**An overview of the conditions and support provisions for Romanian victims of trafficking returning from countries of destination**

Human Trafficking Foundation

Introduction

The Human Trafficking Foundation grew out of the work of the UK All Party Parliamentary Group (APPG) on Human Trafficking whose trustees are parliamentarians or ex-parliamentarians. For nearly a decade Romanian parliamentarians have worked closely with UK parliamentarians and APPG, sharing information and attempting to better tackle this crime together.  As part of this collaboration between Dr Angel Tilvar MP and Anthony Steen, Chair of the Foundation it was agreed that the Foundation would provide an overview of the extent to which victims of trafficking, returning to Romania from destination countries avoid falling into further exploitation.

This paper is not a research piece[[1]](#footnote-1) but a series of suggestions for parliamentarians to consider to better support victims. To carry out this work the Foundation has been assisted by Government and non-Governmental organisations.

The Foundation visited the preventative Nightingales Children’s Project in Cernovoda which is a British charity in a region with very few services for vulnerable children. It runs activities including an afterschool programme for children. These incorporate individual counselling, homework support, and social enterprise opportunities, while there is a football team for vulnerable boys.

The Foundation met with three organisations providing housing, medical/psychological support, legal, employment and other support to mainly adult survivors– Adpare and Usa Dechisa in Bucharest and Micu Bogdan Foundation in Brasov. Adpare and Usa Dechisa support survivors to manage their own apartments and budgets, or are found accommodation options with relatives, sometimes working with the entire family, for up to three years. Both NGOs are also beneficiaries in a Swiss-funded returns programme called *Tandem with NGOs* (TANGO)[[2]](#footnote-2) in conjunction with the IOM, ANITP and People to People Foundation which is the only directly-funded returns project in Romania. Usa Dechisa provide all-inclusive safeguarded assisted residence in a protected shelter and support victims on average for a period of 18 months.

The Foundation’s team also travelled to Reaching Out, an NGO which has two refuges for mainly teenage victims of trafficking, some as young as 13, in Pitesti and Cluj. They are also building a new facility for those who are severely psychologically traumatized, and are creating a lavender farm to provide future jobs for those in their care.

The Foundation also spoke in person with the IOM, Professor Tabusca, a research expert on human trafficking from the European Center for Legal Education and Research and American Romanian University, Professor Nicolai Radu, an authority in organised crime and corruption, Mihai Cazacu – an former police officer who specialised in human trafficking and who had previously been seconded to the Metropolitan’s Police’s Human Trafficking Unit in London; Leo Kenny who has experience of working across the globe for the UN as well as the IOM . We communicated also with Asociatia Pro Refgiu, Cross Sector Solutions in Western Romania, the Associazione Donne Romenein in Italy, the US-based UNIFERO, and the Societatea de Educație Contraceptivă și Sexuală (SECS).

The Foundation would also like to give a special thanks to the Romanian Embassy and Consulate in London[[3]](#footnote-3) and the British Ambassador in Bucharest. The Foundation was greatly assisted by Dr Tilvar’s office in arranging meetings with the Trafficking Agency (ANITP), the Department for Countering Trafficking in Persons within the Police (DCCO), the Directorate for Investigating Organised Crime and Terrorism within the Prosecutor's Office (DIICOT) and the National Authority for the Protection of Child's Rights and Adoption. We would also like to make special mention of Alexandra Stroica from the European Center for Legal Education and Research who accompanied the Foundation’s team in Romania providing translation, advice and general assistance.

Human Trafficking in Romania

**Human Trafficking profile and data**

The high level of trafficking in human beings (THB) in Romania is the result of a complex mixture of social, economic and criminal factors. While Romania is known as a country of origin for THB, internal trafficking is a growing phenomenon with over a third of identified victims*,* ***and 78% of all cases involving minors, being trafficked internally in 2011-2014.***[[4]](#footnote-4) The Foundation was told that non-Romanian people are also trafficked to Romania from countries such as Moldova, Armenia and Bangladesh, but that migrant THB is perhaps underreported according to GRETA.

