular training value due to the consultancy received by the organizations providing services within the project, in strengthening the organizational capacity and in implementing programs.

The website www.antitrafic.ro dedicated to the range of issues of trafficking in Romania has been created and managed through the efforts of this organization to establish a flow of information with national, not only regional, coverage. For this project the financial support was provided by UNICEF and IOM.

Also in partnership with IOM, this organization managed the first shelter for victims of trafficking of human beings. By this project, Alternative Sociale realized a direct transfer of expertise to the public assistance system, thus certifying that civil society is intent on supporting the system established by the authorities.

During the previous year, the organization had a project on prevention and combating of child sexual exploitation, child labor and trafficking, aiming to inform students, parents, teaching staff, authorities, care givers of the dangers of child sexual exploitation, child labor and trafficking, to provide counseling to children leaving placement centers and looking for insertion in the labor market and to other vulnerable youth. This project contained as well a consultancy component for those organizations which provided services during the project, contributing to the creation of an organizational sphere with an enhanced capacity of response.

The organization had outreach activities, in the street, in schools, high schools, factories, discotheques, and the help-line.

4. The recovery and assistance program offered by the Reaching Out organization lasts one year, the double of the program provided by most NGOs, aiming at fully rehabilitating the victim. Since 1998 to date, it has provided assistance to 127 victims of trafficking. The organization runs a shelter built especially for this purpose, and employs a specialized firm to ensure its security.

For the time they are in the program, victims are provided with shelter, health care, legal aid (for any type of legal issue), the possibility to complete their education, to work – for remuneration – in the tailoring shop belonging to the shelter, and which is self-financed. For the future, the organization plans to diversify the types of employment offered to victims while they live in the shelter, by expanding the activities to other fields, not only in tailoring. Upon completion of the assistance program, Reaching Out acts as a mediator in finding employment. It usually does it directly, without CEA's support, and repeatedly, until the victim can hold a job, aiming at reducing the victim's social dependence.

Reaching Out has carried out information-awareness activities having as target-groups the school population in several cities in the country, and also training activities by peer-group education. The outlook on prevention of the manager of this NGO is very comprehensive.

Actually, Reaching Out views the prevention of trafficking of young women as being subsequent to a consistent policy of women-empowerment.

Reaching Out conducts transfer of expertise to State institutions. The manager of the organization has delivered, at the request of European agencies, training courses in several European countries.

The Reaching Out organization is part of a transnational network of NGOs – ACTA – Anti-corruption and Anti-trafficking Action.

5. The Young Generation [Generație Tânără] is an organization which provides assistance at the shelter for a period of 6 months. In the period 2000-2004 the organization assisted 175 cases, out of which 40 for a long period.

Focusing its activity on the victim, the organization is trying to develop self-sufficiency skills. For the Young Generation, preparing the victim for independent life means also enrolling the victims in various courses, foreign languages, tailoring or PC use.

6. The Connexions Foundation [Fundația Conexiuni] from Deva describes itself as an organization promoting projects and programs to contribute to the development and improvement of practices in the social, health and education fields. Up to this year, the organization has mainly carried out assistance activities: counseling during the period of reintegration, psychological, medical and legal assistance. Lately, the preventive activities carried out by Fundația Conexiuni have reached inter-county amplitude. Currently, the ongoing project «Anti-trafficking Caravane» has as main objective the development of a partnership with the territorial units of the Romanian Police in the counties of Hunedoara, Sibiu and Alba.

As provided in the legislation, *between the local and central authorities and non-governmental organizations, various types of relations are established*, structured into the referral system, transfer of expertise, cooperation, informational feed-back and monitoring system.

The referral of victims to shelters is usually made, in principle, by the investigative authority or by social assistance services.

A victim of trafficking of human beings shall be admitted to the shelter on the basis of a written referral [...] which may be made by the Border Police, County or Municipal Police, the Regional Center of Combating Organized Crime and Anti-drug, the General Department of Social Assistance and Protection of the Rights of the Child, Services for Victim Protection and Offender Social Reintegration [operating under tribunals].

Alternative Sociale

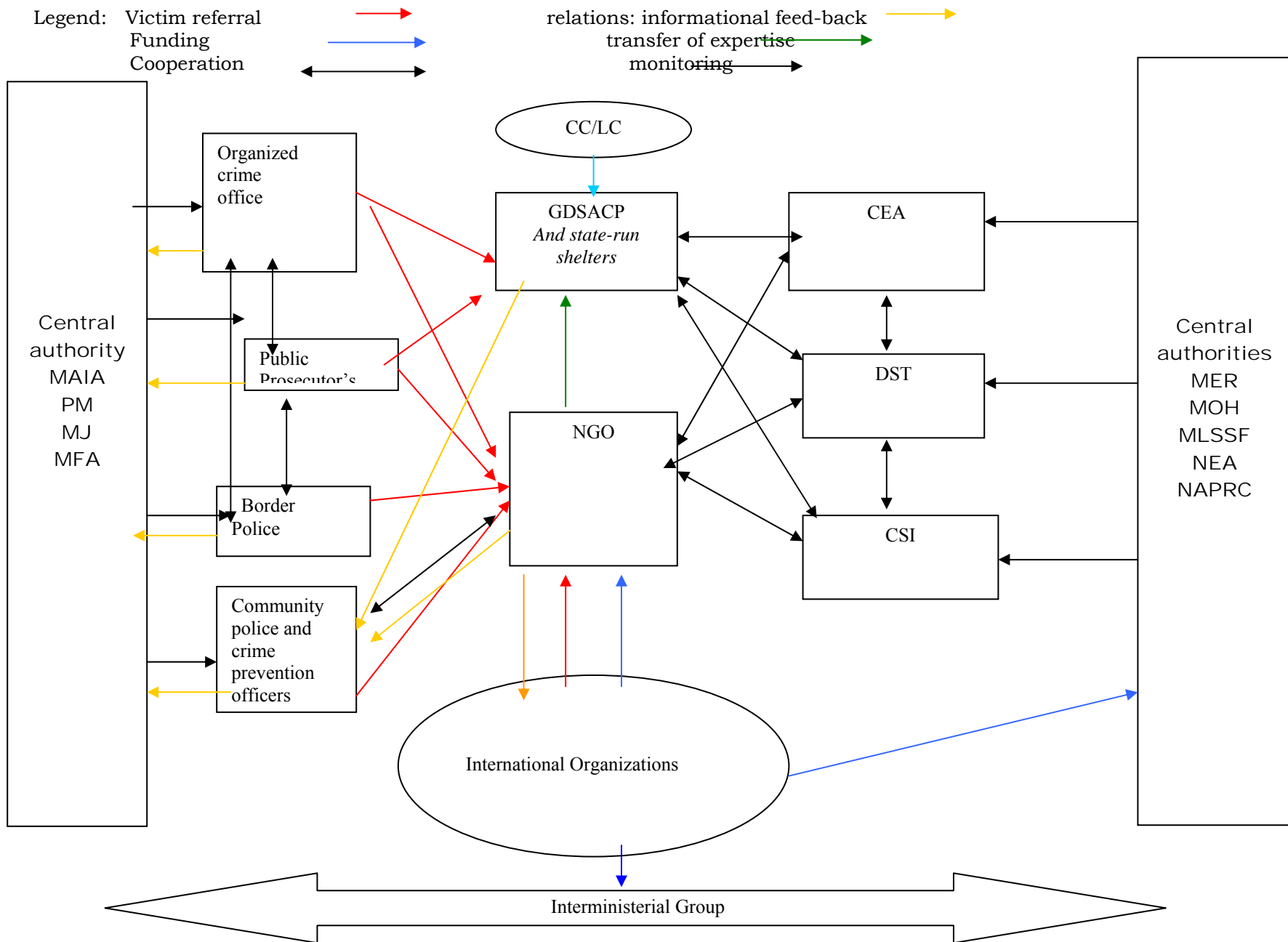
The transfer of expertise is achieved by implementing Programs of National Interest or by carrying out projects (focusing on prevention) in partnership between state authorities and civil society bodies. This transfer includes, by professionalizing the working tools of the state sector workers, institutional capacity-building.

Cooperation relations develop between local authorities and are part of a larger structure, established by the methodological standards of implementation of anti-poverty and promotion of social inclusion National Plans. These relations aim at reducing poverty among the population living in social spaces with very few resources, and, implicitly, developing preventive policies, to reduce the risk of trafficking and re-trafficking. At the level of every county, there is an *Anti-poverty and Social Inclusion Promotion County Commission*, where various local authorities are represented – DST, CSI, GDSACP, CEA (and others).

Informational feed-back relations develop between central authorities and local authorities, as a result of the organization of any public administration service into territorial divisions (with various degrees of autonomy). This type of relations also develops between donors – international organizations – and implementing agencies.

Relations in monitoring and assessment of the amplitude of the phenomenon are established through specialized structures of MAIA.

Relations between social actors as identified in the legal framework



1.4. Relations between social actors as identified through collective perceptions

The system of referral of the victims **does not work** within designed parameters. A survey by questionnaire at state-run shelters, 4 semi-structured observations and the examination of statistic data of the Office of trafficking of human beings prevention indicate that the state system is not used at full capacity. (For example, the shelter for children in Suceava has not sheltered any victim, although there are several children repatriated in the county after this shelter was opened; there are no victims living in the Timisoara transit and assistance shelter and it have been proposed that it should be closed. As we will show in the chapter on statistic data analysis, state-run assistance shelters have only absorbed less than one third of the victims who entered assistance programs.)

This situation is due, probably, to the following causes:

- The staff of the shelters and of GDSACP does not carry out activities to identify the victims (sometimes for lack of funds);
- Slow system of reimbursement between county Departments for services provided to victims whose place of origin is in another county than the shelter;
- It appears that victims prefer reintegration into their family, not realizing the importance of specialized counseling;
- The 10 day period, with the possibility to be extended up to one month, may be discouragingly short for the victim when he/she has an alternative to being admitted to the state-run shelter.

Even referral of the victims to NGOs is sometimes made through informal relations, which is indicative of the fact that there is a lack of powerful tools and of monitoring by local authorities.

The transfer of expertise from NGOs to GDASCP has existed, but there are good indications that it **is being wasted**. State-run shelters have a large personnel turnover and rarely get personal work experiences – few victims are referred to them.

The cooperation relations that should exist between the local authorities DST, CEA, CSI and NGOs or GDSACP, **left up to the institutional sphere, are developing with great difficulty**. The methodological standards of implementation of these relations are not stipulated by law. Therefore, the behavior that can be observed is the one dictated by the mentality of civil servants, by the preconceptions they have about the social status of the victims of trafficking. Being aware of this, the social workers who attend to the victim in his/her dealings with the local authorities, present the case as a social one and obtain a solution to the application without the civil servant knowing that the applicant is a victim of trafficking of human beings and, as such, under the law, would have priority to be granted the request. This is the source of many of the difficulties in monitoring the services provided.

It is possible that the cooperation between the office for combating organized crime and the similar structure of the Border Police does not work in keeping with the designed methodology either. The situation may be due to a unilateral interpretation of the performance indicators in police officers' work.

Informational feed-back relations designed by the legal norms are working, but they **are not sufficient**. The institutional structure needs a few extra links:

- -police officers need to know the legal charges brought by the prosecutor in the criminal investigation cases they have completed – otherwise they cannot report the data to the Resource Center;
- -informational feed-back should also exist – since there are well formalized channels, with a precise flow scheme and a designated sender and recipient in the organization chart of every institution – between DST, CSI, CEA and the tutelary central authorities, otherwise the monitoring they are supposed to accomplish cannot take place.

Not all monitoring relations are sustainable in practice. The Ministry of Health and the Ministry of Education and Research do not *centralize* data on the number of victims who receive assistance or support to complete their education, nor can they have a record of costs implied by services in the territory. These ministries can only monitor with precision the preventive programs implemented by their representatives in the territory.

County Employment Agencies cannot give realistic reports on the priority cases of employment – in conformity with legal provisions – of victims of trafficking, or on mediation services provided to them, because these cases are reported to employment agencies, most of the time, as being persons in difficulty under the terms of the law on combating social marginalization – a young person coming from a single-parent family, with no income, etc. However, even if the victim were willing to identify himself/herself as such before the workers of the agency, it is difficult to bring proof in support of their assertion. Schools and hospital facilities have the same difficulties.

1.5. Institutional actors on the legal framework

A. The problem of legal charges in the matter of trafficking for sexual exploitation of persons

The definition under the law of the offense of trafficking of human beings is “recruiting, transporting, moving, lodging or receiving a person, by threat, violence or other forms of coercion, by abduction, deceit or deception, abuse of authority or by taking advantage of the person’s inability to defend himself/herself or to express his/her will, or by offering, giving, accepting or receiving monetary or other gain to obtain the consent of a person who has authority over another person, with the purpose of subjecting that person to exploitation”. Thus, the Romanian legislation is in line with international provisions in the matter, included in the Protocol on prevention, control and sanction of trafficking of human beings, especially women and children, additional to the UN Convention on cross-border organized crime, adopted by the Palermo Protocol.

With regard to the judicial-procedural operative value of this definition, we may say that the magistrates who have participated in special training consider that they can work on its basis, that it gives the possibility to show that the offense, when it is committed, meets the constitutive elements.

Nevertheless, almost all the magistrates who were interviewed agree that the special law on combating trafficking of human beings and the stipulations in the matter of offenses relating to the sex industry included in the Penal Code are such as to disconcert a jurist who is not familiar with the offense of trafficking of human beings. The big challenge of the judicial apparatus is to decide on the legal charges for indictment of the case.

Interview with a judge

J: We had international cooperation at the Institute of Magistrate on trafficking of human beings and drugs, a course, conducted by some Dutch and Belgian experts, and we've worked in trafficking of human beings, drug trafficking and organized crime. We then identified several problems with the law. The main problem was, at the time, the legislative entanglement, the fact that this law is not corroborated with the requirements of the Criminal Code. The Criminal Code also talks too about these acts in a rather simplistic manner under the offense of procurement. The Courts also may deal with the same act under different charges. **Probably it is only now that the problem begins to be clarified: it has been very difficult for us, since this law was issued, to decide whether it is the offense from the special law or the offense from the Criminal Code.** This is the reason why the rulings were – for the same acts – either on trafficking of human beings, or on procurement. The special law is comprehensive and the offenses here include a wide variety, many more hypotheses than the ones in the Criminal Code. **Therefore, those dispositions of the Criminal Code should have been abrogated** and we should limit ourselves to the special law... It's only here that you have a representation of what happens with a trafficked person. The Criminal Code deals with pimps and that's it.

Consequently, the law, in defining the offense, finds its terminological extension intersecting with the Criminal Code's, article 329, which is why many legal charges and even court rulings are contested by police officers.

Interview with a police officer, central authority

Officer: Law 678 is good, but there appears a conflict between the frame it draws and criminal procedure, even the Criminal Code... confusions appear, it's easy to fall on either side - trafficking and procurement. Contentions appear between police officers and prosecutors, who can change the legal charges. I have listened to both parties. Till the new Criminal Code and the Code of Penal Procedure come into effect, things will be somewhat nebulous. Somewhere, things are up to the individual – how well informed he/she is. When it comes to trial, the judge, if he/she knows about trafficking and is sensitive to the consequences of the offense, leans toward Law 678. Everything rests with those in the justice system.

B. The problem in defining the notion of victim of trafficking of human beings

The social actors participating in this research have reported the existence of a very difficult problem to solve: what requirements a person should meet to be recognized as a victim of trafficking and what authority is enabled to certify that they have been met. From a practical point of view, it is an important issue because, depending on the celerity of the ascertainment, the person-victim can be provided with assistance and receives compensations to which he/she is entitled under the law.

The real problems appear in the case of persons who have suffered injuries but do not want to appear as the injured party by pressing charges, since in order to receive financial compensations

Art. 23. – (1) Financial compensation shall be paid to the victim only if he/she notifies criminal prosecution bodies or the court within 60 days from the date of the commission of the offense. (2) With regard to victims stipulated at art.21 par.b) (*relatives of a victim deceased in the commission of an offense*), the 60 day term is calculated from the date when the commission of the offense comes to the victim's knowledge.

in conformity with Law 211/2004, for instance, the victim needs to press charges within a certain period of time from the date of the commission of the offense.

State institutions, with the exception of the courts of law, consider that this is a good provision, in the sense that it encourages the victims to cooperate with judicial bodies in uncovering and punishing crime. At the same time, it discourages potential profiteers by the system, i.e. persons who would claim compensations without being the injured party of the offense.

