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### **• GENERAL CONSIDERATIONS**

#### **A. background**

The European Commission Monitoring Report presented in May 2006, outlines the progress made by our country in the fighting against trafficking in persons, especially in countering trafficking networks and states that “ Romania remains a country of transit and to a lesser extent a country of origin and destination ” for trafficking in persons.

*The US State Department Annual Report on trafficking in persons of June 2006, confirms that Romania significantly “ increased its anti-trafficking law enforcement efforts and took steps to improve government coordination of anti-trafficking efforts by creating the National Agency for the Prevention of Trafficking”. Even though the minimum standards for combating trafficking in persons are not yet fulfilled, the numerous enacted laws for increasing punishments applied to traffickers, strengthened police resources for investigation and prosecution of those involved in human beings trade, or the projects for*

setting up shelters, prove the concern and an active participation of the Romanian Government in fighting this phenomenon.

- **Alignment to the European tendency**

Taking into account the international context of countering trafficking in persons, the European Union has launched a joint anti-trafficking program consisting in different laws, declarations, conventions, and European institutions recommendations. In December, 2005, the *EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings* was published in the Official Journal of the European Union (OJ no C 311 from 9 December 2005 ), the most important communautaire step against trafficking in human beings which has been taken so far.

As a part of the European integration process, Romania has fully adopted the *acquis communautaire* in force on 8 December 2004, according to the negotiation chapter 24 - Justice and Home Affairs, including Schengen *acquis*- in accordance with the provisions of the article 8 of the Protocol on its integration into the framework of the EU *acquis*. There was no transition or derogation period required, since the Ministry of Justice and the Ministry of Administration and Interior were able to implement it totally until the accession to the European Union.

The development of an effective action system against trafficking in persons is one of the implicit conditions that Romania must fulfil through the integration process and as a future member state.

The National Strategy against trafficking in persons 2006-2010 and the National Action Plan 2006-2007 for the implementation of the National Strategy have a special place within the integration context and European affairs, both being essential instruments for the alignment to the European standards.

## **2. Current internal situation**

Through the Order of the Minister of Justice no.1806 of 2 July 2004, whose provisions were supplemented by the Decision of Supreme Council of Magistracy no.269 of 6 July 2005, the Network of Judges specialized in solving trafficking in persons causes was set up; it is made up of 56 judges, one judge from each Court of Appeal and district court. The network has been internationally notified to the European Commission, Eurojust, Council of Europe, United Nations Organization and other international bodies with attributions in this field.

Through the Governmental Decision no. 1584/2005 for setting up, organizing and functioning of the National Agency against Trafficking in Persons, published in the Official Gazette of Romania, Part I, no. 5 from 4 January 2006, amended and supplemented through the Governmental Decision no. 1083/2006, published in the Official Gazette of Romania, Part I, no. 727 from 25 August 2006, the setting up and organization of the National Agency against Trafficking in Persons, further nominated as *the Agency* was approved. Its setting up was required by the extent of trafficking in persons phenomenon, this representing a concerning issue for most of the world states.

## **National legislation on trafficking in persons**

1. Law no. 678/2001 on preventing and combating of trafficking in persons, published in the Official Gazette of Romania, Part I, no. 783 of 11 December 2001, with further amendments and supplements, and the Regulation for applying its provisions, approved by the Government Decision no. 299/2003 .

Through the law on preventing and combating trafficking in persons all forms of trafficking were incriminated, the legal framework was created in order to use modern investigation techniques, necessary for identifying these acts, provisions for the victims, their families and the witnesses' protection and assistance were introduced.

2. Law no. 211/2004 on measures for ensuring the protection of the victims of offences, published in the Official Gazette of Romania, Part I, no. 505 of 4 June 2004 (which entered into force in January 2005).

The law stipulates 4 categories of measures directly targeting the needs of the victims of offences\*:

- informing the victims of offences on their rights;
- psychological counselling;
- free legal assistance;

\*the victims of trafficking in persons can benefit from these measures if they fulfil the conditions stipulated by the law.