Traffickers target vulnerable people – children, victims of child abuse, those without parents living in orphanages, people in abject poverty or with mental health issues. While the trafficking of women for sexual exploitation is the chief form of recognised, ***NGOs said they were seeing an increasing rate of female and male teenage trafficking for sexual exploitation and pornography, as well as an increase in the labour trafficking of men***(34%)[[5]](#footnote-5). Other common forms of human trafficking include those forced to beg, as well as trafficking for organs, the extent of which is unconfirmed.

The total number of identified victims of human trafficking in Romania  for the period 2011-2015 was 4622, with the majority female (66%).[[6]](#footnote-6) In 2016, 757 victims were identified - 47% children, 78% female[[7]](#footnote-7)  The view from NGOS was this was a significant underestimate .

According to Government data, the number of Romanian victims of trafficking repatriated from other countries to Romania was 61 in 2011, 110 in 2012, 121 in 2013, and 42 in 2014. Between 2010-14*, the number of recorded victims of trafficking repatriated back to Romania from the UK was only 35 over a four year period.[[8]](#footnote-8)* ***In 2017, 51 were repatriated, with 20 from the UK,  yet in in the UK, 259 Romanian were identified***.[[9]](#footnote-9)

**Romania’s Human Trafficking Response**

Romania approach was developed after 2001, following the signing of the Palermo Protocol, when its first steps were taken to establish a legal and institutional framework to tackle this problem and was one of the first to sign the EU Directive on Human Trafficking. In 2017 the U.S. State Department's Trafficking (TIP) report noted that while “Romania does not fully meet the minimum standards for the elimination of trafficking however, it is making significant efforts to do so” and placed the country in "Tier 2" in 2017.

They have 200 police specialised in organised crime around human trafficking and 864 new trafficking cases were initiated in 2016, and prosecutors indicted 358 suspected traffickers in 2016. **Romania is the most active source country involved in Joint Investigation Teams (JITS) to tackle traffickin**g, having participated in 30 JITs – 17 with the UK, 3 with Spain, and in one with the Czech Republic.[[10]](#footnote-10) The conviction rate is impressively high compared to most EU countries, with their courts convicting 472 traffickers in 2016 with 78% of convicted traffickers given custodial sentences. The courts levied approximately 200,000 lei against traffickers in 2016, compared with none in 2015.[[11]](#footnote-11)

However both the TIP and GRETA reports highlight broader concerns around assistance to victims – the focus for this paper. The TIP report 2017 notes that, “The government’s victim assistance remained limited, leaving most victims unprotected … and vulnerable to re-trafficking.”

 Drivers behind Human Trafficking

**The economy and poverty**

One of the chief drivers of trafficking and re-trafficking is the state of Romania’s economy and poverty. Romania is a fast developing economy[[12]](#footnote-12) and recently overtook Greece’s GDP to become the largest economy in the Balkans. However Romania is still the second-poorest EU country and over a third of Romania’s population (37.4 %) is affected by poverty or social exclusion.[[13]](#footnote-13)

 While Romania has one of the lowest proportions of households in the EU with very low work intensity (7.9 %)[[14]](#footnote-14) it also has one of the highest poverty rates in rural areas compared with urban areas – both of which are factors in relation to the unusually high rate of human trafficking of Romanians. This poverty in rural areas alongside a higher than average motivation to work perhaps explains why the average annual growth rate of Romania’s diaspora is one of the fastest in the world, [[15]](#footnote-15) with over 3.4 million Romanians living or working abroad - the second highest increase of a diaspora between 2000 – 2015 after Syria.[[16]](#footnote-16)

The Protection of Children’s Rights and Adoption (ANPDCA) agency revealed that over 18,000 Romanian children had both parents working abroad in 2017 with almost 100,000 children with at least one parent abroad.[[17]](#footnote-17) ***The absence of one or both parents in some cases presents a clear risk factor for child trafficking.***