Nevertheless, the representatives of civil society, social workers and psychologists who work directly on the recovery and rehabilitation of the victims of trafficking of human beings caution that the consequence of this outlook of the authorities is that the victim does not receive any kind of help just when he/she needs it most, because a trafficked person needs a longer time for behavioral stability. In the opinion of some experienced psychologists in the field, the post-traumatic stress disorder may appear even 6-12 months after the victim's removal from trafficking. Not lastly, the victim has to decide to face the social stigma associated with his/her circumstances (or perceived as such by the victim due to other relational factors), to overcome his/her distrust of state institutions (fueled by the traffickers too, in order to maintain more easily the victim in slavery), and, not lastly, to escape the psychological complex of the bond with the aggressor. (Apparently, the traffickers get better and better at using this weapon.)

From the above, we notice a hard to overcome cleavage between the approach by state institutions (especially by those who ensure the identification of the victim for subsequent referral in view of his/her protection and assistance) and the view of those who ensure that the behavioral stability of the exploited person is restored. It should be added here that these distinct approaches are not characteristic to Romanian society, the social actors in the country being aware that legislative systems of other countries also give rise to controversy with regard to the moment when the victim of an offense becomes visible to the system that is presumed to give him/her protection. In the opinion of several factors from state institutions, an important contribution in bringing closer the two views would rest with NGOs, which could take upon themselves the role of "trust builder" between the victims and the authorities of the judicial system.

We conclude so far that some social actors manifest conceptual ambiguities – *a worker in the judicial system called trafficking of human beings an aggravated form of procurement* – but also that **trafficking for the purpose of sexual exploitation is the most conspicuous of all forms of trafficking of human beings** – with more complaints filed with the police and more frequently brought to justice than other forms of trafficking.

Law 678/2001 has, in the opinion of the social actors who were interviewed, other weaknesses too.

-in the chapter on providing assistance – the designation by law of the counties with shelters, the short duration allowed to provide shelter and protection.

Interview with a representative of a local authority in social assistance

If it's a victim, even a woman, who was trafficked who knows where, sexually abused and in every way, what do I tell her in 10 days? In 10 days she may not even begin to understand who she is relating to, who are the persons taking care of her. 10 days, it's like a rushed job.

-in the chapter on prevention – a too timid attempt at addressing the root-causes of the phenomenon, which are lack of employment opportunities and social marginalization.

C. The strategy of anti-trafficking policies – comments by institutional actors

GD 1216/2001, including the National Plan to combat trafficking of human beings, designates the government actors with responsibilities in the field of trafficking of human beings and their partners in cooperation. Authorities and representatives of civil society both point out about the same weaknesses of this plan:

- Non-specified concrete activities in achieving the objectives;
- Insufficient formalization in the assignment of responsibilities for each objective;
- Omission of budget plans for each objective.

It appears that the draft of the new medium-term strategy – currently proposed for consideration in the Interministerial Group – will correct these shortcomings:

Interview with a representative of a central authority

Off: The old plan of action was much too general. Now the plan includes: objective, concrete activities, who carries them out, assessment indicators of activities and, for each objective, we stipulated quantitative indicators: number, strategy.

The Plan also includes a series of objectives of a too general nature, pertaining more to the economic and sustainable development policy of the Government.

Sample:

Integration of gender equality in the sphere of family social protection, program of measures to prevent and combat marginalization.

It would be more realistic for such an objective, no doubt very important in building pro-social behavior towards women, to be placed within a strategy with a broader time frame.

Interviewer: What changes or amendments should be made in the National Plan of Action?

Central Authority: The National Plan of Action as it looks now is a mixture of a strategy and a plan of action and contains very large and very generous objectives, without identifying the tool needed to accomplish them. Firstly, I think that it should be simplified, it should set some more realistic objectives and better specify the concrete actions that can be carried out also in terms of the resources available to us. Another very important component that this plan should take into account is the relation between central authorities and local authorities, which is somewhat of an issue in that the legislation assigns certain competencies to local authorities in the absence of a mechanism for supervision or support of local authorities in the discharge of their duties, particularly with regard to victim protection, shelters and funding for shelters, funding for social workers.

Chapter II. Financial resources involved in anti-trafficking policies.

In the field of assistance provided to victims of trafficking of human beings, the competent ministries – the Ministry of Health, Ministry of Labor, Social Solidarity and Family – do not make statistics or cost calculations. Only the General Departments of social assistance financed from the budgets of County Councils are able to estimate their financial resources mobilized in the assistance of victims of trafficking.

A survey by questionnaire conducted in 8 centers for assistance and protection of victims of trafficking of human beings, whose findings we summarized as following:

- By the time of data collection, seven centers were funded by the County Councils, one of them being still financed by NIP;
- Only five of them reported the budget allocation, the minimum being 9225 RON and the maximum 85000 RON;
- In those centers a total number of 30 victims received assistance while sheltered in these centers, and an additional number of 22 victims received assistance outside the center. The figures differ from those of the NOPT because we did not conduct surveys in all the centers.
- The salaries level of social assistants is at 400 RON but some of the centers don't have information on the salaries level on the annual budget.

The centers have financial problems, especially those set up through partnerships in the transfer of technical expertise. After the withdrawal of the NGO which provided the funds to open the center, they have experienced a shortage of money, and that is why the management of these centers is not satisfied with the budgets allocated by GDSACP. The salary paid to social workers was declared to be around RON 400.

Real data about the resources involved in the activities of state-run centers cannot be supplied, taking into account the fact that most of them *have become operational during this calendar year (2005)*. A cost-effectiveness analysis is premature, the more so as the staff of the centers carried out prevention activities also.

Prevention campaigns are developed by government institutions (police, departments of public health, etc.) in partnership with civil society organizations.

International organizations though also provide funds for the institutional development sector and the assistance sector.

In the period 2001 – 2005, IOM directed USD 800,000 toward direct assistance of victims, and USD 550,000 toward public information campaigns to combat trafficking. IOM invested USD 750,000 in the development of the cooperation between institutions (government, non-governmental, intergovernmental). In addition to all this, there are victims' travel expenses covered by IOM's representations in the countries of destination.

In the period 2004 - 2005, UNICEF supported assistance projects estimated at USD 60,000 and prevention campaigns amounting to USD 130,000. Institutional capacity-building was supported by UNICEF with funds amounting to USD 330,000.

To develop the project of the handbook of best practices, UNDP Romania invested USD 22,000, in the period 2001-2003. The partners UNDP/RBEC, UN/CICP, SECI covered the balance of the costs, estimated at USD 500,000. The pilot project of the handbook, carried out in the period 2005-2006, is estimated at a global sum of USD 211,448, out of which UNDP Romania covers USD 28,000.

Toward the improvement of the legal framework by setting up the Anti-trafficking Agency, UNDP allocated USD 25,000.

During the period 2001-2004, ILO-IPEC provided assistance estimated at USD 300,000 to children engaged in work and to their families. For building institutional capacity, dissemination of best practices and research, ILO allocated the amount of USD 175,000 and for awareness and information activities the amount of USD 33,000.

Starting with the year 2001, USAID invested approximately USD 2,545,000 in activities relating to combating and prevention of trafficking of human beings. The financed actions in the field of prevention included setting up a regional Romanian-Yugoslav forum, information-awareness campaigns (including the campaign carried out by Alternative Sociale through the regional coalition of eight NGOs and the production of a theater show), and the implementation of programs to eliminate child labor and to prepare children to find employment.

In conclusion, in Romania, anti-trafficking resources are provided by foreign donors. In addition to the above-mentioned international organizations, other donors should be acknowledged here, like the Embassy of Great Britain or the Embassy of France.

Chapter III Profile of the victim of trafficking of human beings and case studies

Our research implied conducting 20 case studies of assisted female victims. The case study consisted in interviews with the victims and, wherever possible, with case manager social workers, as well as with representatives of the authority that referred the case to assistance services.

The majority of the case studies were conducted at the shelter the victims were living in, or at the counseling centers belonging to the organizations that provided assistance to the victims.

	Receiving assistance at:		Total
	Centers funded by County or Local Councils	Centers funded from other sources	
Child victims (aged between 14 and 17 years)	6	1	7
Adult victims (aged between 18 and 27 years)	2	11	13
Total	8	12	20

The victims had been referred to the assistance centers by:

	1. Similar centers abroad	2. Police	3. IOM	4. Other	Total
Child victims	-	7	-	-	7
Adult victims	2	6	4	1	13
Total	2	13	4	1	20

Adult victims living in state-run shelters are not older than 18 years, and at the time they were removed from trafficking they were minors. The examination of these data leads us to the hypothesis that the government assistance system works better in identifying child victims because the regulations are more clearly formalized.

Case studies findings on education and family background

The victims' formal education is an indication of the fact that, indeed, the first step toward vulnerability to being trafficked is the limitation of schooling at medium level. Social workers, psychologists, prosecutors and judges strongly associate the category of victims of this offense with their low and inconsistent education, marked by dropping out episodes.

Years of school completed or current education status found by case studies	Number of cases
5	1
6	2
7	3
8	3
9	2
10	3
11	1
12	2
Vocational school	1
College student (after removal from trafficking)	2
Total	20

The age of the parents ranges between 38 and 53 years (with one exception, a minor girl whose parents were both 32 years old). In all the cases, the parents' occupational status does not have social security potential. Their occupations imply modest skills and similar income – generally they are pensioners, home-makers, day laborers. In the great majority of cases (18 out of the 20 cases), the pattern of family relationships implies divorces or temporary separations, alcoholism, or at least cold communication interrelations between parents and children. In most instances, the parents would not ask their children's opinion about how the money should be spent.

Victim G15 (17 years old)

I: Did you drop out of school at some point?

V: I withdrew my enrolment file from high school this year. The reason... more difficult, not financial, several, there were several things at play. And I could not continue any more and I had already missed a semester, the second semester was already at half and it was pointless. It was very hard for me to catch up. The principal did not want to let me go.

.....

I: While you were living with your mother, can you tell me about the atmosphere in the family?

V: At the beginning, two years and a half ago, it was not tense. I, with my mother, did not really have a great relationship. I was getting along better with my grandmother on my mother's side.

I: Was she living with you?

V: Yes, we were living at my grandparents'. And me and grandmother were getting along super, she was always open. With my mother, not much, it was more... But with grandmother no problem, super. She died and then the torture started. The situation was tense, I couldn't communicate with anybody, I wasn't able to. There was no one to talk to about things. I had nothing in common with my mother.

I: And then you withdrew from school?

V: No, I stayed on, until 9th grade and then passed into 10th grade and... And I also left home... When I left now the last time, I was away 5-6 months.

I: And where did you go?

V: I worked in a striptease bar.

I: As?

V: A dancer. I had some trouble there too. The police picked me up from the bar. They took me home. Then I left and went back to that guy.

Physical or verbal violence is not unusual in the family of the victims...

Victim G17 (17 years old)

I : What do your parents do ?

V : My mother was a housewife and my father works for a private company at the plant. Skilled worker, carpenter.

I : Do you know how much he was making?

V : Yes, he was making around 4 million plus a month. And he also works some on the black market.

I : So, how long did you live with both your parents?

V : Until 6-7 years old.

I : Do you remember how the atmosphere was in the family?

V : Not so good. My mother was into alcohol and cigarettes. My father would drink too, because he is a man, and they would hit one another.

.....
I : How were they treating you?

V : They treated me the worst of all the sisters, of all the children. I'm talking about my father, I'm talking about my mother and that second husband of hers. My father never treated me badly.

I : In what way were they treating you badly?

V : They made me do all the work, sometimes they beat me, hit me with the shovel, many things in the country... there, they were drinking and fighting. In 2001, 2002 or so, she left for Spain with him.

... nor is parents' migration abroad leaving their children behind.

Victim P4 (14 years old)

I: School completed?

V: 7th grade, now I'm completing 8th grade here (*at an NGO shelter.*)

I: So, next fall you begin 8th grade. Have you ever worked?

V: No. I didn't try to find a job.

I : Tell us something about your family.

V : We are a bit far apart, my parents are abroad. I have a brother there too.

I: Where are they?

V : In Spain.

.....

I: When did they leave?

V : 2 years ago.

I : They left 2 years ago and they took your little brother with them?

V: He was born there.

I : Who did you stay with?

V : I stayed with my grandmother, my grandmother wanted me to take care of the house, of the animals and of her, because she was ill, I had to go to school too, I had to do a lot.

I : Do you know about your parents, what they do, what jobs they have?

V : I understand father works at a farm, and mother stays home with the baby, he's one.

I : Do you know what income they have?

V : That I don't know.

I : Until what age were you living with your parents?

V : Until 12 years old.

O : And then they left?

V : My mother left first and then my father. They were divorced and they got back together in Spain. After a year, my father left too after a year.

We are pointing out the slow response of local authorities to the situation of children coming from this kind of family:

Interview with the manager of the shelter providing assistance to Victim P4

The most recent discussion we had was about P4, who was left behind to take care of her grandmother, by her mother, who went to Spain. The money that was sent, I don't know where it is, the child did not get it. P4 ended up in the street, a guy tricked her, took her and sold her in Campulung. Now, she has been living with us for more than a month. If she goes home, she will end up in the street again. I asked DCP to give me custody of her, without asking for deprivation of parental rights, though this is what I'd like. The child needs to be protected, because she is confused, her mother calls sometimes and tells her she left for her, etc. Of course she is confused, but I know I can work with her. She says she wants to go to school. DCP ought to help us, to solve the problem in the child's best interest. Her mother might come anytime from Spain and take her. She takes her to Spain and tramples on her, as she promised, for bringing her shame. The parent is sacred, that's how we are, only after the child is dead we start to think that something was wrong with the parent.

Circumstances' contributing to a child's being trafficked

Poor communication with the family, **parents' lack of concern constitutes a strong factor in rejecting the home** and in seeking accomplishment elsewhere. The trust is invested almost unconditionally in the first job provider, even if the victim has completed high school.

Victim B8 (19 years old)

I: How did you get into a situation of being trafficked?

V: I met someone. They were some friends I had just met. They told me they were going to Italy, Spain that they could offer me an employment contract to work in a pizzeria. They were coming to Costinesti. I accepted; I applied for a passport. I was not talking with my mother at all then. I had completed school. I knew I had no money to go to college. My mother didn't support me at all either. I decided to go. I had taken my school-leaving exam. I left sometime in November as the papers took a while. I didn't consult with anybody in the family, I told them I was going to work under contract. They said fine, you do what you want. And I left.

Case manager for victim G16 (18 years old)

M: And this girl says that she lived with a former prostitute who was engaged in trafficking of adults. And that one had a problem with the police, probably it was a raid or something and, not wanting minors to be found at her place, she placed her with another trafficker... and this one suggested she should go to Spain with her brother. She left for Spain with her brother, she says that on the way she found out she was going to be a prostitute in fact.

I: What did she think she was going there for?

M: To work there... as a dancer too I think. She said she would work as anything they could find. Even as a dancer, she would have accepted as a dancer. But on the way, right between France and Spain, she learned she was taken to practice prostitution. But she says, and there is proof, we looked at her passport and the fax sent from the shelter in Alicante, that she was lucky. She happened to be on one of those buses stopped at the Spanish border... she was stopped and being a minor they put her into a shelter, she says it was a bus full of minors who cross the border like this. They put her directly into a shelter where she lived four months and they repatriated her.

And she cannot live at home. Her mother is not working, rents from a brother of hers and the family did not give the consent for reintegration. So she was already in Bucharest when we went to conduct the inquiry. She was repatriated. We went to obtain the consent for family reintegration. Her mother lives together with a guy, he wouldn't even hear about it, firstly they live a dorm room and without legal papers in Galati. They have legal residence in a village in Galati County and cannot even receive minimum guaranteed income in Galati. Nothing, they cannot ...So they have no right, no temporary residence permit, they have nothing in Galati. And she cannot benefit from minimum guaranteed income, from complementary allowance.

The imbalance may be triggered by the disappearance of one of the parents, a very hard to manage situation for the other one, especially when he/she does not place value on the communication with the child. We must though face reality: **the strongest rejection factor in a family environment is poor living conditions**, in addition to the legacy of a life style bordering on illegality:

B. Interview with victim B8's case manager

Case history:

The situation in the family is a bit more tense than she described it; there are numerous conflicts, it's true, although she lived with an aunt and received support from many points of view, but not financial support.

So, it was not a family relationship...

Anyway, it's better for her here than with her mother, but the problem is much more complicated. I think she had a very good relationship with her father who is deceased and I believe that from the moment he died her mother neglected her very much. She wanted to be away, also maybe because she was reminded of her father and could not cope with it. At the present time the girl is still pressured by her mother to get money, to ask her boyfriend for money; her mother is pushing her away very much. She has no help, no emotional or material support from her family.

Not lastly, to sound the alarm, we point out that recruiting minors for exploitation is possible right inside the placement centers.