## **The main international instruments in the field of trafficking in persons to which Romania is Party:**

1. Romania signed on 14 December 2000 in Palermo, the **United Nations Convention against Transnational Organised Crime** and its two **Protocols** adopted in New York on November 15, 2000; these international instruments were ratified through Law 565/2002 for the ratification of the United Nations Convention against Transnational Organised Crime, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children which supplements the United Nations Convention against Transnational Organised Crime, of the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organised Crime, published in the Official Gazette of Romania, Part I, no. 813 on 8 November 2002;

2. Romania signed the **Council of Europe Convention** on Action against Trafficking in Human Beings, international instrument ratified through Law 300/2006 for the ratification of Council of Europe Convention on Action against Trafficking in Human Beings adopted on May 3, 2005, opened for signing and signed by Romania in Warsaw

on May 16, 2005, published in the Official Gazette of Romania, Part I, no. 622 of 19 July 2006.

The purposes of this **Convention** are:

- a. to prevent and combat trafficking in human beings, while guaranteeing gender equality;
- b. to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
- c. to promote international cooperation on action against trafficking in human beings.

## **B. Vision**

By implementing the strategic objectives, Romania will benefit from a national integrated system of public services to ensure monitoring, evaluation and prevention of trafficking in persons, victim identification, victim protection and social reintegration, while streamlining the activities for the identification and punishment of traffickers.

## **C. purpose**

The purpose of this national Strategy is to decrease the dimensions of trafficking in persons phenomenon and to eliminate the negative effects it has over citizens and society, in general.

## **D. GUIDELINES**

The activities for preventing and combating trafficking in persons and providing assistance to the victims of trafficking, carried out according to the objectives of this national Strategy, come under the following principles, which are essential and have compulsory character:

**1. *Respect for fundamental rights and freedoms of people*** – all the activities carried out by the governmental and non-governmental institutions and other structures of civil society for preventing and combating trafficking in persons and providing the necessary assistance to the victims of trafficking are carried out by observing the provisions of international conventions and treaties to which Romania is party, regarding the fundamental rights and freedoms of people; a special attention will be paid to children protection and assistance, due to the special vulnerability of this category of population.

**2. *Legality*** – the activities performed for accomplishing the strategic objectives are carried out on a legal basis and in accordance with the legal provisions.

**3. Prevention** - the entire activity carried out for accomplishing the strategic objectives must ensure the prevention of trafficking in persons through cooperation between the involved institutions and through a unitary coordination for implementing the Strategy.

**4. Complementarity, transparency and social dialogue** – regards, on one hand, the decision making process and on the other hand, the consultation with the members of civil society during this process. The implementation of the Strategy will be carried out in a transparent manner, with the involvement of civil society along with the governmental institutions, with the view of accomplishing the objectives.

**5. Cooperation** – The institutions involved in preventing and combating trafficking in persons and assistance providing to the victims of trafficking will cooperate, provided their functional identity is preserved in accordance with the legal framework, so that partnership status, well-balanced relations, coherent, integrated conception on the issue and on the designed or implemented measures, adequate coordination of the endeavours and steps undertaken are ensured simultaneously.

**6. Public-private partnership** – involving the civil society in concrete activities for implementing the prevention measures against trafficking in persons and consulting the members of civil society during the decision making process.

**7. Accountability** – the liability of the institutions responsible, as well as the partner institutions, to carry out the necessary activities for accomplishing the strategic objectives, in the best possible manner.

**8. Confidentiality** – the activities will be made public only in conditions stipulated by law, in order not to endanger their course of action and their finality and the rights and freedoms of the involved persons.