The Foundation was told that while some parts of Romania have a wealth of opportunity and support options, elsewhere these could be limited and were often centred around the town centres. The Foundation was informed of rural areas where 70% of the population had left and just the elderly remained because there were so few opportunities. One NGO described one girl who was trafficked who lived with 5 siblings and an uncle in abject poverty in a one room structure without kitchen or bathroom facilities and commented that “***If they have an offer to travel abroad for more money – you are almost an idiot not to [take it].”*** However they then explained that these children and young people underestimate the level of abuse, exploitation, violence and rape they will then experience and the difficulties to escape once they have taken this step. However they said no matter how much awareness-raising took place amongst those from destitute backgrounds, “***No girl ever believes it will happen to her.”***

One NGO noted that there was a lack of a clear economic strategy – they felt that there was a lack of assessment of what employment opportunities needed to be created via education and apprenticeships. They illustrated this with an example where a bakery apprenticeship had been created in their town, and it was inundated with a huge number of applications because these opportunities were rare.

While Romania’s economy rises but contains challenges, it is worth noting that the EU is funding Romania, through 9 national programmes, to tackle poverty by providing 31 billion Euros.[[18]](#footnote-18) This is a fund that could indirectly, or indeed directly, affect the outcome of those who are potential victims of trafficking or are at risk of being re-trafficked.

Some NGOs have created in-house options for employment for survivors and potential victims but in one case the business model was destroyed by money laundering. The NGO had set up a double glazing firm for male survivors to work in, but were undercut by unrealistically cheaper rival firms, known to be used by criminals for money laundering. These challenges make it very demanding for any entrepreneurs to continue, trafficked or otherwise. Money laundering should be tackled in small rural areas where it can easily be overlooked.

**Education**

One NGO told us the key to tackling human trafficking was to change the education system. One study found42%[[19]](#footnote-19) of young Romanians aged 15 are functionally illiterate, and that Romania has a school dropout rate of 19%. ***One stakeholder working with teenage victims said most of the girls they support can’t read or write and remarked, “How can we even begin to consider ‘training options’ for these children?!”***

Options to improve the education of those at risk of human trafficking need to be examined but one stakeholder felt that one set curriculum for everyone explained the high dropout rate. They believed that those with learning difficulties, behavioural problems, mental health issues, or impaired hearing should each be offered specialised curriculums to encourage them to stay engaged.

**Child sexual abuse**

Several worrying new trends were relayed to the Foundation, including a view that there had been an increase in the sexual exploitation of children. It was also noted by some NGOs supporting survivors, that they had often been first exploited as a minor for sexual exploitation in Romania and then when they turned 18 they were taken to be trafficked abroad. The other concern raised by an NGO who had worked in the sector for a significant period, was that ***they had seen a decrease in the number of survivors of human trafficking they were able to ‘rescue,’ with many returning to exploitation.***

One of the reasons they felt that victims were more likely to be re-trafficked is because they felt that the cohort of ***survivors they supported increasingly had signs of having been sexually abused as young children***. As a result, they were highly traumatised, had a damaged idea of their options and interpreted any limited attention as love. One stakeholder told us she supported a beautiful young teenage who had been trafficked by a ‘lover boy’ who had tricked her into exploitation. When she met the she told us: *‘I* *was horrified by how grotesque the girl’s ‘lover boy’ looked and said to girl – “You are so pretty. How could you run away with this man? I wouldn’t touch him if you paid me!”’*

Whether these issues relate to the increase in parents working abroad, alongside the increasing isolation amongst the rural poor is unclear. However there is a concern that sexual abuse goes largely undiscovered and that law enforcement and legislation itself is not fully effective at tackling the problem.[[20]](#footnote-20) For example, in 2016, European human rights judges found that Romanian law and practice failed to provide children with effective protection against rape and sexual abuse.[[21]](#footnote-21)

**Discrimination**

A repeated concern was that female victims of trafficking were far more likely to be re-trafficked than male victims of trafficking. Interestingly, the reverse is seen as the case in the UK. Stakeholders noted that this was partly due to discrimination and the lack of job opportunities, with one stakeholder saying “***All work is given to men not women – there are very few job opportunities for women I work with*.”** This was further exacerbated by the stigma attached to being a victim of sex trafficking.