Interview with the case manager for victim I11 (16 years old)

The minor was recruited from the placement center, where she lived and was assisted, by a few recruiters together with a sister of hers. So her sister had run away from the center some time before, and at that time the recruiter convinced the girl to run away from the center too. Then she was confined for 1 year by 2 brothers. The police could not intervene. Besides her other girls were confined to that apartment. Confinement may not be the appropriate word since they had some freedom but they were closely watched by an individual paid to do just that. At the same time they were watched by the mother of the 2 and by one other of them. The police had information that there were persons confined at the location or convinced to stay there willingly under various pretexts, that they were blackmailed in various ways, and broke in on them with the special squads and surprised the girls, more precisely our client, in the apartment. **Straight from there she was questioned by prosecutors.**

In conclusion, the judicial system responds with rapidity, sometimes violating interrogation procedures. A DCP representative should have been present when the child was questioned by the prosecutor. Similar accounts were given by other case managers or NGO managers.

Identification of the victim

For child victims of international trafficking, identification and referral to government shelters are **standard procedure stages**, probably also due to the staff of the transit shelters of districts 2 and 3, and of the emergency placement shelter of district 1, Bucharest. The social workers in these centers respond quickly to case referrals and have a good relationship with the children.

Victim G17 (17 years old) repatriated from Spain, admitted to a government shelter
 I: Let's go back to the moment you arrived here. Did the authorities in Spain contact the Romanian authorities?
 V: Yes in Bucharest. With the Embassy and someone picked me up and brought me to the pilot center in Bucharest, to Gavroche.
 I: How long did you live there?
 V: About 6 days, or so. I got along very well with the staff.
 I: Were there many children?
 V: 10. Nine who were there already.
 I: So at the airport someone from the Gavroche shelter was there to meet you?
 V: Yes, but I came accompanied by the National Spanish Police up to here, to Bucharest.
 O: And from the Gavroche shelter, where you stayed 6 days...
 V: Yes, and then they came and brought me here.
 O: So you have been in this shelter from August..when exactly?
 V: Since the 15th or the 16th,... something like that ...
 O: Let's talk a little about this period, since you've been in this shelter.
 V: I say it's ok. The personnel is good to us. The social assistant is taking a lot of care of us, with the school, with everything...

Adult victims of **internal trafficking are sometimes more easily discovered by the very structures of civil society** concerned with disadvantaged youth working in hazardous environments.

The referrals, both to the private and the state sector, are made mostly by the police.

Victim P7 (19 years old)
 I: Other persons you came into contact with, on behalf of the institutions?
 V: Even the lady from the police who brought me here and helped me a lot.
 I: The lady from the border police brought you here?
 V: No, from the county police, who came for me at customs and from customs she brought me here.
 I: And your relationship with her was...?
 V: Yes, it was very good and we still keep in touch.
 I: Was she familiar with that file beforehand?
 V: Yes. She was in charge with it.

Victim P6 (23 years old)
 I: Can you tell me how you managed to escape? Who were the persons you came into contact with and helped you to escape?
 V: Yes, there is an association in town X. An association which distributes condoms. And, this (female) pimp knew them but I didn't know to what extent, and finally the respective association was taking all the girls to... a medical practice on... street and... I managed to go a few times to the practice even if the pimps wouldn't let me. Because they came with a car with Bucharest license plates and they said it's compulsory. I managed to go. And there was a very nice nurse, to whom I managed to get close and she realized what was happening. She realized something wasn't right. And I managed to talk to her in the end and then we decided, she said: one week from now at...o'clock I'll come by here and after 10 minutes we meet behind Terra, you get on the train. Meanwhile they arranged to speak here.
 I: Those from the Association, from the association in the town X spoke here with this organization?
 V: Yes

Assistance received by the victims in the case studies

In general, the case studies reveal that the victims receive all forms of assistance at higher standards of quality in the private sector. NGOs are able to provide both financial assistance immediately after removal from trafficking and assistance in the issuance of identity papers, in case they have been lost, i.e. a series of *emergency* expenses the public system has a hard time coping with, due to either bureaucracy or the poor resources allocated. Not lastly, it may also be a matter of professional conduct on the part of the social worker case manager. Finally though, the entire range of assistance provided was viewed as adequate, in almost all the cases. Only that in state-run shelters the funds allocated for daily maintenance of the victims is smaller than those available in other shelters. (This was confirmed by the survey by questionnaire among the management personnel. IOM allocates USD12 for the daily maintenance of a victim, while some shelters have provisions for an amount of RON 25.63 that is approximately half.)

Victim G16 (18 years old) living in a state-run shelter

I : Let's see about your assistance. What kind of help did you get and from whom? you said you received clothes here?

V : Yes, a training suit and a pair of sneakers. And the towels that we return when we leave.

I : Money ?

V : No. Money, we won't get any money here. I asked if we receive our allowance, and they said we might not get the allowance.

I : Do you think it is enough?

V : No.

I : What else would be necessary?

V : It would be. For instance, a shampoo for two persons they give us, also they give us soap and toothpaste, that's all. For the rest, we have to buy. And the food is very little, they give us two slices of bread, borsch.

I : Medical assistance ?

V : it's fine, I had all the tests done. They said they would take us to the dentist's.

I : Psychological assistance ?

V : Yes, it is provided. She comes once a week, on Tuesdays, we talk, she takes us one by one

A feature common to both state-run and civil society shelters is the level of communication between the social workers and the victims living there. The quality of the relationship with the social worker is almost always perceived as good by the victims.

Plans for the future

Most of the cases we studied reveal the desire of former victims for accomplishment by completing their education, trying to start living a normal life, to ensure their independence. But for this thing to happen they need psychological stability and emotional security. These victims have a chance to regain their self-esteem, with the help of group psychological counseling and individual counseling.

Victim B8's case manager

Emotional security comes first. If she received it from her family too it would be even better; she has it from our part from an emotional point of view and she knows it. She does not have a home; the allowance provided by the shelter will stop; she has to graduate from college in Constanta; she will work with her boyfriend, who is also an undergraduate and is employed too.

Their worst fear for the future is inspired by traffickers...

Victim P4 (22 years old)

I: Return into the family?!

F : No, not a chance, especially since the family doesn't even know and if they found out I'd have to leave them again, and the fear, because there are many persons there who were engaged in trafficking.

I: What are you afraid of?

F: I'm scared to death, I'm afraid they might come and get me. All the time I've had the impression they would learn that I am in the country and they would look for me, they know very well that I gave a statement and evidence against them.

... while the system of justice humiliates them sometimes.

Victim H13 (27 years old)

The file was brought to court and I was assisted by the lawyer of the foundation. I didn't have protection in accordance to the law on witness protection. The judge was on the [female] trafficker's side and humiliated me. It was not a closed session. The trafficker got 3 years to serve. She hasn't even been jailed yet.

Trust building is in many instances the most difficult task of the case manager. The social workers and the psychologists who work with the victims assisted by NGOs make efforts for the victims' need of communication to go beyond the family circle, and try to convert it into a desire for complete social reintegration. Quite a few times police officers – particularly female officers – have an essential role and deserve credit in this respect.

Victim living in an NGO shelter.

V: My parents think of what's best for me, but if I went with the psychologist (from NGO – our note) and with the lady from the police and they explained that I'm fine, what chance do I have to move on with my life.

I: Parents will always think of their children. Have you been in contact with people from state institutions, from the police?

V: Yes.

I: How much do you trust state institutions? If you do, that is.

V: Those from my hometown, not really, only in Mrs. X (police officer – our note), because I know what connections they have with the police. In the entire institution I don't put much trust but instead Mrs. X made me trust at least the police from Organized Crime, I've seen them try their best and I do, I trust them.

I: What about those in the Border Police?

V: Yes, they were kind to me, they explained to me that what I was doing wasn't right, to open my eyes because someone was trying to take advantage of me and that's how I solved problems. Yes, I trust them and I hope this thing will stop once and for all.

I: And the organization where you are now?

V: I trust them completely, all the persons who work for the organization.

I: In case you found yourself again in a difficult situation and you were not at the same organization, would you contact them?

With regard to the social behavior of the victims admitted to shelters financed by County Councils, it seems that in their case there is more reluctance to invest their trust. The more reserved attitude is not due to their relations with social workers or psychologists. The quality of these relations rivals even with that of same type relations developed in NGO shelters.

I : Who do you trust more at this moment? and can you bring arguments? It may be more persons, not just one.

V : Yes, it may be several. The social worker among them, and the husband and my grandmother, it would be these three persons.

I : Do you trust this institution to which this shelter belongs?

V : To be frank yes and no.

I : Could you bring arguments for each answer ?

V: Yes, I would have trust that is I would if someone was taking charge of it.

I: What do you mean?

V: That is I mean to have a better boss in charge. One to look after the interest of the beneficiaries living in this shelter. So in these sentences I gave you the answers both for yes and for no.

I: If you happened to be again in a difficult situation, entirely different from the one you've been through, would you contact the people here, the social worker and the psychologist?

V: Yes. The social worker yes. Because she always gave me advice, not only out of duty but also as a friend and as a mother and of course I care very much for the social worker both as a friend and as a mother.

I: Do you think there are some questions that I didn't ask in this conversation or is there anything you would like to tell me and I didn't ask?

V: Yes, as I said before, if it was the boss who is here now, she would have managed this shelter as she should, we would have had more clothes and a monthly allowance and more food. But she never looked after our interest. We would tell her something, she would say from the start, no can do.

Victim living in a shelter financed by the County Council.

Circumstances conducive to entry in a circuit of trafficking

Two basic elements are related to the description of this type of victim. They are **poverty** and **living an agitated family life** (alcoholism, violence, divorces, etc.).

Poverty is a *push factor*, which, in its direst forms, cancels the victim's reservations towards leaving the living environment. In many of the case studies which are part of this project, the scarcity of material prospects acted as a determinant factor. The external, macro-social factors warrant that, at least from this point of view, the fight for trafficking prevention will be difficult and partially bound to fail.

A dysfunctional family or one who in other ways fails to provide the child with an efficient and nurturing environment for growing up will have adverse effects on the child's development. Without going too much into details of family psychology, and limiting ourselves to those which have an immediate impact on the issue of trafficking, we will say that there is strong link between an individual's susceptibility to being trafficked and his/her status as an observer or as an object of domestic violence. A person who is affected by domestic violence will feel a strong impulse to leave the place he/she lives in. This impulse may function at psychological level or may come from the instinct of self-preservation; they have the inherent tendency to idealize circumstances and places different from those they live in, and, reciprocally, to look critically upon the local community which, at a certain level, tolerates the situation by non-intervention to change the state of things in the family, and do not have the strong relations or/and do not subscribe to family values that might quench their desire to travel/experiment.

These two major factors are essentially in correlation with other components of the profile of the woman trafficked for sexual purposes. The components frequently reported in the casuistry are the following:

- **low level of education.** We should avoid the narrow meaning of this term as being a strictly administrative classification relating to the Romanian educational system. It is true that, in a strictly factual way, a short-time participation in the education process results in acquiring poor skills (credulity, lack of information). There are though nuances which go beyond this frame, like the level of social contacts, the extent of the interaction with state institutions and the development of a regular cycle of life:

Interview with a central authority

Among the characteristics of the victims there is a low level of absorption of education, poor life skills and maybe they have completed the 12 years of school, but with, let's say, a rather low amount of knowledge.

- **rural area of origin, usually.** The interviewed social workers reveal another element of the social profile of the victims, who in a large majority are **persons born in rural areas, but connected to the urban area** (for instance, women living in hostels – vocational school or industrial high school students). We can also show – based on the case studies – the vulnerability to being trafficked of **persons from small towns and with low economic potential.** The victims who come from this social space are affected by a 'spiral of helplessness' including the lack of jobs, comparison with successful role models presented by the media or with fellow townsmen who have already left for abroad, and a lack of confidence in their own capacities generalized at the entire community level. To use the terms of the American

sociologist Robert Merton, the readiness to leave the country is a response to anomie by a deviant innovating behavior (acceptance of goals established by society and rejection of institutionalized means to achieve them).

- One of the elements of the profile of the victim of trafficking for sexual exploitation is *self-defeatism*, the **lack of self assurance** or of confidence in their capacity to overcome the negative influence of the environment. Specifically, the influence exercised by the family, the social and socio-economic background, as well as the absence of motivating school performance have created a deep feeling of insecurity, a inferiority complex affecting to a certain extent social reintegration.

These psychological coordinates eliminate many of the levers which these people, as autonomous psychological individualities, could use to plan their personal or economic future, both immediate and for the long term:

Interview with a shelter manager

When they get here, many of the victims don't know what they like to do, don't know what they would like to do, or they want one thing, then another, and so on. They are characterized by a great emotional instability in everything they do.

Chapter IV Protection and assistance provided to victims of trafficking of human beings

4.1. Identification and referral

The victims are seldom identified as a result of filing direct reports, as we will show in the section analyzing the statistic data available at the present time. Identification methods remain pro-active. It appears that the only institution which makes identifications is the police, either the Border Police or the National Police. But only part of their personnel is specialized, which narrows the possibility to identify a victim.

The research points to the conclusion that – for the workers in the system (social workers, police officers, and NGO representatives) – the ideal situation would be attained by the participation of many more state institutions in the effort of identification, for the net of social security to become more retentive. Thus, in addition to the organized crime divisions within the two police forces, other institutions should engage in perfecting a mechanism of victim identification and referral, like the school (the teaching staff), family physicians and proximity police. These institutions do not have yet a formal framework, with clearly stipulated obligations with regard to identification, monitoring of families at risk, and referral of victims. Similarly, GDSACP workers do not engage in seeking out victims, nor do they have means of transportation at their disposal to be able to take charge of and protect the victim. The result is that the **victims of internal trafficking are the best hidden population, the one we have almost no information about and the one the police can reach with difficulty or by chance.**

Interview with a representative of central authorities

Interviewer: I was wondering, what does the police officer do when a victim comes and identifies him/herself as such?

Authority: This doesn't really happen. Let's say he makes a phone call.

Interviewer: To the General Department of Social Assistance?

Authority: At 6 in the evening? There is nobody there. It means he has to keep the victim there till morning at 8 o'clock, and then he may be told "so you keep her there, but I don't have money for gas to come and pick her up", and the man, after 2-3 experiences like this, doesn't even ask anymore, he sends her straight home. Maybe the victim doesn't want to stay either.

In the case of **child victims repatriated under bilateral Agreements** signed by the Government of Romania with other governments or European authorities, things stand a little better. Upon arrival of the child in the country, following a notification from the Border Police, a social worker from GDSACP Bucharest, district 2 (or district 3 – during the year 2004) goes to the border post where the child will enter the country, takes charge of the victim and ensures his/her safety. For a short period the child is admitted to a reception center for trafficked and unaccompanied children operating under the departments of assistance of the two districts. Meanwhile, in the child's county of origin, the social worker must contact the family and discuss the plan for the child's reintegration, propose the family for receiving the minimum guaranteed income – if applicable, etc. As soon as the family situation is clear, it is the duty of GDSACP workers in the child's county of origin to travel to Bucharest and accompany the child home or to a shelter close to the child's place of origin (sometimes in a placement center).

At the reception center for unaccompanied children in Galati our research encountered cases that had followed this itinerary.

Nevertheless, at the same time, social workers and representatives of NGOs and of international organizations report that the security net has “large mesh”. It seems that there have been reports of child victims who were not met by social workers at port of entry into the country, who traveled unattended to their county of origin. For the designed project to work in all cases, it is necessary to **recalibrate the resources allocated to social assistance**.

Many times, and with the victim’s consent, police officers refer the cases directly to NGOs – a link that works every time when there is a need to quickly take charge of and protect the victim. Unfortunately, not many of our NGOs still carry out their own victim identification activities (outreaching).

In referring cases to NGOs for assistance and shelter, IOM has an essential contribution. It concerns voluntarily repatriated victims of external trafficking. IOM’s social worker, the repatriation case manager, takes charge of these victims at port of entry into the country and refers them, with their consent, to its own shelter or to an NGO shelter belonging to the working network of this organization.

4.2. Protection

The protection of victims removed from trafficking is still practically an unsolved problem. In case the victim is living in an NGO shelter, his/her protection and safety are managed by the workers of that organization.

The provisions of the special law are very general:

- Art. 26. - (1) Persons injured by the offenses stipulated under the present law, as well as other victims of these offenses shall be provided with special protection and physical, legal and social assistance.
- (2) The privacy and the identity of victims of trafficking of human beings are protected under the provisions of the present law.
- (3) Victims of the offenses stipulated under the present law are entitled to physical, psychological and social rehabilitation.
- (4) Child victims of the offenses stipulated under the present law shall be provided with protection and special assistance, as appropriate for their age.
- (5) Female victims of the offenses stipulated under the present law, as well as women at high risk of becoming victims of these offenses shall be provided with specific protection and social assistance.