## **E. Causes and risk factors of trafficking in persons**

The approach of the trafficking in persons phenomenon starts from a good knowledge of its causes and the factors favouring this phenomenon. The studies on trafficking in persons include an impressive number of cases, from poverty or greediness, to discrimination based on gender, ethnicity, or governmental policies regarding the migration in the origin and/or destination countries.

According to the sociological research performed by IMAS in 2005, with support from UNICEF, the risk factors of trafficking in persons can be divided in macro-social, micro-social and individual factors, which interact in various proportions, depending on the case.

**1. The macro-social factors** – have a high level of generality and refer to:

- The dramatic decrease of the population's well-being and the unemployment or the lack of access to legitimate living conditions for large segments of the population;
- Lack/ insufficiency of relevant educational programs (sexual education, couple therapy etc.), as well as the deficit of educational opportunities for certain segments of the population;
- A socio-cultural environment tolerant to discrimination based on genre or ethnicity, as well as to the domestic violence behaviour type;
- Development of the international migration for labour;
- Low effectiveness/ low involvement of the politic and legal system;
- Natural disasters or catastrophes which cause the sudden poverty of a large number of households, mainly of the people earning their existence in the farming sector.
- Family abandonment.

**2. Micro-social factors** placed at the level of various social groups and households:

- The poverty of the household and the lack of access to jobs, services, and available social assistance programs .
- A low level of education and the lack of a professional training, for both the trafficked persons and the members of their original families. Trafficking in persons is often associated with school abandonment.
- Family instability and/ or adverse relationships between adults and children.
- Deviant behaviours, such as alcoholism, drug abuse, domestic violence and/ or criminal record.

**3. The individual factors** are extremely varied, such as:

- The discrepancy between the expectation/ purposes level and the resources (of the individual and of the household) for achieving them through legitimate means.
- The availability to break some legal norms in order to get a job abroad and the lack of information regarding the associated risks.
- The desire of adventure and/ or pressure from the “company”.

- Failed romances and/ or starting the sexual life in the adolescence, as well as a possible record of sexual aggressions.
- Psychic unstableness, alienation.
- Lack of trust in their own capacities and/ or an inferiority complex.
- Lack of trust in others and in the institutions which might provide assistance and support.

**• ACTION FIELDS AND STRATEGIC OBJECTIVES. ASSESSMENT METHODS FOR THE ACCOMPLISHMENT OF OBJECTIVES**

For a better coherence of the strategy and for its adaptation to the Romanian reality context, a clear difference was made among the action fields and also a defining of the strategic objectives, according to the fields mentioned above. Therefore, for each action field and for each strategic objective, reunited within the current strategy, there are various specific objectives and methods of accomplishment which will be developed in the national action plan for the implementation of the strategy.

**A. National integrated system for monitoring and evaluating the trafficking in persons phenomenon**

Institutional responsibilities regarding the data collection and processing, on trafficking in persons currently belong to:

- *NAATIP* , for all the trafficking in persons fields ;
- *GIRP* (through *GDCOC – DCOC – The Resource Centre* collects data on the victims of trafficking in persons identified by *GIRP* and *GIBP*).

The monitoring is not viable in all areas of action, especially in what regards the assistance provided to the victim. The victims of trafficking in persons are assimilated to the “social cases”, in order to enter social reintegration programs (education, getting a job) or, sometimes, to benefit from medical assistance. In this respect, one cannot determine the number/ the ratio of the victims of trafficking in persons, who benefited from assistance.

Although data collection must be realized by each institution, in order to monitor its own activity, unification from the point of view of the record methodology is mandatory. This methodology should be aligned to the international definitions, in order to allow comparative analyses at the international level. The lack of and identification and referral system for victims and the lack of some clear procedures for the inter-institutional collaboration on the collection, exchange and access to data, considerably diminish the system capacity to produce causal statistics and analyses, to guide the anti-trafficking policies and actions.

**Strategic objective A:** Improving the level of knowledge concerning the dimensions, characteristics and trends of the TIP affecting Romania .