Although the Romanian law recognizes gender equality, ‘the tradition still places the woman on a lower position than the man.[[22]](#footnote-22)’ Women are less likely to find employment, are more likely to be in low paid jobs, and are paid less. [[23]](#footnote-23) Indeed the World Economic Forum’s figures on gender equality placed Romania last in the European Union and 72nd worldwide.[[24]](#footnote-24) Significant discrimination also exists for the Roma population in the labour market and, alongside other complex factors, contributes to their struggles to access decent employment.[[25]](#footnote-25) It is unlikely to be a coincidence that both groups are therefore significantly more vulnerable to human trafficking and then re-trafficking than the general population in Romania.

**Corruption and lack of trust in statutory systems**

***Some stakeholders working in the sector had significant distrust of statutory services or even other NGO services,*** which resulted in a lack of joined-up multiagency working and limited cooperation in some cases, to the possible detriment of the victim. A lack of transparency in the way statutory organisations worked, particularly in terms of ANITP referring victims to NGOs, and in the way they collaborated with some NGOs over others, was one concern cited to the Foundation.

Certain procedures had also been undermined. For example, we were told, in once case witness protection police were found to have been requesting funds from witnesses to guarantee protection. Alternatively laws themselves were undermined. For example, ***prostitution is illegal but a loophole means services can still be advertised online and moreover there are massage parlours with sexual services and on-street prostitution that are very visible*** to the public.

A number of stakeholders had individual cases where police or prosecutors had been bribed by traffickers. Examples ranged from personal experiences where they had directly been offered bribes by officials to drop the case, to interviews with those involved i.e. One stakeholder had interviewed traffickers and said, “One [trafficker] told me that he had two police – he paid them 200 Euros a month for a massage parlour – which they then split with the prosecutor.”

A fear amongst survivors that some of those in statutory services or in power were involved in the criminality itself has also been exacerbated by high profile cases where politicians[[26]](#footnote-26) and officials[[27]](#footnote-27) have been involved, as well as by high profile trafficking cases that appear to have failed to bring about justice. For example, the Tandarei case (where the EU funded a joint investigation with the UK on the trafficking of Roma children for forced begging) where the trial is still pending many years on and those arrested have had to be released.

It is not easy to tackle these problems but there are steps that have been taken by various countries which could be replicated in Romania. For example ensuring an independent organisation investigates any wrongdoing in an agency rather than, for example, allowing a police force to investigate itself.

Re-Trafficking Rates in Romania

**Data**

The Foundation wanted to know the rate of re-trafficking amongst survivors of human trafficking returned to Romania from abroad. However it became evident that there was a lack of comprehensive data available, either from the NGOs who supported victims of trafficking or from the Trafficking Agency ANITP.

This absence of data was in spite of the Foundation being told that all cases were followed up for at least six months by NGOs after they provided support, as well as by child social services. ANITP had limited data on this. They also explained that their re-trafficking information was not reliable because they only mark a case as a re-trafficking case when the trafficker is a new exploiter.

The Foundation also heard an array of different re-trafficking rates – with one NGO stating they had almost no cases of re-trafficking to other NGOs admitting that the re-trafficking rate, for female clients at least, was 70%. ***A number of stakeholders told the Foundation that it was normal for victims of trafficking to be re-trafficked often multiple, “perhaps five,” times.***

**Causal factors**

This was due to a range of challenges including the drivers earlier cited. Stigmatisation was also mentioned – particularly if a woman returned to her village, the trafficker or friends of the trafficker was likely to spread rumours to everyone that she was a prostitute, with many failing to comprehend the difference between voluntary sex work and trafficking for sexual exploitation.