An analysis of the existing legislation reveals the fact that victims of trafficking of human beings who do not want to press charges with regard to the injury they suffered cannot be provided with protection for a period longer than 10 days – this in case they accept to be admitted to an assistance and counseling center set up by the state based on the special law.

Therefore, under this law, victims are granted a period of reflection of 10 days, while their protection is unconditionally ensured, in the shelter.

If the victim is willing to cooperate in view of punishing the traffickers, the police (the organized crime division which investigates the case) provide protection, for the duration of the legal action – escorting the victim to court, etc.

Unfortunately, the current procedural organization of the judicial system does not allow for adequate victim protection once the case has reached the trial stage. If the victim is not heard as a witness in the trial, he/she cannot enjoy the confidentiality of identity granted under the provisions of Law 682/2002. The opinion of police officers is that the dispositions of this law ought to be extended also to the category of victims who do not testify as witnesses.

Even in the court room or inside the tribunal the protection of victims leaves to be desired. Exposing the victim to visual contact with the traffickers may be avoided in conformity with penal norms, but it seldom happens in reality, due to the absence of the required set up of tribunals. In addition to this state of things, there are trafficking cases tried in public sessions.

Interview with a judge

Judge: When they reach the trial stage, court sessions are usually public, if the victims are below the age of 18 years.

I: If they are below 18 years sessions are public?

Judge: If they are not 18 by the time of the trial they are not public. If meanwhile the girl has come of age then it is a public session. There is a legal provision saying that the session may be declared closed. But do you know what a closed session means? It means this: nobody understands. A closed session means anyway the presence of all defendants, the presence of all their attorneys and of the other parties in the trial. No public. A closed session from a procedural standpoint means anyway confronting the defendants, not only one of them, but all the others and their lawyers. This encounter does not occur during the investigation stage. You need to be extraordinarily strong to be able to give evidence even without the rest of the public, let alone to confront them and their lawyers.

Right in the court room the victim is spoken to by the traffickers or their family, resulting in the intimidation of the victim.

Interview with a jurist (employed by an NGO assisting victims of trafficking of human beings)

J: From my point of view we need a form of protection by observing a certain distance between the place where the victim testifies and the defendant's box. It is very close, less than 1.5 m. And the trafficker says to her „I'm gonna kill you", in front of the judges.

I: And how do the judges respond?

J: They take it as a simple disturbance of hearing offense (contempt) where they have to warn the defendant or those who disturb the hearing, and in case the respective person doesn't stop they can evacuate him/her from the room, and eventually find that it's contempt of court and order a judicial fine. That is all they can do.

Quite frequently, traffickers attempt to "bribe the victim" to make her change her statement in court.

The poor protection even in the court room and for the entire duration of the trial, the possibility that the offender should be acquitted, and the pressure, the threats made by the offender's family (they are possible, since the victim's identity remains unchanged) determine the victim, in many instances, to change her statements in court.

4.3. Assistance

Medical assistance is usually ensured by NGOs from their own financial resources. Through informal agreements, NGOs succeed in overcoming the legislative shortcomings in the field. The need of immediate help, although many of these victims do not have identity papers or do not have health insurance, makes many case managers to resort to payment of health care services, even if the special law stipulates that they are free in state medical facilities. For child victims (or for those living in shelters) health care is free. Therefore, the inconsistency between the special law and the law on social health insurance impedes on the partnership between the state and civil society in this area.

We should mention that, usually, NGOs choose not to inform health care providers of the status of the person who requires care for fear of the stigma that might be attached to her, if the person is a trafficked and sexually exploited woman. A change of view towards the subject can be noticed, especially in the contact with private medical practices. Still, health care workers are considered among the most reluctant to understand the difference between being trafficked and prostitution.

Interview with the manager of a shelter

I: Well, but I understand that you don't always tell the physicians that they have a victim of trafficking in front of them, so, they treat them as they would usually treat anybody.

Manager: Yes, and that's why we need a specialized health care network. Meaning you tell doctors what it is about, you explain the matter, not to go, tell them that she is a victim of trafficking and they look funny at you.

Psychological assistance is provided to victims both by NGOs and under the provisions of Law 211/2004. This law only came into force on 1.01.2005, and, therefore, our research could not assess its effects.

At NGO level, both individual and group counseling is provided.

One of the major issues that organizations and shelters are confronted with is the victim's distrust of authorities. Some victims do not exhibit this attitude, but the majority is scarred by the illegality of the acts they committed and by the perception that – to a certain extent – they were accomplices of the traffickers. Their social background (especially in the case of minors subjected to other than sexual forms of exploitation) may play a role in shaping this perspective.

NGO psychologists and managers maintain with one voice that there is no recipe for success in the psychological recovery of victims, although ensuring the victim's independence and self-confidence are largely recognized basic elements. Psychological factors of a personal nature lead to failure.

Communication with the family is of the highest importance for some of the actors involved. Unfortunately, the educational patterns in our society do not value psychological counseling. In particular, families with modest social and education status, as victims' families are, are not aware of the importance of psychological assistance. Therefore, if the victims are not included in a long-term assistance program of an organization, it is hard to believe that they will file an application for psychological counseling with the judicial body or the tribunal (in accordance with Law 211 /2004) and that they will travel to GDSACP offices to receive this service.

The relationship psychologist-victim implies first the trust-building mechanism and only then the attempts at reconstructing the personality, at toning up self-respect.

Interview with a psychologist specialized in helping victims of trafficking (private sector)

The first 2-3 days when they enter the program, they do absolutely nothing, I observe their behavior. I tell them they don't have to do anything, to calm them down, so we can make a plan, we go to see a doctor. Then I give them as much time as they need to come to me. Because otherwise we get no results. You cannot order someone to be in psychological therapy. I've never seen a psychologist go out in the street and say "you need counseling, come", first the person needs to be aware that he/she has a problem and then to go and ask for help. To make them aware, I do group therapy, session – whatever we call it. There, we talk about our problems, which are those of the girls with the social workers, the social workers with the girls, how to solve them, what problems they have with me, etc. These discussions give them courage to come to individual counseling too. I mention every time – I am a psychologist etc. Those who have been in a program abroad join in immediately.

Based on the interviews conducted in our case studies, it appears that the psychological assistance provided in the private sector is better, or anyway is perceived as being better by the victims. **NGO specialists continue to remain the authority of reference for the transfer of expertise to the state.**

Taking into account these fieldwork findings, we recommend that Law 211/2004 should be amended with regard to the possibility to extend the 3-month period of psychological counseling provided at their request to victims of offenses.

Legal assistance is provided in accordance with the law also at victim's request and only if the victim cooperates with judicial bodies within 60 days from the commission of the offense. In accordance with the special law, victims "are entitled to mandatory legal assistance to be able to exercise their rights during penal procedures as provided by the law, at all the stages of the criminal action and to substantiate their demands and civil claims against the persons who committed the offenses stipulated by law, in which they are implicated". (Art. 44) From the interviews conducted with magistrates, it appears that art. 44 is interpreted by some law enforcement officers as the right to a public defender, while others understand it only means informing the victim of judicial procedures, as stipulated by this law in the previous article.

In the vast majority of cases, the victims included in NGO assistance programs receive legal assistance also relating to other issues having nothing to do with the offense they were subjected to (divorce, partition, custody of minors, etc.).

In order to **integrate victims of trafficking into the education system**, MER is implementing a program entitled 'A second chance', which gives people the possibility to continue their education (at compulsory education or high school level). This program is not addressed to victims of trafficking of human beings exclusively and has limitations hard to overcome: classes cannot be set up unless there is a minimum complement of eight students to enroll.

Not even the relation of child victims with the system is easier. There is a history of unpleasant experiences with the teaching staff, since there is a wide-spread deep-rooted perception in school environment that victims of trafficking are prostitutes. Therefore, the social workers who enroll victims of trafficking in school prefer to disregard the dispositions on priority of the special law, and do not always advise CSI or the school of the circumstances of their new student. The suggestion made by case managers to eliminate this anomie was to draw confidentiality contracts between the teacher/principal, the case manager and the victim or the authority representing the victim. Otherwise, if the victim's circumstances are known at school or school inspectorate level, there are problems:

Interview with NGO manager

And I go to local level to the inspectorate and say "we have to enroll them, because they are victims of trafficking" – "we won't enroll them, because we are decentralized, and nobody tells us what to do!". The Ministry sent 3 memos requesting enrollment of the girls under law 678. In mockery, they enrolled one of my girls in another town, and she commuted all winter to high school. Because the inspector kept us pending, and when we came with everything that was required: "I'm sorry, there are no more places". They don't want to enroll the girls, it's outrageous, I had a 14 year old girl rejected because she had 8 in conduct - "I will not enroll a negative element in my school" – the principal says.

Reintegration into the labor market is accomplished, in conformity with the special law, with the help of CEA. It is seldom that these agencies are informed of the victim's status, and even if they were, they lack the methodological standards based on which to respond for the application of the priority condition in mediating the employment contract. What CEAs do is to apply Law 116/2002, by listing the victim under a disadvantaged social category.

Most victims find employment due to the personal efforts of the social workers who manage their case. (This in case they are in an assistance program run by NGOs.)

It appears that there are situations where the NGO together with CEA conduct a labor-market research in the respective region. This happens though based mostly on the basis of informal relations developed at county level. There are counties in the country where these relations have become the norm by the efforts to form intersectoral teams, efforts made also by civil society – NGO, and international organizations, but coordinated by GDSACP. The relative success of these pilot-projects has determined the representatives of these organizations to propose the replication at county level of the coordination which exists so far at national level only. Their opinion is that this frame of cooperation should be well formalized for the future.

The free vocational training courses in various trades organized by CEA are accessible to victims of trafficking only if their level of education is at least 8 years. Because of this legal provision, the range of trades in which adult victims, who dropped out of school, can be trained becomes very narrow, making them particularly vulnerable to re-trafficking. The legal provisions could be reformulated in such a way as, for the future, to allow victims to receive the help they really need.

Interview with an NGO manager

R: We pay also for a vocational training course, because they need to find work. The vast majority want to be a cook-waiter. If the victim completed 6 years of school, he/she attends the course, but gets the diploma and the possibility to be legally hired only after they have completed 8 years.

Interviewer: Yes, that's the law.

R: It's wrong what the law says, because they can cook even if they have 2 years of schooling. So, for the time being, the system is not concerned with the needs.

4.4. Assistance provided to children

The specific procedure regarding trafficked children is the following: a social enquiry is conducted in order to evaluate the family's ability to take in and protect the child. If the domestic environment is friendly, then DCP must follow up; if the family has financial difficulties, to help it obtain what it is entitled to under the law. Other components of social integration consist in enrolling in the education system and health care (agreements have been signed with some hospitals for the children to receive short-term or long-term care). Psycho-therapy cannot be provided within the center, since the specialized structures belong to the Ministry of Health – the reason why the center is directly limited to emergency assistance, provided by a psychologist.

There are multiple issues arising from this procedure. Those repeatedly mentioned in the interviews with the concerned factors are the following:

- County departments of child protection do not have the supplies (for example, means of transportation, gas coupons, human resources, motivating salaries) required to conduct social enquiries. The high number of social enquiries which have to be conducted adds to the complexity of this stage of the procedure.
- To address the problem of repatriated children, NAPRC implemented PNI 415 by setting up 10 transit shelters, in border counties (with the exception of the South of the country, which will be covered by a new PNI). The areas were selected based on some evaluations made by NAPRC, which identified the areas with serious problems. For every transit shelter, in accordance with the methodology, interinstitutional teams have been formed consisting of representatives of all the institutions with responsibilities in the field and who work in direct relation with the staff of the shelter (Department of Child Protection, county police inspectorates, DPH, CSI). Other institutions or organizations may become members of the teams, depending on the teams' possibilities and requirements. The staff for the shelters was recruited by DCP and the NGOs which were awarded the implementation of the project.
- Removing children from internal trafficking is difficult, since the community does not react, and the victims generally prefer to contact an NGO rather than the police.

4.5. Transit and shelter centers for victims

The semi-structured observations made in shelters reveal the fact that, with regard to furnishings at least, some of the state-run centers can compete with NGO's, but the number of assisted victims

is small. Still, there are also shelters (for minors) where the lack of space is embarrassing, but good living conditions have been found in all the visited centers, whether financed by the County Councils or not.

In all the centers, it is allowed to customize the living space, within possibilities. Unfortunately, in many centers this is a problem; depending on flexibility and financial resources, NGOs managed, in most cases, to create a more pleasant physical environment (places with gardens, larger spaces). Still, in general, one can see that – when there is concern and creative management – the centers financed by County or Local Councils are able to use effectively the resources made available by the legislation.

As a result of the survey by questionnaire of the management staff in 8 centers financed by the County Councils, we can summarize the following findings:

- Most of the centers have been opened in the past year (2004-2005);
- The centers are well equipped and enjoy the cooperation, estimated as being efficient, with referring institutions at local level;
- The staff is trained, due to the transfer of expertise made by NGOs;
- The budgets are considered to be insufficient by the management of shelters;
- Some centers affirm that they can assist victims from other counties while others say this is impossible, which indicates that ***the legislation is ambiguous or that it is not known by those who are supposed to apply it;***
- ***Without exception, the salaries of social workers are below the medium salary in the economy;***
- Daily amounts allocated for the assistance of a victim are between Euro 6 and 12/day;
- The number of rehabilitated cases per center is between 0 and 8, the most frequent mention being 3 cases; (the small number of assisted and rehabilitated victims determines the directors general of some GDSACP to opt for the transfer of shelter personnel to other types of activities, thus causing a waste of acquired expertise);
- The proportion of **trained employees who left the center varies between 10% and 50% of the actual number of employees**, but there are also extreme cases where no employee has left the center (GDSACP Iași, Oradea, Botoșani) or where the number of employees who left the center equals the number of currently active employees (Galați);

Center managers report the difficulties they are confronted with regarding legal regulations, mentioning among others the *impossibility of self-referral of cases, problems related to the circulation of documents and deficient interinstitutional communication.*

The services they provide are, in the majority of cases, in social, psychological, legal and medical assistance, as well as school and educational counseling. As for the cooperation of the centers with other local authorities, the most frequently mentioned refer to CSI, CEA, and CPI. The shelters for trafficked children also mention the cooperation with DPH.

Completing the education is a matter of concern especially for NGO residential services. (For some NGOs, the victim's discharge from the assistance program is conditional, more or less, upon completion of secondary school and enrolment in high school – naturally, in case the victim had dropped out. Most of the times, in that situation the victim needs to recover the school transcripts but also additional tutoring, provided with the support of the NGO.)

The staff of state-run centers for trafficked children also supports child victims to continue their education.

Concerning the social reintegration of victims of trafficking, the social workers from centers financed by County Councils mention the existence of partnerships with CEAs aiming at two components which unfold in sequence:

- including the victims from the center in special vocational training programs (of short duration), depending on the options of the recipient but also on his/her level of education;
- mediating the employment of the victim on the labor market.

For the social workers of the centers managed and financed by NGOs, the experience of finding employment for a rehabilitated victim is more complex, since they have to attempt direct mediation, in the absence of a response from CEA.

Interview with NGO manager

Manager: So, after we fight with the inspectorate, we enroll the girls in school. And jobs... every day we buy the paper, read the ads, make telephone calls.

I: Doesn't CEA help you?

Manager: Yes, right, we put them down on their list and nothing happens.

I: In conformity with law 211 victims of offenses are entitled to assistance in reintegration on the labor market, with priority. Have you ever seen what the law says translated into practice?

Manager: Never.

Whatever the difficulties confronting the managers of centers financed from sources other than the County Councils, the situation is perceived by their staff as being better than in the public sector.

I: What hopes do you have for the future, and what fears?

Manager: The fears are relating to the fact that we have funding for our project until 2006 inclusive, afterwards we don't know what will happen.

I: Do you think that a center like this one could be supported by the state at these standards you have?

Manager: I don't know how much money is available to the state.

I: From your experience since you've been working here, how much money do you think would be needed?

Manager: Quite a lot, under these circumstances when we pay for health care, because there are also tests and hospitalizations and treatments.

Chapter V Prevention of trafficking of human beings

5.1. Outlook and mentalities

The international organizations support the efforts made by the authorities to coordinate and implement coherent policies. But there is also the opinion, at the level of these organizations, that, so far, the objectives to raise awareness among the public through campaigns have barely been attained. Some organizations are critical of the reduced degree of penetration of the message conveyed through televised campaigns, and propose better targeted communication campaigns.

View expressed by the representative of an international organization:

My opinion is that such a campaign should not be conducted without previous testing of the message, of the target-group, of the access to information of the target-group. I am against any nation-wide campaign. I don't believe there is, so far, any institution that has the required capacity to convey a message efficiently and effectively to the target-group it is aimed at.