***Specific objectives:***

- *Setting up and developing a national centralized system for keeping the evidence of data regarding the TIP, to include statistical data on both countering and preventing the phenomenon and on the assistance provided to the victims for their social reintegration.*
- *Periodical research and assessment of the characteristics, dimensions and evolution of the TIP phenomenon.*

**B. Inter-institutional coordination**

**Current Institutional Framework**

	<b>RESPONSIBLE INSTITUTIONS</b>
<b>PREVENTION</b>	MAI(NAATIP, GIRP prin ICRP), MPH (APH), MER (CSI, HTS, IDC), MLSSF (GDSACP) ), NAPCR, NAE, NAE0, Non-governmental organizations and international organisations
<b>COUNTERING</b>	MAI (GIRP, GIBP), PM (DIICOT), MJ (National network of judges)
<b>ASSISTANCE</b>	MPH (APH), MER (CSI, HTS), MLSSF (NAPCR, NAE, GDSACP - County/sector councils ) MJ (probation services), MFA, Non-governmental organizations and international organisations
<b>MONITORING THE ASSISTANCE</b>	NAATIP, NAPCR

The strategy aims at making effective the inter-institutional cooperation by strengthening the status of the National Agency against Trafficking in Persons as the national coordinator of the anti-trafficking policies and activities.



**Strategic Objective B:** Streamlining the institutional reaction in the field of combating the TIP

*Specific objectives:*

- Improving the coordination of the national anti-trafficking system;
- Strengthening the role of the National Agency against Trafficking in Persons as the national coordinator of the activities against TIP. ;
- Improving the coordination in the field of trafficking in children;
- Improving the coordination in the field of victim assistance;
- Increasing the institutional capacity ;
- Monitoring and assessing the implementation of the National Strategy and National Action Plan for the implementation of the National Strategy against Trafficking in Persons.

### **C. Prevention of trafficking in persons**

Between 2001 and 2005 trafficking in persons prevention campaigns were carried out by the state institutions in partnership with the civil society organizations, international organizations and mass media.

The awareness campaigns among the population have been effective. The relevant surveys among the population over 18 years old in Romania (according to the 2005 MSI sociological research) indicates that the majority of the population (85%) has heard about the trafficking in persons. Nevertheless, people with a low level of education, those with low income and from the rural environment and small towns, which are exactly the social contexts providing the trafficking risk groups, have a noticeably lower level of awareness of the phenomenon. The most effective communication channels regarding the trafficking in persons are the television and the newspapers.

Despite this high level of awareness of the issue, trafficking in persons is mainly associated to a collective prejudice regarding the victim, often considered to be a prostitute. This frequent prejudice (although not explicitly expressed) among the police officers, prosecutors, judges, teachers or physicians, obstructs the identification of and assistance to the victims of trafficking in persons.

Moreover, the high level of awareness of the trafficking in persons issue is not accompanied by a good knowledge on the risks associated to the international migration and neither by a reduction of the labour migration tendency, based on the idea “it will not happen to me”.

The different actions for preventing trafficking in persons were focused on organizing awareness campaigns among the entire population and seminars. Without a national

coordination, the prevention projects covered unequally the country territory. For instance, the Southern part of the country, which represents the main source of trafficked persons, has lacked the human and financial resources necessary for the prevention activities.

The campaign for preventing trafficking in persons currently needs a change of approach. From the information-awareness among the population, by mass media means, according to this strategy, the attention and financial efforts will be directed towards reducing the trafficking in persons vulnerability of the target-groups and investigating the causes of phenomenon.

**Strategic objective C:** Reducing the dimensions of trafficking in persons by strengthening the self-protection capacity of the citizens and the society as a whole towards the threats posed by this phenomenon.