Less sympathetically victims who returned to being trafficked were described to us as ‘their own worst enemy’. More compassionate explanations for re-trafficking included trauma, including Stockholm Syndrome – with victims not recognising themselves as such because the abuse had become so normalised, or having a damaged perception of themselves often due to long-term experiences of being told they were worth nothing.

**Regional disparities**

Other conditions for re-trafficking were if the victim returned to a rural area where they had no access to services, statutory or otherwise. The fact that the arbitrary geographic placement of victims played a huge role in the likelihood of re-trafficking was a concern. Stakeholders said that most victims, if they were willing to return to Romania, did so predominantly to see their families. Hence many were returning precisely to these rural areas with limited access to support and also to the same location where there trafficker had originally targeted them.

An NGO also told us that they “have tried to work with these families but it is very difficult. In one case there were three victims of sex trafficking. We tried to work with their family. The mother was dead, the father was an alcoholic. There were 7 to 8 children all living in a one-room house. We tried to support them and pay their bills and debts. But in the end after a year of different kinds of support we couldn’t change anything….We don’t know what happened to the girls.”

Some stakeholders were concerned that victims were choosing to return to their families only because the options available, in terms of NGO support, was not being clearly communicated. For example there was concern that secure refuges were being conveyed as prison-like orphanages. rather than a home with a family-like environment. Another stakeholder felt that some officials wanted survivors to return to their family because it was cost-effective as they were less likely to access statutory services. Another concern was that survivors were not always informed of all their rights around what statutory services and support they had access to. A clear form, not just with their rights, but also with all available options of NGOs, and linking survivors up with these NGOs for further questions before any decision is made, should be offered to all returning victims.

The re-trafficking of children was also raised. We heard of one case, admittedly several years ago, where two boys trafficked to the UK were returned to the parents who had trafficked them. However the National Authority for the Protection of Children’s Rights and Adoption said they never return children to parents if they are at risk of re-trafficking and another NGO said they always carry out a risk assessment before any placement and if the parents or partner is a risk they will find a grandparent of other close relative or friend in a different region to house them.

***The experience of a survivor returning to Romania appeared to be ad hoc and reliant on which geographical region they went to or which NGO or official they came into contact with***. Clearly a risk assessment should be done in all cases and this general process may need to be more carefully regulated and monitored.

The Role of Countries of Destination – United Kingdom

Statutory and non-statutory services in Romania described their experience of working with countries of destination when victims were returned as difficult. Particular concerns were raised around the UK. Therefore it was decided it would be useful if this paper focused on the UK as an example to consider concerns and recommendations regarding countries of destination more broadly.

One concern was that some statutory and non-statutory organisations in the UK were not using formal avenues to return victims. As a result, even though there is a programme to support returned victims in Romania - the TANGO project with ANITP, the IOM and NGOs - some victims were missing out on this support by being returned via informal avenues, and sometimes not linked to any services at all. The UK needs to raise awareness of the transnational NRM referral process across all agencies

Even more worryingly, one UK stakeholder said victims of trafficking, who were forced into being homeless, were treated as beggars and not being recognised as trafficked at all. However, even when a victim was recognised as a potential victim of trafficking, the Foundation heard that if a survivor wanted to return home to Romania or elsewhere, the ***agencies refused to allow the survivor to go through the UK’s National Referral Mechanism (NRM) or receive the accompanying short-term support, providing housing, clothing and medical and psychological assistance***.

In one case, a UK NGO gave an example of a male victim of trafficking wanted to return and they were told that because he wants to return home, the support service provider “are refusing to support him. They are saying that the NRM is for people who want to remain in the UK and is not a repatriation service.” Another organisation said, “Police asked [us] for support for two Romanian potential victims of trafficking who had experienced labour exploitation. They wanted to make a referral but were advised the men were not eligible as they did not want to stay in the UK. The police had nowhere to house the men while return arrangements were made.”