Civil society's option is for an intersectoral approach, to which significant contributions should come from social assistance and educational institutions.

For the time being, the educational sector is not prepared to undertake the management of communication on the subject of trafficking of human beings. The psychologists and the social workers who have carried out preventive actions in schools find that, sometimes, the teaching staff has an attitude of rejection of communication on this subject.

View of NGO manager

In prevention the school has a role to play too. If the teacher sees that this 13 year old girl doesn't come to school he does something, or if he doesn't know what, he calls a social worker... But, there is no obligation for a MER worker to refer such a case. He doesn't even know what to do. Moreover, when you go to do prevention in school, he says "God forbid, you want to give them ideas?". At the general talk we've had more trouble with the teachers than with the children.

On the other hand, social assistance could contribute to information and prevention provided they had the capacity and the obligation to monitor families.

Interview with a psychologist

The medical and social assistance side should know absolutely everything that happens in a family. If we don't have family social assistance and monitoring programs... not only of families at risk... In a family quite a lot of things could happen in one year, and then they ought to be much closer to the community.

5.2. Action coordinates

The special law sets forth the frame of action in chapter II, which introduces in fact the outline of an intersectoral approach to combating the phenomenon. The application standards of this law also clarify, to a certain extent, the roles assigned to authorities in prevention. The action guidelines and the authorities' partners in each of them are established by the National Plan of Action in GD 1216/2001.

The provisions of the National Plan of Action with regard to prevention focus on two distinct chapters:

- **Information and awareness raising;**
- **Improvement of the social and economic situation of persons at high risk of being trafficked.**

I. The **information and awareness raising** component is initiated, designed and funded by the representatives of civil society. As for the concrete development of information and awareness raising campaigns, it will be carried out mostly through activities in partnership with state authorities.

Among the latter, a steadfast partner involved in the majority of preventive projects is the National Office for the Prevention of Trafficking of Human Beings and Monitoring of Victim Assistance. This institution in partnership with the organization "Save the Children" developed a code of conduct for preventing child exploitation in the hotel industry. This code of conduct has been signed, to date, by two hotel chains. The AIDRom organization has developed an information program in 10 counties, in cooperation with NOPT.

NOPT is working on several projects:

- The project "Prevention of trafficking of human beings in Romania" developed in partnership with the organization CARITAS Maramureş. It is a campaign covering 12 counties, the target-group being high school students.
- The child trafficking prevention program. This program is developed in partnership with the Romanian Red Cross and the Danish Red Cross, and has as target-group street children in 4 counties. Participating in carrying out the campaign will be Red Cross volunteers supported by proximity police officers.
- „Prevention of youth trafficking in Romania" is a project addressed to students attending school in 5 counties and in the capital city, and consists of training seminars organized in partnership with the organization Caritas Bucureşti.
- The Anti-trafficking Caravan. This project, designed in partnership with the organization CONEXIUNI Deva, aims to set up a structure consisting of police officers and representatives of civil society that develop preventive actions in the area of Hunedoara, Sibiu and Alba counties.

In order to reduce vulnerability to trafficking of human beings, **focusing in particular on the elimination of trafficking possibilities**, IOM initiated, also in partnership with NOPT, the development of a more complex project, funded by the Canadian International Development Agency, UNICEF, and the Embassy of Great Britain. It regards the introduction of a **system of identification and referral of victims of trafficking**, by strengthening the institutional capacity to respond to trafficking of human beings. The objective of the project is to set up small task forces at local level consisting of police officers, prosecutors, and representatives of victim protection services operating under tribunals, to enforce the provisions of Law 211/2004.

The Manual of best practices published by UNDP in cooperation with ICMPD will complement this project.

An action of significant training value, organized by MER in cooperation with the Embassy of France, was the development of a network of Development and Information Centers – CDI. These CDIs are designed to provide methodological support to teachers in rural areas who have poor material resources or contacts with other teachers. It started from poor rural areas with methodological support, with refurbishing the library space, turning it into an information center.

The initial network had approximately 300 centers, and 700 more will be opened. All the centers are designed to be open toward the community.

Using this structure, created with joint funding from the Governments of France and of Romania, ILO launched a special tool, developed in part in Geneva, in part by the ILO representation in Bucharest, for the promotion of children's rights through education, art and mass media: the SCREAM Manual. A seminar organized with 35 trainer teachers from all over the country to introduce this manual, revealed the interest of the teaching staff from rural areas in the elimination of child labor.

We can also mention other preventive actions developed by the organizations ADPARE, Reaching Out, Scop, AIDRom and Alternative Sociale, all circumscribing the crystallization of the social capital into primary groups through the "training of trainers" technique, i. e. peer-group education.

The training of police workers from specialized services implied courses and seminars organized by the same NGOs.

Thus, the actions included in the National Plan for combating trafficking of human beings under the awareness raising chapter have been developed, to a large extent, with funding and initiative on the part of civil society. With regard to the effectiveness of these actions though, the feedback is not always encouraging. The mere awareness of the issue of trafficking of human beings does not entail apparently a change of attitude towards migration.

NGO Manager

We produced posters and flyers, a video tape filmed by myself, and we brought them to the NGOs in the respective towns. OCC police officers participated too. We left the materials with the respective NGO, who was supposed to conduct a campaign all over the county. I applied before and after questionnaires to see what was the result: nothing!. I've been all over the country, I applied hundreds and hundreds of questionnaires. 64 or 67% of these children said yes, I know what trafficking is, but they will still apply for a job abroad, because, otherwise, they will starve in Romania. "And I'll be careful, I'll keep my eyes open."

II. The list of actions proposed by the National Plan under the chapter **improvement of the social and economic situation of persons at high risk of being trafficked** does not disjoin the operational from the reference side and includes a series of items pertaining more to the general policy of sustainable development of society. We mention a few:

- Organize programs to prevent illiteracy and of continuous education;
- Promote anti-poverty and anti-unemployment programs;
- Develop educational, health, psychological programs targeting the groups at risk: street children and institutionalized children;
- Actions to eliminate unemployment;
- Gender mainstreaming in the sphere of family social protection;
- Equal access for women and men to active measures of integration into the labor market;
- Special programs of professional reconversion of the female work force.

The interviewed social actors had serious reservations with respect to the outcome of this strategy.

The programs of continuous education, of combating poverty and unemployment, of labor reconversion, have remained at the stage of promotion of the legislation necessary to define their framework, but the structuring of the organizational sphere, the building of institutional capacities have not been effected so far.

In general, the opinion of many authorities, but also of the representatives of civil society, is that the **articulation of the strategy** on prevention could be improved by:

- comprising concrete actions exclusively;

- assigning each authority its responsibilities;
- budget allocations assigned to each distinct action.

The view of some donors to anti-trafficking policies is that the project developed through Development and Information Centers (managed by Alternative Sociale and supported by ILO and UNICEF), and the project of career counseling (also initiated by Alternative Sociale) are examples of the type of programs which meet these management coordinates.

Chapter VI Statistical data on the criminal matter in its entirety

Recording and processing statistic data relating to the casuistry of trafficking of human beings represents one of the most difficult tasks for the Romanian authorities.

The role of the Resource Center for combating trafficking of human beings is precisely to identify and apply the optimum recording methodology. Starting with the year 2004, this Center initiated the collection from the territory of registry data of victims of trafficking of human beings and of traffickers. In this way, a database can be created which will allow for a more precise accounting of the number of victims, from a judicial point of view, understanding by this only the persons who participated in the criminal trial in their capacity as a witness or as the injured party.

The current incongruities existing in databases result mostly from the different perspectives in the interpretation of the notion of victim. Since from a judicial point of view the definition of the term is missing, recording a person as a victim of the offense of trafficking depended, ultimately, on personal interpretations. During the hearing of a person who has suffered an injury in the course of a trafficking situation, more potential victims may be identified. They, in turn, may or may not press charges. Many of the incongruities still existing in the Center's database could be explained by the fact that a police officer might report as a victim a person who has not yet filed a report/pressed charges for the sustained injury, while another police officer makes an entry only if the identified victims have cooperated with those who prosecute the case.

6.1. Investigation of offenses, legal action

The GDOCCDE on trafficking of human beings in Romania - the year 2004 presents the following figures:

	Investigated offenses		Suspects	
	2003	2004	2003	2004
GDOCCD	1203	1985	979	1525
GIBP	88	133	89	123
TOTAL	1291	2118	1068	1648

The above-mentioned rapport also reflects the prosecution of cases by the Public Ministry:

	Persons brought to justice			
	2003		2004	
	In custody	free	In custody	free
Public Ministry	203	126	226	188
Total	329		414	

The increase in the number of investigated offenses, of charged persons and also of persons brought to justice, can be interpreted as the measure of the cooperation between the Police and the Public Prosecutor's Office, of the better knowledge and application of Law 678/2001. There are no justifications to reason the increase in crime itself. Most probably, the authorities have improved their methods of identification and prosecution of offenders, that is, the matter gained visibility.

The decisions on cases in courts of law in the year 2003 and the first three quarters of the year 2004 are as follows:

Persons convicted under Law 678/2001	TOTAL

2003	2004 (9 months)	
49	73	122

Out of the total number of 73 convicted persons in the first three quarters of the year 2004, the report mentions only a number of 30 persons with custodial sentences between 5 – 10 years, which warrants the opinion that the efforts made to investigate this type of offense remain, to a large extent, in vain.

The statistical data reported by the Ministry of Justice include all the convictions pronounced in the course of the years 2003 and 2004, but also those pronounced during the first six months of 2005.

	2005 ¹ – semester I	2004	2003
Pronounced convictions	140	103	49
Quantum of sentence			
6 months-1 year	7	3	18
1 year-5 years	59	49	9
5 years- 10 years	58	34	0
10years-15 years	1	8	0
Suspended	14	9	16

The opinions regarding the timidity of courts in deciding the length of the sentence are probably justified too.

¹ Not including data from the Court of Appeal in Iași

Interview with a representative of an international organization

Law 678/2001 is one of the best laws, and is studied by those in the EU, and the penalties are very long – for instance up to 25 years if trafficking resulted in the death of the victim. So, from the point of view of penalties this is not a problem. But the judge is the one who decides. The law says he has a minimum and a maximum. And he is at liberty to decide if it's the minimum or the maximum. Well, most times the judge leans toward the minimum. From my point of view to be able to send a warning, to deter traffickers, you ask to pass 2 maximum sentences, and to be advertised.... I say it would be a very good method of deterrence.

It can be noticed that the ratio of sentences to 5 to 10 years tends to increase, in proportion to the total, but there are still few cases where the court considers that it is appropriate to apply the maximum allowed sentence.

There is no doubt though that the law has begun to produce effects: in the first 6 months of the year 2005, the number of convictions pronounced was by approximately one third higher than in the entire course of the year 2004.

6.2. Registration of victims of trafficking of human beings

The entry of victims in the database of the Resource Center began in the year 2004. At that time, the categories of victims were: women, minors (with division by gender), but also beggars.

For the current year, the data entered present a larger variety of subcategories. This refining makes possible statistics based on 4 age-groups, both for females and for males, on nationality, on the application of legal provisions to inform the victim of his/her rights in conformity with Law 211/2004. Maybe the most important classification refers to the form of exploitation: sexual, labor, begging or other forms. It is also interesting, for future comparative research, how the methods of victim identification are entered: by complaint/report, by raid, by investigation or other means.

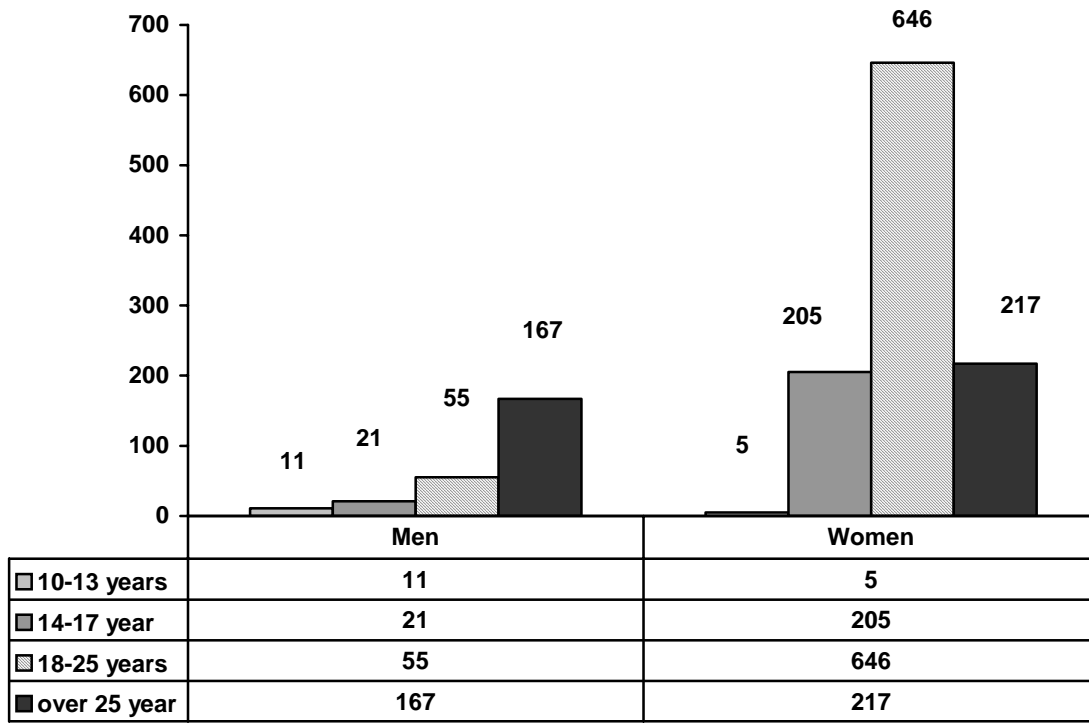
For a person to be entered as a victim in the database of the Resource Center, at least one of the following requirements must be met:

- *to file **a complaint or a report** with a judicial investigative body, in which the person states that he/she has been the injured party in a trafficking offense;*
- *to prove, by **investigative** police activities, the injury produced to the person by the members of a trafficking or exploitation ring;*
- *to find the victim in the course of an organized **raid**.*

Regarding child victims, the figures existing in the database of the Center represent the extension of a concept for which there is no entry in the NAPRC database, where all the entries relate to *unaccompanied children, without disjoining the cases of trafficking from cases of unaccompanied, exploited, neglected children, etc.*

This is the information gathered in the first five months of the current year, at GDOCCDE level:

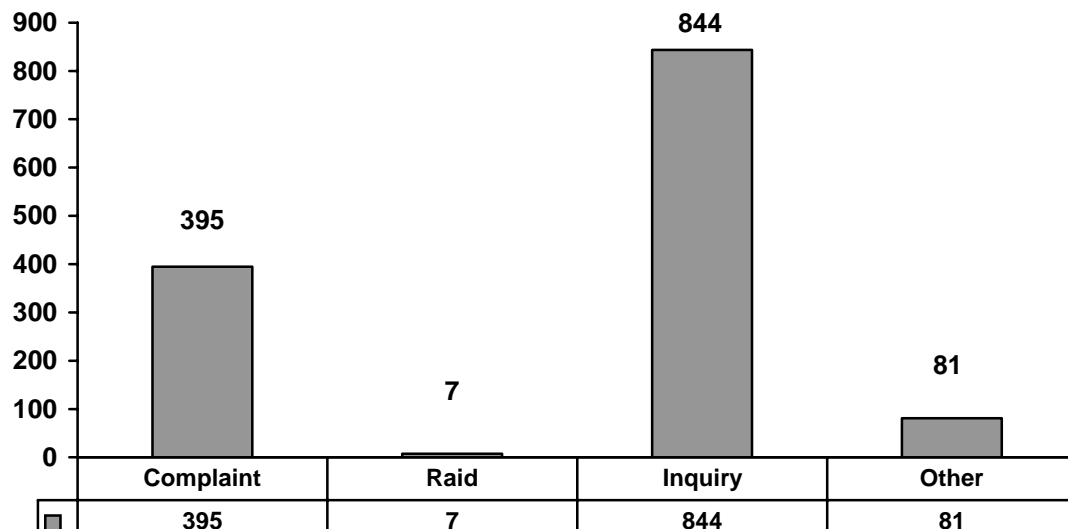
Victims of trafficking of human beings/first 5 months of 2005



The total number of victims is 1327. These data also include victims who did not file reports with a criminal investigation body.

The existing entries in the database of the Resource Center show that, by the manners of identification, the 1327 victims recorded in the first 5 months of the year 2005 are classified as follows:

Manner of victim identification



The previous graph clearly shows the fact that, at least for the time being, the judicial strategies that are being employed have preponderantly a pro-active character.