***Specific objectives:***

- *Informing and raising the awareness among the population with respect to the risks associated to the trafficking in persons and strengthening the self-protection capacity towards the threats posed by this phenomenon*
- *Reducing the vulnerability of the risk groups ( mainly, the unaccompanied or institutionalized children, but also women, Roma citizens, persons with disabilities, elder people, asylum seekers and also persons who received a sort of protection in Romania*
- *Streamlining the activities for preventing trafficking in persons*
- *Reducing the trafficking in persons and exploitation opportunities by improving the administrative control*
- *Drawing up and implementing national standards regarding the programs and the projects for preventing trafficking in persons*
- *Reducing the demand for the sexual exploitation of women*
- *Reducing the demand for the labour exploitation*

## **D. Protection, assistance and social reintegration of the victims**

**The victim ( *the person identified, through formal or informal means, as involved in a process of trafficking in persons* ) has the right to receive assistance services in accordance with the Law no. 678/2001 on preventing and combating trafficking in persons.**

Following the consultation of the experts in combating the trafficking in persons, but also the experts in assisting the victims, it turned out the necessity of two assistance systems :

### **1. Emergency residential services (shelters) to provide:**

- Provisional housing (accommodation and food) for the people referred as victims of trafficking in persons, identified by formal or informal means;
- Psychological interventions in crisis situations;
- Medical examination;
- Physical protection;
- Information regarding the rights of the victim as a witness/ injured party in the judicial process;
- Getting in touch with the family;
- Re-assessment of the shelters that have not provided lodging for two or more victims of trafficking within a 6 month-period ,

**2. Ambulatory services:** When it isn't necessary the admission of the victim of trafficking to a shelter, the assistance services can be provided at her/his home or the victim can go to the organization's headquarters providing these services.

On the one hand, the strategy aims at setting up and implementing a national integrated system for identifying and referring the victims to effective services of assistance, a special attention being paid to the victims, to her/his rights and needs; on the other hand, given the well-known efficiency and quality of the assistance provided by the NGOs, it is intended that their experience be combined with the state institutions infrastructure in order to provide the necessary support to the victims with the view of their social reintegration.

**Strategic objective D.1:** Implementing in 2007 a national integrated system for the identification and referral of the victims to effective assistance services for their social reintegration.

***Objective specific:***

1. *Creating a national integrated system for identification and referral of the victims of trafficking in persons*
2. *Improving the early identification capacity of the trafficking in persons*

**Strategic objective D.2:** *Streamlining the activities for assisting the victims of trafficking in persons*

***Specific objectives:***

1. *Streamlining the activities for assisting and protecting the victims of trafficking in persons*
2. *Establishing and making functional, within the national integrated system, the component for protection of the victims and their referral to the specialized assistance services, inclusive by referring the victims who are not Romanian citizens and who need international protection, to the asylum system.*
3. *Providing protection and assistance to the trafficking in persons victims*
4. *Making operational the free HELP-LINE regarding trafficking in persons at the level of the National Agency against Trafficking in Persons*
5. *Strengthening the cooperation with the Romanian diplomatic missions in the destination countries in order to identify the trafficking in persons victims and to repatriate them in proper conditions*
6. *Countering the tertiary victimization*
7. *Social reintegration and inclusion of the trafficking in persons victims*

## **E. Combating trafficking in persons, investigation and prosecution of the traffickers**

The 2005 U.S. Department of State Report highlights the positive evolution regarding the law enforcement on trafficking in persons, based on the increase of the number of convictions between 2003 and 2004, from 49 to 103 traffickers. According to the 2006 Department of State Report, the number of the convictions for trafficking in persons offences has registered more than a 100 percent increase over the previous year, resulting in 253 convicted traffickers. The national strategy aims, through its objectives, to improve the national mechanism for countering trafficking in persons.