The UK has a voluntary returns scheme that helps fund victims of trafficking who want to return to their country of origin and provides them with £1000. However the Foundation was told of a ‘***Catch-22’ situation because victims could only access the money and support if they went through the NMR. But if a victim wanted to return they were being barred from entering the NRM!***

The broad concern that the UK sent victims of trafficking back to Romania with no support was raised several times. ***One stakeholder provided an example where one survivor was returned who was 42kg and was in unsuitable clothing for the weather***. Stakeholders said there should a minimum standard of services and support provided to victims before being returned.

There was also a repeated suggestion that there should be a protocol around a minimum standard of what information is shared with services in Romania. One NGO said the NGOs in the UK refuse to share any data, such as the survivor’s medical details, case story and legal history. As a result they often have to carry out the medical tests again as well as ask for the client’s story again, which can re-traumatise the survivor.

Organisations stated that many UK organisations and agencies wanted a survivor to be sent back immediately, and so avoid providing support. However best practice returns require a risk, health and needs assessment and for a plan to be made prior to their return, to ensure the survivor isn't returned to a place where they may be at risk etc. However these checks and arrangements entail approximately four days and so the UK should provide support for victims during this time who want to go back and not just return them immediately. Instead we were told that **sometimes agencies in Romania are informed just “hours before they arrive here.”**

Public Services and Assistance for Adult Victims of Human Trafficking

**Social services and prevention**

Romania has carried out significant prevention programmes, however much of this work appears to be carried out by ANITP and NGOs, not social services and so revolves around awareness-raising rather than focusing on the conditions that created the exploitation. Many victims are targeted or vulnerable due to their circumstances, for example if they had severe learning difficulties or were destitute.

It was noted that if ***social services had been adequately supporting these vulnerable people then they would not have been trafficked in the first place***. Instead we were told there was a lack of specialised services for example for those who are mentally ill, while the amount a person with high needs was given in support we were told was almost impossible to survive on and so these individuals were easy prey for traffickers.

**Public services engagement regarding human trafficking**

Romania has carried out significant legislation to try and ensure victims receive support.[[28]](#footnote-28) However NGOs, who are all self-funded, said they receive limited support from state services due a mixture of lack of specialisation, lack of resource and lack of interest.

The latter point was illustrated by the fact that the Guardian and Thomson Reuters made a short film[[29]](#footnote-29) about a girl in Cernovoda who was trafficked by her lover boy in prostitution. In the clip the underage girl says she went to the police but they refused to help and said she had chosen this way of life. Moreover when she tried to retrieve her child back from the trafficker the police told her the baby must stay with the trafficker because he was an adult and she was minor, ignoring the fact that he was clearly a criminal for having sex with an underage child. An NGO commented that ***this film generated a huge amount of press but there was no response from local services or police and the man has disappeared***.

A repeated concern from NGOs was that they found it difficult to work with the authorities – something that could be remedied in part by more formalised multiagency work. One stakeholder noted social services receive funding to support trafficking victims and vulnerable people but do very little and that this funding would be better spent being outsourced to NGOs. In the UK, the Government pays the NGOs to provide all Government support within the National Referral Mechanism and a similar model could be reflected in Romania.

The Foundation was surprised to hear that due to the lack of services or support in some parts of Romania, one NGO said if a victim they support is moved back to such a region, they provide social services with funding to support them, rather than the other way round.

**Specialisation**

The concern around the lack of specialised support in medical, legal, career or social services was also repeatedly emphasized. As a result the services were too basic, yet overly bureaucratic and lacked sensitivity. For example an NGO cited that public agencies often didn’t understand the need for confidentiality even though there is a huge real stigma attached to being trafficked. As well as this often services didn’t know they had a duty to provide support to survivors and are often quite hostile towards them. NGOs often had to accompany the victims to, for example a hospital, because the services are unware they have a duty to provide support in statutory legislation.