To determine the victims' place of origin from the database is not possible for the time being. Yet, their distribution can be inferred *from the organized crime service or regional center where the victim was entered on record/identified*:

	VICTIMS	Percentage from total
Bucharest	125	5,17
Transylvania	352	39,66
Muntenia	512	34,48
Moldova	338	20,69
Total	1327	100

6.3. Funds rendered unavailable as a result of police investigations

	Funds rendered unavailable (RON)	Value of assets rendered unavailable (RON)
Year 2003	127,700	300,800
Year 2004	310,200	2,036,500
Year 2005 (5 months)	115,280	1,757,300

6.4. Monitoring of the assistance provided to victims of trafficking of human beings

In November 2004, the National Office for the *Prevention of Trafficking of Human Beings and Monitoring of the Assistance Provided to Victims of Trafficking* became operational within the Institute of Crime Research and Prevention.

One of this office's roles is to present a periodic analysis of assistance services provided to victims of trafficking of human beings.

The Office compiles its database by collecting existent information from shelters and assistance centers. For the time being, *having also an extremely reduced staff*, the office presents only descriptive statistic data, with no possibility to follow up on social reintegration, integration into the labor market of a victim who is no longer receiving assistance. The plan for the future is to optimize the system to the effect of eliminating the possibility to enter the same victim repeatedly, while avoiding the mention of the victim's CNP (Personal Numerical Code).

The data collected by the office for the period of the first semester of the year 2005, reveal various distributions of assisted victims both in government centers and non-governmental centers.

Age	TOTAL	Below 13 years	14-17 years	18-25 years	over 25 years
Gender					
Male	15	3	3	9	0
Female	94	1	19	52	22
TOTAL	109	4	22	61	22

It is noticeable the extremely low number of victims who received assistance, compared to the number of victims identified at the Resource Center.

The fears of many workers in social assistance become justified if we compare the 109 victims receiving assistance to the number of victims on record at the Resource Center.

Interview with an NGO Manager
 I: What is your biggest fear you have for the future?
 -the fact that there are so many unassisted girls, in the street or back in the family who abuses them.

These victims come both from internal trafficking and from external (international) trafficking, as follows:

INTERNAL TRAFFICKING	EXTERNAL TRAFFICKING
23	86

Unfortunately, the small number of victims of internal trafficking is not indicative of the fact that it is less spread, but only that victim’s referral is more difficult. Internal trafficking is a form of crime that has remained, so far, less visible than trafficking abroad.

From the assisted victims on record, 51 receive assistance in a shelter, 47 at organizations’ offices, and 11 at home. To note also the poor development of house services.

It appears that the international organizations and police structures have the most important contribution to the dissemination of information about the protection and assistance system. The authority, which referred the case to the assistance center:

Police	Justice	Domestic Organizations	International Organizations
44	3	3	59

Breakdown by form of exploitation:

Sexual exploitation	90
Labor in agriculture, constructions, etc.	8
Forcing to commit offenses	10
Other forms	1

The overwhelming majority of victims who receive assistance come from sexual exploitation. In the course of the research though, we recorded the opinions of trained social workers or psychologists in the field indicating that post-traumatic shock could also strike very severely the victims of trafficking for the purpose of forced labor.

Interview with an NGO psychologist
 Illegal migrants need assistance too, because they have suffered traumas too, they’ve been humiliated and deceived...

The distribution of the 109 assisted victims by the type of center (financed or not by the Local or County Councils) is indicative of the fact that **the state-run network is used below its full capacity**. It appears that the staff of these centers does not have, for now, either the capability to identify victims or a clearly formalized place in the referral system.

Assisted victims in centers financed through County or Local Councils	Assisted victims in centers financed from other sources
29	80

Sometimes, GDSACP directors general do not facilitate at all the task of the shelter personnel. Thus, we came across cases where, under the pretext of making the network more flexible, the personnel of the centers opened based on Law 678/2001 was assigned other social assistance tasks, in case there were no victims in their care. Situations of this type may result in the perpetuation of the incapacity to identify and even to take charge of the victims, in case they were referred by another authority.

It is possible that the victims who do not want to cooperate with the authorities to reject a priori the idea to live in GDSACP centers. It would be useful, probably, to clearly formalize the terms between state authorities and the victims admitted to these centers.

The number of assisted victims coming from urban areas (74) is more than twice the number of those coming from rural areas (32). These figures do not indicate the possible proportion in the cohort of all the victims. We may only infer that either the victims coming from urban areas have easier access to assistance services or they are better prepared to accept them and understand their importance. Most of the assisted victims come from the counties of: Hunedoara(16), Iasi(10), Neamt(11), Suceava(8), Galati(7), Vaslui(5), Vrancea(5), Timis(4), Tulcea(4), Bihor(4).

The countries of destination where they were trafficked are especially: Italy – 31 victims, Spain – 11 victims, Germany – 10 victims. Following, with a smaller number of victims, are Greece, Belgium, The Netherlands, Austria, France, Turkey, Macedonia, Yugoslavia, Russia, Ireland and Denmark.

The Office has the following data about the geographic distribution of assistance centers, with or without shelter:

	Day care (assistance centers without shelter)	Residential care (assistance centers with shelter)	Total centers
R 1 N.E.	5	7	12
R 2 S.E.	4	3	7
R 3 South Muntenia	2	1	3
R 4 S.W. Oltenia	1	1	2
R 5 Banat	4	7	11
R 6 N.V.	6	3	9
R 7 Central	1	0	1
R 8 Bucharest	0	4	4
Total	23	26	49

Most assistance centers (with or without shelter) are located in the N.E. region of Moldova (including the counties of Suceava, Botoşani, Bacău, Vaslui, Iaşi, Neamţ) and in Banat (Caraş-Severin, Hunedoara, Arad, Timiş).

Numerous social research surveys highlight the fact that Banat is a region where the social capital and the confidence in civil society are higher than in other regions of the country. It is no surprise, therefore, that the social assistance network for trafficking of human beings comprises more centers in the counties of this province.

Still, without having the same historic tradition in social capital development as Banat, Moldova takes the lead with respect to the number of centers. This fact is due to the efforts made by civil society to implement victim assistance strategies, to institutionalize practices of NGO interrelation, and to standardize working tools.

Regrouping the data on the victims entered at the Resource Center, so as to operate with the same breakdown by regions proposed by the Office, we notice that the most numerous reports have been made in the S.E. region (Constanţa, Tulcea, Brăila, Galaţi, Buzău, Vrancea), in the region of

Moldova and in the region of S. Muntenia (Prahova, Dâmbovița, Giurgiu, Ialomița, Teleorman, Argeș, Călărași). Following close behind are Oltenia (Mehedinți, Olt, Dolj, Gorj and Vâlcea) and the Central region (Mureș, Alba, Harghita, Covasna, Brașov, Sibiu).

Regions where cases of victims of trafficking of human beings were reported , in the first 5 months of the year 2005 ¹			
	Number of cases	%	
Historical regions	R 1 N.E.	197	14.8%
	R 2 S.E.	288	21.7%
	R 3 South Muntenia	194	14.6%
	R 4 S.V. Oltenia	168	12.7%
	R 5 Banat	36	2.7%
	R 6 N-V	146	11.0%
	R 7 Central	159	12.0%
	R 8 Bucharest	139	10.5%
Total	1,327	100.0%	

A comparative examination of the last two tables leads us to make the following two remarks:

- victims reported in the central region of the country can only be referred to very distant centers with shelter, since there are no such centers in the area;
- the number of centers in the Southern regions (S.E., Muntenia, Oltenia) is small compared to the number of victims reported by police structures in these regions.

6.5. Statistical data on repatriated minors (accompanied or not)

NAPRC has the following data concerning the children returned from abroad:

	Minors returned in 2004	Minors returned in 2005 (5 months)
England	274	107
Italy	176	39
Belgium	78	24
Spain	68	13
Germany	53	6
France	43	24
Greece	24	6
Other	279	100
Total	995	319

At NAPRC the victims of trafficking are not entered on separate records, estimating that it is relatively difficult to distinguish between child trafficking situations and other forms of abuse and exploitation. The Authority is not concerned with the constitutive components of the offense to which the child might have been subjected, but only with the ***risk of the child having suffered some traumas, whose effects are approximately similar whether it is a trafficked, exploited, neglected child, etc.***

During the year 2004, NAPRC received 427 direct requests for social inquiries based on the readmission agreements.

¹ Reporting a victim by the organized crime service or regional center in a county or region does **not** necessarily indicate the county or region of the victim's residence. There probably are situations in the database when the region of origin and the region where the police made the report coincide, but we cannot estimate how many such situations exist.

	Requests for social inquiries	Repatriated children
France	89	11
Italy	117	26
Spain	44	16
Other states	177	156

But the data provided to NAPRC by the Border Police show that the number of children repatriated from these states is higher:

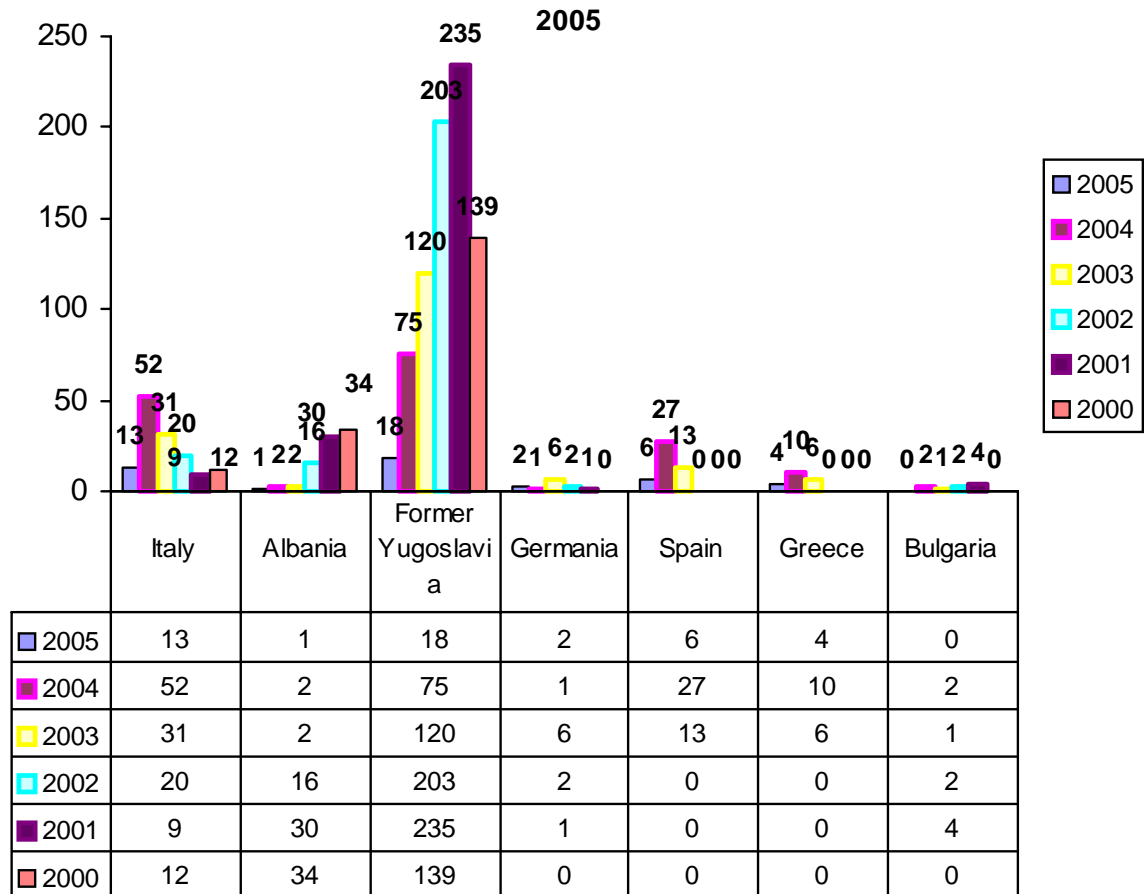
	Repatriated Children
France	43
Italy	299
Spain	69
Other states	177

6.6. Statistical data on assistance provided by IOM Bucharest

In the period 2000-2004 and in the 1st semester of the year 2005, IOM Bucharest provided assistance to **984** victims of trafficking of human beings, out of which 946 Romanian nationals and 38 from the Republic of Moldova.

They are victims of international trafficking, having as countries of destination Italy, Albania, Kosovo, Bosnia-Herzegovina, Macedonia, Greece, Bulgaria, Germany, Spain, Serbia and Montenegro.

Countries of destination of victims assisted by OIM in the period 2000-



The graph above shows that, from all the countries, IOM removed more victims, 790, from trafficking in the former Yugoslav republics. In the entire period 2000-2004, the flow of trafficking was particularly intense in this region.

Consolidation of statistical data

As any crime, trafficking of human beings will always have a „dark” side, which remains invisible, outside pertinent databases and, therefore, outside analytic materials.

With regard to the visible side of the matter, state institutions, representatives of civil society, but also foreign authorities’ attempt, as we have seen in the charts presented in this chapter, various statistic evaluations. It is time to point out that **the tendency to compare the figures circulated by different sources is not justified**, since, in most instances, **the very categories of entry differ from institution to institution**. Thus, for example, child victims from the database of the Resource Center cannot be placed in a relation of inclusion with those in the NAPRC database, because the child victims reported by the police have not necessarily been returned to the country as unaccompanied minors, or vice versa, unaccompanied minors entered on record at NAPRC have not necessarily come to the attention of the justice system as victims of trafficking. In theory, the two terms of entry admit the intersection of their extensions, but **quantifying the extent to which they overlap is not possible** for the time being.

The data on record with NOPT also are no more comparable with other statistic outputs. **They are only references to victims who have received any form of assistance, even if it was only assistance services without shelter. On the part of the Office there is an intention to use in the future the reporting tools NAPRC is working with.**

Chapter VII Attitude toward migration

The public opinion poll conducted in August of this year reveals that, directly or indirectly, Romanians are tempted to become participants in the circular migration phenomenon: more than half of those interviewed (56%) would recommend employment abroad, and 44% would prefer the job abroad to the job in Romania.

Would you advise anyone to go to work abroad?

		Yes	No	DK/NR	Total
If you were to choose between a job in Romania and a job in another country close by (in Europe) what would you prefer?	The job in Romania	15.2%	26.9%	2.3%	44.4%
	The job in another country	35.9%	6.2%	0.9%	43.0%
	It depends on the job	2.3%	1.5%	0.3%	4.1%
	Don't know / No response	2.3%	4.8%	1.3%	8.4%
	Total	55.8%	39.4%	4.8%	100.0%

The intersection between what the respondents consider to be desirable on a personal level and what they consider to be appropriate for others to do, highlight 4 important categories:

- those who wish for themselves to leave, but also for their acquaintances (36%)
 - *young people aged between 18-34 years, male, secondary education, with residence in Moldova, small urban area*
- those who prefer the job in Romania both for themselves and for others (27%)
 - *elderly persons (aged 60 years and over)*
- those who would not emigrate but encourage others to find employment abroad (15%)
 - *persons of high social status, with large income (situated in the upper income-bracket) and higher education*
- those who would emigrate, but would not advise other people to do the same (6%)
 - *persons of low social status, secondary education.*

Why would you prefer a job in Romania?

	Col%
To be with my family	33.6
It is more secure Romania	14.6
I don't want to leave Romania	17.2
Because of my age	11.3
I am fine here	9.2
In Romania / home it's better	4.9
You can find a good job anywhere	4.7
If you work hard, you can earn money anywhere	3.0
You can earn good money here too	2.3
I don't like it outside/abroad	2.2
They exploit you abroad	2.1
I cannot speak any foreign language	1.8
The house	1.7
I don't like to take risks/ It's too risky	1.5
Because of my health	1.5
I know the language	1.1
It's not good among strangers	1.0
Other reasons	15.6
DK/NR	0.7

Why would you prefer a job abroad?

	Col%
You are paid better / you earn more money	94.6
Higher standard of living	10.4
Better working conditions	6.8
More respect at work	2.3
More job opportunities	1.8
Other reasons	8.6

In stimulating the desire to leave, it appears that an essential role is played by the migration experience of the family and of the circle of friends, the migration experience being perceived as a success.

Do you know anybody close (relative, friend, mate) who left to work abroad?

Yes	72.3%
No	27.3%
DK/NR	0.4%
Total	100.0%

As far as you know, did this person do well there?

Yes	88.9%
No	7.3%
DK/NR	3.8%
Total	100.0%

The personal migration experience encourages people in their desire to keep working abroad, and those around them to emigrate.

Did you work abroad for any length of time?