*Strategic objective E.1: Strengthening the institutional mechanism for combating trafficking in persons*

*Specific objective:*

- *Strengthening the institutional mechanism for combating trafficking in persons*

*Strategic objective E.2: Reducing the financing capacity of trafficking in persons related offences*

*Specific objective :*

- *Reducing the financing cases of trafficking in persons related offences*

*Strategic objective E.3: Increasing the level of participation of the victims/ witnesses in the investigation and prosecution of trafficking in persons*

*Specific objective :*

- *Developing the cooperation of the victims/witnesses in the judicial process*

## **F. International cooperation**

The national strategy's objectives regarding the international cooperation aim at the Romania 's active participation in the activities organized by the member states and EU institutions. Also, the strategy aims to intensify the regional and international cooperation in the field of trafficking in persons.

**Strategic objective F:** Strengthening Romania 's status as a reliable partner in the overall effort to decrease the trafficking in persons phenomenon

***Specific objectives:***

1. *Developing the cooperation with the Member States and the specialized structures of the European Union in the field of prevention and combating trafficking in persons and providing the necessary assistance to the victims of trafficking in persons.*
2. *Strengthening the dialogue with non-EU countries and participating in the international and regional activities and fora*

**The methods for achieving and evaluating the strategic objectives** defined in this strategy will be presented in detail in the National Action Plan for implementing the strategy.

In order to fulfill the above mentioned goals, the following is needed:

- a. cooperation between the society and the different institutions at the national, regional and international level, collaboration between the bodies with experience in the field and those possessing the necessary resources for putting into practice the objectives stipulated in the strategy;
- b. contribution of various institutions : ministries, authorities, governmental institutions and international organizations, non-governmental organizations etc;
- c. resources for financing the budget programmes.

Regarding the evaluation of accomplishing such objectives, this could materialize through a concrete analysis after at least 1 year and it must take into account all the aspects of the phenomenon: from the perspective of the legislative context, from the perspective of the civil society and from the perspective of the victims' reintegration. Among the indicators to be used in such analysis there should be mentioned: the evolution of the trafficked persons number in 2006-2007 in comparison with the previous periods, the evolution of the number of traffickers prosecuted and convicted (indicators useful for a quantitative analysis), the level of awareness of the society on the trafficking in persons phenomenon and the reduction of the risk degree through the decrease of the target groups vulnerability (indicators useful for a qualitative analysis).

## **Abbreviation list**

NAEO National Agency for Equal Opportunities between Women and Men

NAATIP National Agency against Trafficking in Persons

NAPCR National Authority for the Protection of the Children's Rights

NAE National Agency for Employment

NAR National Agency for Roma

APH Authorities for Public Health

HTS House of Teaching Staff (Casa Corpului Didactic)

IDC Information and Documentation Centres

SCM Supreme Council of the Magistracy

DCOC Directorate for Countering Organized Crime

GDSACP General Directorate for Social Assistance and Child Protection

GDCOC General Directorate for Countering Organized Crime

DIOCTO Directorate for Investigating the Organized Crime and Terrorism Offences

GD Governmental Decision

ICMPD International Centre for Migration Policy Development

IRPC Institute for Crime Research and Prevention

GIBP General Inspectorate of Border Police

GIRP General Inspectorate of Romanian Police

MSI Marketing and Surveys Institute

CSI County School Inspectorate

MFA Ministry of Foreign Affairs

MAI Ministry of Administration and Interior

MER Ministry of Education and Research

MJ Ministry of Justice

MLSSF Ministry of Labour, Social Solidarity and Family

OG Official Gazette

MP Public Ministry

MPH Ministry of Public Health

IOM International Organization for Migration

NGO Non-governmental organization

EU European Union

UNICEF United Nations Children's Fund

O.G. no. 206 of 31 March 2003

The inter-institutional seminar „Developing and implementing a system for identifying and referring the Romanian and foreign citizens- victims of trafficking, in Romania”, Sibiu, November 2005, funded by IOM, UNICEF, CIDA, US Embassy and the UK Embassy.

International Centre for Migration Policy Development (ICMPD) – Austria : “Best regional practices for the comprehensive development and implementation of the national anti-trafficking reaction”.