If you were to choose between a job in Romania and a job in another country close by (in Europe) what would you prefer?

	Yes	No	Total
The job in Romania	26.1%	46.6%	44.4%
The job in another country	64.4%	40.5%	43.0%
It depends on the job	7.9%	3.6%	4.1%
Don't know/No response	1.5%	9.2%	8.4%
Total	100.0%	100.0%	100.0%

Did you work abroad for any length of time?

Would you advise anybody to go to work abroad?

	Yes	No	Total
Yes	73.2%	53.7%	55.8%
No	26.2%	41.0%	39.4%
DK/NR	.6%	5.3%	4.8%
Total	100.0%	100.0%	100.0%

Emigration is associated with better earnings than in the country, but the social space people associate with a better quality is the one in the community they currently live in. To note that the survival strategies which imply migration take it to extreme forms, i.e. to long geographic distances. Internal mobility, inside the country, is no longer an option.

	In the town you live in	Other town in Romania	In another country	DK/NR
Living conditions	64.1	11.7	24.1	0.1
Money you would earn	35.6	11.9	52.2	0.3
Conditions you would work in	42.6	15.5	41.5	0.4
Fulfilling work	44.7	14.9	39.9	0.6
Liberty to do what you please	64.6	14.5	20.1	0.7
Quality of human relations	67.7	14.0	17.5	0.7

In your household, is anybody abroad for work now?

Yes	17.2%
No	82.8%
Total	100.0%

How many persons are away?

1	58%
2	26%
3	12%
4 or more	5%

Most of those who are currently abroad are persons between 25-34 years of age, male and female equally, mostly from Transylvania and Moldova.

		Col %
Sex	Male	50.3%
	Female	49.7%

Age	Under 18 years	2.4%
	18 – 24 years	17.9%
	25 – 34 years	40.3%
	35 – 44 years	25.1%
	45 years and over	14.4%

Region	Transylvania	36.7%
	Muntenia	25.5%
	Moldova	35.1%
	Bucharest	2.7%

Type of town	Rural	50.2%
	Pop. 10-49 thou.	17.6%
	Pop. 50-199 thou.	13.6%
	Pop. 200 thou. and over	18.6%

7.1. Attitude toward migration of the female population at risk

The female population between 15-24 years of age represents a social segment oriented, the majority, toward emigration. Especially the 15-18 year old girls, with low income and from Moldova prefer a job abroad.

<i>If you were to choose between a job in Romania and a job in another country close by (in Europe) what would you prefer?</i>	The job in Romania	35.6%
	The job in another country	55.9%
	It depends on the job	7.0%
	Don't know/No response	1.6%
	Total	100%

More than half of the girls have had some talks about the possibility to emigrate for work.

If you were to choose between a job in Romania and a job in another country close by (in Europe) what would you prefer?

	They have talked to someone	
	Yes	No
The job in Romania	36.60%	63.40%
The job in another country	69.90%	30.10%
It depends on the job	45.50%	54.50%
<u>Total</u>	55.20%	44.80%

Those who prefer the job in another country communicate more on the topic of emigration, especially with the family (with one member of the family at least).

Most of the girls perceive their family's attitude as encouraging toward emigration.

	They have talked					They have not talked				
	Encouraged you to leave	Did not have an opinion	Advised you not to leave	DK/NR	Total	Wld encourage you to go	Wld not have an opinion	Wld advise you not to	DK/NR	Total
Father's attitude	13.7%	6.3%	6.3%	0.0%	26.3%	12.4%	34.9%	9.8%	16.2%	73.3%
Mother's attitude	18.7%	12.4%	8.9%	0.3%	40.3%	10.5%	29.5%	8.6%	11.1%	59.7%
Siblings' attitude	15.2%	5.4%	3.5%	1.6%	25.7%	15.9%	22.5%	12.4%	23.5%	74.3%

The girls' reasons to want to emigrate are of an economic nature.

Money	78.7%
You cannot find a job in Romania	24.8%
It's an interesting experience	19.7%
To be independent from your family	11.1%
You are respected when you come back	2.9%
Other reason	7.6%
I would not leave for any reason	13.7%
DK/ NR	0.3%

The ties with their family and with their friends are reasons which may keep the girls from leaving. We point out though that almost 10% of the girls indicate that no reason could keep them from leaving.

The family	78,1%
My boyfriend / friends	23,5%
Fear of the unknown	14,6%
It is better in my town	12,1%
Other reason	3,2%
No reason could hold me back	9,8%
DK/ NR	0,6%

Most of the young women (86%) are aware that there are certain risks involved when they leave to work abroad:

Do you believe there are certain risks when someone leaves to work abroad?	Yes	86%
	No	14%
	Total	100%

At the intersection between the **propensity towards violating the rules** and the **perception of risks** we can identify, in the subsample of young women declaring their preference for a job abroad, three major categories of groups at risk:

- maximum risk of being trafficked – implied by the explicitly favorable attitude towards violating the rules combined with a non-perception of risks;
- medium risk of being trafficked – implied by the explicitly favorable attitude towards violating the rules combined with the perception of risks, but also for the disinclination for violating the rules combined with a non-perception of risks;
- minimum risk – implied by the disinclination for violating the rules combined with the perception of risks.

		Risks perceived	
		Yes	No
Propensity towards violating laws / rules	Yes	Medium risk 26%	Maximum risk 3%
	No	Minimum risk 22%	Medium risk 4%

From a socio-demographic standpoint, those who are aware of the risks but are inclined to break certain rules are preponderantly from Moldova.

If you found out that a girl friend of yours/someone close is forced to prostitute herself in Romania, what would you do?

I would report it to the police	71.8%
I would inform her family	1.1%
I would try to save her	4.4%
I wouldn't know what to do	13.5%
Nobody can help someone in this situation	2.8%
Other	3.8%
DK/NR	4.7%

Girls tend to be better informed about the matter of trafficking than the general population. At the same time, it appears that their friends/acquaintances are a more important source of information for them, which betrays an increased interest in this matter. This rises though the question of the quality of information supplied within the group, but it also may constitute the basis for future development of communication campaigns as part of some preventive programs.

Have you heard of trafficking of human beings?

Yes	90.5%
No	9.2%
NR/DK	0.3%
Total	100.0%

How?

TV	90.5%
Press	46.7%
Radio	28.4%
Talks with friends/ acquaintances	29.8%
Other	4.6%
Total	100%

In general, the girls' representation of what trafficking of human beings means is not different from the general population's. The young women who prefer a job abroad tend to be less informed about the dangers associated with trafficking (sale, abduction, and confinement).

What does trafficking of human beings mean to you?

	Those who prefer the job in ...		Total sample (women 15-24 years of age)
	Romania	Abroad	
Prostitution	33.7%	27.4%	29.8%
Sale of persons	30.5%	27.4%	28.4%
Forced labor	15.8%	15.2%	15.8%
Sale of children	11.6%	8.5%	10.2%
Abduction of persons	12.6%	8.5%	9.5%
Persons forced into prostitution	10.5%	9.8%	9.1%
Trafficking of organs	3.2%	14.0%	9.1%
Confinement of persons	10.5%	5.5%	8.1%
Abuse against a person's will	8.4%	7.3%	7.7%
Begging – persons forced to beg	2.1%	4.3%	3.5%
Young women taken abroad for prostitution	2.1%	3.0%	2.8%
Child exploitation	1.1%	3.0%	2.1%
Crossing the border illegally	2.1%	3.0%	3.2%
Other	11.6%	8.5%	9.5%

Those who prefer the job in...	Total sample
--------------------------------	--------------

In general, to find a job, what do you think would be the best way...?	Romania	Abroad	(women 15-24 yrs)
To send your CV to the companies that interest you	27.7%	27.8%	27.6%
By checking/to read newspaper ads	21.4%	18.2%	18.7%
To go directly to an employer and apply for employment	14.3%	15.3%	15.2%
To call on a relative/acquaintance	13.4%	16.5%	15.2%
To go to the public employment agency	16.1%	12.5%	14.9%
To go to a private employment agency	1.8%	5.7%	3.8%
Don't know/No response	5.4%	4.0%	4.4%

The girls' perception is that the most effective methods to find a job are the direct ones: sending the CV (28%), checking newspaper ads (19%), and contacting employers directly (15%).

The public employment agency is mentioned by 15% of the respondents, either because it not known, or because it not considered an efficient service. We notice that the girls who would prefer a job abroad tend to turn less to this service and to go instead to a private employment agency.

More than half (56,5%) of the girls consider that, in the town they live in, unemployment and jobs for youth are equally important issues, while one third consider that the issue of jobs for youth is more important than unemployment.

% of total sample		Issue of unemployment					Total
		Not at all important	Not too important	Rather important	Very important	DK/NR	
Issue of jobs for youth	Not at all important	1,6	0,3	0,0	0,3	0,6	2,9
	Not too important	0,3	2,2	0,3	0,3	0,0	3,2
	Rather important	1,0	5,7	9,2	1,9	0,6	18,4
	Very important	1,9	5,4	18,7	47,3	1,6	74,9
	NS/NR	0,0	0,3	0,0	0,0	0,3	0,6
Total		4,8	14,0	28,3	49,8	3,2	100,0

In your opinion, what is the most important thing in life?

	first	second	third	Total
To have a lot of money	13.7%	11.7%	11.7%	37.1%
To have a good job	27.0%	26.3%	19.0%	72.3%
To have a family	41.9%	27.0%	13.3%	82.2%
To have children	1.6%	11.1%	17.8%	30.5%
To be respected in the community you live in	8.6%	13.0%	21.0%	42.6%
To help others (family, friends, etc.)	6.3%	10.2%	15.6%	32.1%
Other	0.9%	0.6%	1.6%	3.1%
DK/NR		0.3%	1.0%	1.3%
Total	100.0%	100.0%	100.0%	-

To the girls who would prefer to work abroad it is more important to have a good job, to have money and to help others, while to the girls who prefer the job in Romania it is more important to have a family.

	Those who prefer the job	
	In Romania	Abroad
To have a lot of money	9.8%	17.0%
To have a good job	23.2%	28.4%
To have a family	50.9%	35.2%
To have children	2.7%	1.1%
To be respected in the community you live in	8.9%	9.1%
To help others (family, friends, etc.)	3.6%	8.0%
Other	0.9%	1.2%
Total	100.0%	100.0%

Chapter VIII Social perception of trafficking of human beings and of risks associated with emigration

The majority of the interviewed persons (85%) have heard of trafficking of human beings. Among certain socio-demographic categories there is a reduced level of awareness of this phenomenon: persons with a low level of education, with low income, people from rural areas and those from small towns.

Most of them have heard about trafficking of human beings through the mass media (TV, press, radio). Nevertheless, young people mention more frequently the talks with their friends, acquaintances as source of information.

Have you heard of trafficking of human beings?

Yes	85.4%
No	13.1%
NR/ DK	1.6%
Total	100%

How?

TV	90.1%
Press	50.8%
Radio	30.9%
Talks with friends/ acquaintances	23.9%
Other	1.8%
Total	100%

Trafficking of human beings is mainly associated with the “sale of persons” (29%), prostitution (28%), forced labor (18%) and sale of children (10%). We note though the fact that trafficking of human beings is mainly associated with acts against the person’s will.

The population of urban areas associates more frequently trafficking with prostitution. Given the higher prevalence of this phenomenon in the urban area, practically the pictures of the two phenomena tend to become superimposed.

What does trafficking of human beings mean to you?

Sale of persons	29.3%
Prostitution	27.5%
Forced labor	18.1%
Sale of children	10.2%
Trafficking of organs	9.6%
Abduction of persons	8.8%
Persons forced to prostitute themselves	8.6%
Confinement of persons	6.6%
Abuse against person’s will	5.3%
Begging – persons forced to beg	4.3%
Young women taken abroad for prostitution	4.3%
Child exploitation	2.0%
Crossing the border illegally	2.3%
Other	11.9%
DK	1.4%

Some phenomena, which may also imply trafficking of human beings, such as forced labor or begging, are phenomena we frequently come across in everyday life.

How often have you come across the following occurrences in everyday life...

	Children begging	Children working in the street	Adults begging	Women prostituting themselves
Very frequently + frequently	81.1	42.9	73.9	41.0
When you see..... do you think that...				
They do it of their own free will	8.5	23.8	73.3	56.8
They are forced by the family to do it	70.0	50.8	7.3	3.6
They are forced by a person outside the family to do it	7.2	12.2	5.7	7.2
They are forced to do it by a ring who makes profit out of them/ her	13.7	11.6	11.1	29.5
DK/NR	0.7	1.7	2.7	2.9

The general perception regarding children is that mostly they are forced by their family to work/beg. Still, 1 out of 5 respondents believe that these children are exploited by persons outside their family, and therefore that they are potential victims of trafficking of human beings.

With regard to prostitution, even if most respondents (57%) consider that the women do it out of their own free will, almost one out of three respondents (30%) perceive them as being exploited by a ring, as potential victims of trafficking. This perception is most frequently expressed among those who have a **higher social status, larger income**, and among the population of larger cities, from Moldova and Bucharest.

Almost half of those who would prefer a job abroad are inclined to break some rules, which makes them though much more vulnerable to being trafficked.

In order to work abroad would you agree ...

<i>Basis: those who prefer a job abroad</i>	Col %
to declare at border points other purposes of your visit than the real one	36.6%
to extend your stay beyond the period allowed by your visa	34.2%
to break for a while any kind of ties with your family or friends	15.6%
to let someone else keep your passport	2.9%
to use fraudulent documents	2.8%

The statistical analyses show that those who have someone close who left to work abroad are more inclined to break certain rules. It appears that the illegal migration experiences of the others further perpetuate this type of behavior.

Do you believe there are certain risks involved when someone leaves to work abroad?

Yes	79.9%
No	20.1%
Total	100.0%

The level of perception of the risks associated with a job abroad is more reduced among those with lower education, low income, and among the population of Transylvania.

Those who consider that there are no risks involved when you go abroad for work are at the same time more inclined to break some rules.

Col%		Do you think there are any risks involved when someone leaves to work abroad?		
		Yes	No	Total
In order to work abroad I would agree to...	to declare at border points other purposes of my visit than the real one	35.2	42.2	36.6
	to extend my stay beyond the period allowed by my visa	33.0	38.9	34.2
	to break for a while any ties with my family or friends	14.9	18.2	15.6
	to let someone else keep my passport	2.6	4.0	2.9
	to use fraudulent documents	2.1	5.5	2.8

As in the case of the sample of girls, in terms of these two questions we can identify three major categories of groups at risk:

		Risks perceived	
		Yes	No
Propensity towards violating laws/rules	Yes	Medium risk 23%	Maximum risk 5%
	No	Minimum risk 12%	Medium risk 4%

Maximum risk 5% – males, persons between 18-34 years of age, persons from Transylvania.

Medium risk 27% – persons between 18-24 years of age, with secondary education (vocational school), with low income, from Moldova or Bucharest, small or big towns. The absence of prospects at the level of the community they live in makes most of them take these risks.

Suppose a close girl friend of yours returned from abroad and told you she was forced to prostitute herself. You are the first person she tells about it. What would you advise her to do?

To go directly to the police	54.5%
Not to tell anybody else	4.3%
To talk it over with her family and then decide what to do	27.8%
Other	9.2%
DK/NR	8.0%

Those who would advise the young woman to hide what happened to her are found preponderantly among the very young (18-24 years of age) and the persons with very low income. We notice that they are precisely those from the social segment with the highest vulnerability to being trafficked.

Conclusions

1. The quantitative analysis indicates that the Romanian population understands the cyclic migration as a main model for future living. The main problems in their communities of origin are the **unemployment, individual security, housing** and corruption in local administration. There are no differences among these perceptions at the level of the geographical areas or the social status. Therefore, the basic needs, poorly managed at local and central level, become the main factors of leaving abroad.

2. **The migration experiences of acquaintances and friends are perceived as personal success stories** which become pushing factors to an unknown land. Even the quality of inter-personal relationships is perceived as better abroad, which reveals a possible degradation of trust in the people and institutions of the community of origin.

3. **The availability of young women (which prefer to work abroad) to look for a job abroad through various companies is very high.** One of the factors is the poor perception of the Office for Labor Force Migration and of the Romanian job market, which enhances the risk of emigration. The association of all the mediating agencies under a single control authority would probably minimize this risk.

4. **Maximum vulnerability** (defined in the research as the intersection between the risk perception and the favorable attitude towards breaking the laws) apparently reaches **5% of Romanian population, and 3% of women between 15 and 24 years old.** Although these numbers are small the level they represent is not low, especially if we associate to them the medium vulnerability (defined as non-perception of risks or the availability to break the laws of migration). Due to the presence of a high number of these groups among the population, the awareness campaigns have a very important role.

5. 83% (five sixth) of the Romanian population knows about human trafficking **which proves that the campaigns projects reached the audience. The main communication channel for this social phenomenon is the TV which means that the communication was restricted for the remote areas, where truly vulnerable groups live.**

6. One third of the population associates the human trafficking with human selling and a similar part indicates that prostitution is part of the phenomenon. One third of the population (those with a higher educational or social level) associates women practicing prostitution with their potential exploitation by traffickers groups. So, in order to make more visible the trafficking phenomenon and in order to break the prejudices related with victims, it is necessary to intensify the information campaigns particular presenting study cases. The qualitative research revealed that many experts in combating human trafficking consider the presentation of study cases as the only technique that can change the perception and social mentalities inherited from times when human trafficking did not exist.

Chapter IX Conclusions of the research

Conclusions regarding the legislative framework

The special Law 678-2001 has a few weaknesses. The more frequently mentioned by the persons who were interviewed are the following:

1. The definition of the offense of trafficking of human beings is viewed even by magistrates as being slightly in contradiction/inconsistent, regarding the meaning of the terms, with article 329 of the Criminal Code. At the same time, in order to avoid any potential confusion, some magistrates have proposed the abrogation of all the provisions referring to trafficking and exploitation included in the Criminal Code.
2. Some magistrates and police officers, as well as NGO managers, are of the opinion that the provision under article 32 (setting up shelters) should not be bound by the strict indication of the counties by law.
3. Articles 43.-44. appear not to be clearly enough formulated, so that even prosecutors demand a clarification of the concrete contents of free legal aid to which the victims are entitled.
4. Following the amendment, in the current year, of the special law, the victims of trafficking who are not Romanian nationals are entitled to a period of reflection and recovery – provided by the state system of assistance – of 90 days, while the victims who are Romanian citizens are entitled to 10 days only.

Actually, the special law does not operate, in the view of the authorities, civil society and workers in the field (psychologists, social workers, police officers or magistrates), at expected parameters in any domain.

- With regard to the assistance provided to victims, the infrastructure is in place, but remains unused, since the victim does not realize the importance of this type of support or does not trust it.
- With regard to prevention, only the information-awareness component had a visible effect. The reduction of vulnerability to being trafficked was tackled, in conformity with article 6 of the special law, by adopting Law 116/2003, but its effects, especially on the population vulnerable to being trafficked or on rehabilitated victims, is almost undetectable¹.
- The statistic evaluation of the visible phenomenon, the periodic analyses are dependent on the quality of data entry, on the unified standpoints on the notion of victim, and on the existence of an adequate infrastructure for the complete collection of data. The existing databases, for the moment, at the Resource Center, at NOPT, and at NAPRC follow different entry categories, but, to produce some analyses on the manner in which the institutional sphere of assistance operates, it would be of interest to be able to determine their intersection. For this purpose, the above mentioned institutions should agree on some additional categories of entry.

¹ For instance, MLSSF reports that only 4 (four) victims have been reintegrated into employment in the first semester of the current year. Their number may very well be much higher, but the victims have not identified themselves as such.

Conclusions and recommendations regarding the functional value of the institutional framework

- ❑ The legislation lays down the competencies incumbent upon local authorities, but does not set up a support and supervision mechanism to be operated through central authorities. **The communication channels should be more clearly formalized especially at the level of the authorities which provide assistance and at the level of the system of victim identification and referral.**
- ❑ In addition, there are some underlying **persistent prejudices** concerning the social status of victims. That is why we consider it appropriate to organize **training courses** for physicians, teachers, and local authority workers and specialists. It appears that police officers specialized in combating this crime have the least deformed perception. **However, the importance of the matter must be understood by all the social actors involved.**
- ❑ In order to eliminate losses in the transfer of expertise from the private to the public sector, it is essential to **counteract personnel turnover** by coherent policies of financial support to GDSACP (more motivating salaries for the personnel providing assistance, increased funds for monitoring cases at risk and conducting social inquiries). Since the transfer of expertise has been also affected to other state structures – Police, County School Inspectorates, and Departments of Public Health – it would be desirable that the personnel of these institutions too had more stability in the staff organization chart.
- ❑ From the point of view of NGO representatives, it would be desirable to have a more careful coordination of the efforts to finance the system, i.e. **the funds to be directed by joint decisions of all the organizations which finance assistance or preventive projects.**
- ❑ There is the opinion, originating also from the area of private assistance, that **the replication at county level of the composition of the Interministerial Group** would facilitate the crystallization of interinstitutional relations into a well formalized structure, provided, naturally, that it is made *mandatory for each authority to designate its representative*.
- ❑ The General Departments of Social Assistance and Child Protection are the link the least connected to the system, although the operation of shelters for victims of trafficking of human beings is under their management. Local authorities with expertise in the management of public social assistance express the opinion that the major legislative deficiency is at the level of the methodology of inter-county reimbursement of expenses for victim maintenance in a shelter which is not located in the victim's county of origin. Only in the case of child victims the system is better formalized, in that NAPRC can dispose that financial flows are freed for this purpose.
- ❑ The replication of the Interministerial Group composition at Local Council level may play a part in moderating some GDSACPs' tendency to intervene in the staff organization charts of shelters or in the professional practices and tools applied.

Conclusions regarding the assistance provided to victims of trafficking of human beings

1. The victim identification and referral system, which is going to be standardized shortly, implies covering several stages:

- Identification of the potential victim by representatives of a public authority or of a professional group and initial referral of the victim to (public) social assistance services and to health care services;
- Inquiry into the victim's circumstances by the social worker;
- Submission of the file to the public prosecutor's office, where the decision is made whether to open an investigation and, consequently, refer the victim to the service for victim protection and social reintegration of offenders operating under tribunals (SVPSRO);
- The counselors of these services SVPSRO advise the victim of his/her rights and of the services available to them, and then contact the specialized state institutions with a view to refer them to the various types of assistance that the victim requires: psychological counseling, legal assistance, employment mediation, completion of education, etc., thus ensuring the application of the provisions of Law 211/2004.

It can be noticed that the mechanism described above assigns **key-roles to specialized DIOCT prosecutors and SVPSRO counselors**. Under these circumstances, their continuous professional training becomes one of the most pressing requirements of the institutional structure which is designed to combat trafficking. A prosecutor or a counselor who interpret legal provisions incorrectly may deprive the victim of the realization of his/her rights. ***At the same time, it is important to insert the capacity to identify a victim of trafficking also in the corpus of professional knowledge of other categories of workers who may come into contact with the victim: physicians, teachers, police officers and social workers.*** If, as far as police officers and social workers are concerned, the issue is to some extent part of their professional training and skills, if, for physicians, the Ministry of Health will organize training courses in the future, in the case of the teaching staff and school workers the identification of a victim of trafficking of human beings remains for the time being an open issue, due in particular to the preconceived ideas existing in the educational system.

The identification and initial referral may be made by private persons too, without institutional representation. As in the case of physicians or teachers, it implies ***full awareness of the range of issues of trafficking and liberating the victim from the negative stereotype in which she has been cast by the social perception of trafficking***, albeit not explicitly.

More precisely, the referral system will not be able to work at expected parameters if the social perception of the culpability of the offense is transferred to the victim too.

Not lastly, it is worth mentioning that for this system to work it presupposes a certain degree of cooperation of the victim with the justice system, starting as early as the social worker submits the social inquiry report to the public prosecutor's office. The victims who, at least for the time being, do not wish to appear before the representatives of the public prosecutor's office to file a statement or to give evidence, could be referred first to services for free psychological counseling and for mediation of employment directly by the social worker.

2. In case the victim does not receive assistance from an NGO, nor is she living in a GDSACP shelter, it is very seldom that **protection** is provided against recruiters/traffickers and their families. Exposure to traffickers' proximity, threats uttered by traffickers even during court hearings, traffickers' attempts to bribe them (possibly even inside tribunals), all of these apparently do not contribute to the victim's behavioral stability. All the interviewed social workers, all the psychologists who have talked to the victims about their feeling of insecurity when confronted with the traffickers, all the judges who have watched them during trials, and the police officers who have escorted them to court rooms indicate the fact that the feeling of fear rarely leaves the victims, and changing their statement in court is not surprising any more.

In view of improving this situation, the workers in the field propose the **recording of victims' statements under a changed identity** (in a similar manner as described in the law on witness protection). Quite a few times, another proposal was advanced – to remove the victim from the court room, whenever possible. The possibility of **a live hearing via video-audio communication channels** has been suggested.

Because of their feeling of insecurity, victims either do not make claims for financial compensations at all, or, if they finally decide to claim damages, the demand almost never amounts to the sum they are entitled to – the sum they have been deprived of by exploitation.

3. Health care is free by law. But, actually, there is no practical solution to the situation where the victim does no longer have insurance with the National Social Health Insurance Fund-CNASS. In this field, we may say that this is another legislative weakness. It could be remedied only by **enabling any system of assistance, protection (be it private or public) or even of combating, to refer the victim, as early as the identification stage, to health care services**, just as the referral mechanism described above is planned to work. **The obligations of health professionals and of CNASS will have to be clearly stipulated by law.**

4. Psychological counseling is a service to be provided, in conformity with Law 211, upon request only.

Even if any victim of trafficking of human beings is in real need of psychological counseling, victims are seldom aware of this need. **In the opinion of some psychologists, victims show more interest for participating in the activities of group counseling, and not in individual counseling.** At an initial stage, they are more easily persuaded to participate in “social skills enhancement” groups, and **they discover the usefulness of individual psychological counseling as a consequence of group activities.**

Taking into account these observations made by experienced professionals in the field, it would probably be more effective to have a partnership between state institutions and the NGO, where the institutions refer the case while the NGO provides group activities around issues of interest for the victims. Over time, state authorities could develop similar services.

5. Integration or reintegration of the victim into the labor market is provided, for the time being, mostly to those who receive assistance from a non-governmental organization.

Since having employment – somewhat adequate to the victim's needs – reduces the risk of re-trafficking, it would be better for the victim to be referred to CEA as soon as possible, anyway immediately after he/she has given his/her consent. The same experience of social workers and psychologists who work with victims of trafficking emphasize the fact that the mediation to obtain employment for a victim takes 2-3 attempts before he/she succeeds to become integrated normally into the labor market. The victim's referral to CEA does not appear to be well formalized yet, nor is there any stipulation of the agency's obligation to make repeated attempts at mediation, in case the first placement on the labor market is not viable.

6. Completing their education is, again under the law, essential in obtaining the vocational qualification of the victims' choice. (There are trades where CEA cannot enroll a trainee and cannot mediate employment unless a certificate of completion of the mandatory 8 years of school is produced.)

The persons who dropped out of school and wish to resume classes in the same grade they left off, but are 2 years older than the legal age of the students in that grade have to resort to other forms of schooling, where the methodological standards of operation may raise new obstacles in their way. For instance, the difficulty in the implementation of “A Second Chance” consists in the restriction, under legal provisions, relating to the minimum number of persons required to complement a grade.

Regarding child victims eligible to re-enroll in mainstream schools, even authoritative voices in the field agree that the teaching staff should be informed of their circumstances, but that the staff should sign a confidentiality contract and that breach of this contract should be sanctioned.

7. Legal assistance for trafficked persons is provided upon request. A public defender will ensure representation at trial, if the victim is not able to retain a paid lawyer. The quality of this assistance appears to be impaired by the large number of cases assigned to a public defender. As this is a problem in the justice system, **it appears that effective solutions in supplying legal aid come from the area of civil society again.** NGOs, by the agency of specialized staff, legal experts or attorneys, try to solve also the victims' personal legal problems, not only representation in court. We point out that many cases of trafficking are heard in public sessions because the victims do not know the fact that they may demand a closed session. Sometimes even judges forget about this legal provision, not only those who provide legal assistance.

Conclusions drawn from the survey of attitudes towards migration corroborated with the case studies

The push-factors in migration and, implicitly, in exposure to risk are frequently the following:

- ❖ the family and communication between its members;
- ❖ problems of the local community, in particular the problem of employment opportunities for youth, but also the general problem of unemployment;
- ❖ reduced social capital, reduced confidence in state institutions, as a consequence of deficient education;
- ❖ propensity to break certain laws in the event of emigration or non-perception of the risks of emigration.

We notice that every one of these factors are related either to social institutions (the family), or to institutions by right (educational institutions, of mediation to find employment, etc.) whose social actions were detailed by the qualitative survey.

❖ General conclusions

The qualitative survey conducted by state institutions and civil society organizations identified the problems from the standpoint of those who are in charge with drafting, implementation or financing of policies on combating and prevention. The most frequently mentioned related to:

- ❑ **ambiguity of terminology** (especially the legal meaning of the term “victim”);
- ❑ **intersectoral cooperation** at all levels;
- ❑ **mechanism of victims’ referral** to the system which provides assistance;
- ❑ **formalization of the cooperation framework** for the authorities and civil society;
- ❑ **system’s capacity to produce statistics**;
- ❑ **change of mentalities and social perceptions.**

The ambiguity of the terminology and the absence of a legal stipulation regarding the moment when a trafficked person is entitled to the application of assistance measures and to compensations may result in distorted applications of the law.

Intersectoral cooperation initiated by civil society has proved to be a success from the point of view of building communication channels between institutions. To allocate budgets to the efforts demanded by joint activities would be the next mandatory step to be taken by the authorities.

Not lastly, we should point out intrainstitutional regulations which hinder the development of cooperation. Concretely, many respondents reported that the cooperation between GDOCCDE and GIBP regarding the referral and processing of trafficking cases could be improved if the officers of the two structures combating organized crime would not have to enter on record, as performance indicators, the files referred to the Public Prosecutor’s Office.

The mechanism of victim identification and referral to the system which provides assistance is working to some extent, based on bilateral agreements, in the case of minors trafficked abroad and victims voluntarily repatriated by the agency of IOM representations. Adult and child victims of internal trafficking are, for the time being, less visible for the assistance system, even for the private one, not only the public system. Almost all the assistance structures wait for the victim “to come and solicit” and do not turn their attention to the vulnerable environment to identify cases. This type of work is carried out by police officers in the investigation of some files.

The same police officers, together with prosecutors, are currently working on improving this mechanism. However, the representatives of other institutions should join into the effort: social assistance, the health care network, the school. Actually, the Ministry of Health has plans to contribute by informing physicians of the increased absorption capacity of the referral mechanism.

All the actors in the institutional sphere designed to combat trafficking of human beings emphasized **the need to formalize coherently** the entire frame of action, with a view to facilitating intersectoral cooperation.

Therefore, it is to be expected that every central and local authority playing a role in the field should designate a department or a position including the issue of trafficking in the organization chart or, respectively, in the job description. In this way, they would avoid the waste of resources experienced by the Interministerial Group to date.

The ambiguous terms and the lack of cooperation in a well defined setting result not only in jamming the referral mechanism, but also in chaos with respect to the collection of statistic data on the phenomenon. **The system’s capacity to produce statistics** – and, consequently, causal analyses – depends exclusively on the *understanding of the phenomenon* by the representatives of institutions that have control over the identification of the victims.

It is based on these analyses that the guidelines for prevention and assistance policies should be set forth. So far, the large number of victims reported to the Resource Center in the first 5 months of 2005, and, by comparison, the small number of victims who received assistance makes difficult the

option to give priority to budgeting for preventive activities. In principle, all the victims who have not been in assistance programs, at least for a medium term, are vulnerable to being re-trafficked.

There is still work to do in relation to the issue of **perceptions and mentalities regarding trafficking** and the victims of this offense. According also to the findings of the quantitative survey, persons of high social status hold the most conservative views. If, for lack of understanding of the phenomenon, and under the pressure of collective prejudice, the victim is taken for a prostitute, the evidence of the trafficking case is lost, and so is the possibility to provide assistance to the victim. There are many cases, processed by prosecutors with indictments on charges under the special law on trafficking, whose legal charges are changed when they get on the docket of the court, where, for lack of information about the phenomenon, they become cases of procurement. In these cases, the victim receives neither assistance nor compensations, although she is a victim. There are similar occurrences at other institutions level.

For a number of provisions of the special law on combating trafficking to become applicable, it is necessary to *complete the legislation in other fields such as social health insurance and education.*

It appears that the visibility of this criminal phenomenon could be enhanced by discontinuing, under explicit legal provisions, the preparation of penal proceedings (in the first phase of the investigations) for connected offenses – illegal border crossing, etc. – committed by the victims of trafficking. Probably the psychologists who help these victims are right: knowing that, in the first phase of the investigation, there is a possibility to be punished, these persons give up pressing charges for the offenses against them.

Last but not least, it is worth mentioning the fact that the introduction of the migrant's card could mean, inter alia, a possibility to eliminate travels abroad on fraudulent employment contracts.

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