Even when assistance was provided they felt there was no victim-focused approach. We were told, “They are rigid and don’t care if it actually suits the case.” For example an NGO said the law doesn’t say how much psychological support a survivor should have, just that they should receive psychological support, so a public psychologist tends lack the motivation and resources to carry this work out. Instead they just provide a survivor, often with severe trauma, with only one session and seem indifferent about their outcomes.

***One stakeholder surmised their experience as follows, “We spend our time fighting officials not traffickers.”***

**Health**

Stakeholders said the lack of formal relations with statutory services was an issue – something that could be remedied by creating local or even national formalised work protocols. As a result NGOs relied on building informal relationships with clinics to provide health assistance to victims. The Foundation was informed that health was only free for children and those who attend university, not for trafficked people or other vulnerable adults. The reliance on health insurance was a particular problem for those who had been trafficked since their work conditions meant they had no health insurance to pay for services.

NGOs said it was incredibly difficult if the survivor had high mental health needs (10%) such as schizophrenia or drug addiction issues, (3%)[[30]](#footnote-30) often forced upon them by the trafficker as a method of control). Although they felt social services should manage these cases instead the NGO would have to pay in the insurance to get them assessed to be demonstrated as requiring statutory support.

**Government Shelters**

The Romanian Government planned to create a Government refuge in every country and has set up eleven shelters for victim of human trafficking since 2004. However, according to the report “Analysis of support services for victims of human trafficking” 5 shelters are not functioning, closed due largely to lack of funding and suitable staff.[[31]](#footnote-31)

GRETA noted that “Ensuring the financing of the shelters is one of the most pressing challenges and in this regard the legislation remains unclear. The Anti-Trafficking Law provides that counties may establish assistance centres, but contains no provisions for situations in which such centres are not established, are closed, or their use is altered. The shelters continue to be short of qualified staff, such as social workers and specialised professionals.”[[32]](#footnote-32)

Public Services and Assistance for Child Victims of Human Trafficking

**Re-trafficking risks**

The Romanian government has made huge strides in child protection and the National Authority for Child Protection and Adoption (ANPDCA) explained that they put the child’s best interest at the heart of their work and that General Department of Social Assistance and Child Protection DGASPC is responsible for monitoring the situation of repatriated children for at least six months after they return. However, it is worth noting GRETA cite a report by the NGO Terre des Hommes that suggests ,“the DGASPC is not in a position to implement specific protection measures and child victims are returned to their parents, even if the latter were involved in the trafficking, which exposes them to the risk of re-trafficking.”

**Children’s services**

As well as the concerns raised by the Guardian film[[33]](#footnote-33) about the girl who had been sex trafficked but was treated as a consenting adult, one NGO cited their concern that ***social services often dismiss cases involving adult men and children if the child appears to ‘consent***’. We heard of one case where they dismissed an NGO’s concerns, and let a girl who had already been trafficked marry a 25 year old man because “she seemed happy”.

Another concern was whether the children were receiving adequate support while in care. An NGO said they were sent one child who, due to physical abuse, was deaf and had other health issues, and was shocked to find that social services had never even arranged for the child to have a hearing aide.

**Need for specialised centres**

The Foundation was told there was no money for specialised support for trafficked children and so the few NGOs available must find funds even though social services often passed on difficult child cases onto them.

Furthermore, there are no shelters specialised in the assistance of child victims of trafficking. Child victims are usually placed in emergency reception centres for unaccompanied, abused or neglected children, operated by the county level DGASPC offices. Both statutory and non-statutory stakeholders thought this needed to change. It was recommended that child centres be more specialised so that children who are victims of trafficking and not together with children who are drug addiction or victims of domestic abuse as they all diverse needs and needed specialised support with specifically trained staff. Putting them together placed them all at risk.

**Orphanages**

Although Romania has made great progress in reforming its child protection procedures in the last two decades, there are still 7500 children living in the 191 remaining orphanage.[[34]](#footnote-34) The fact that not all these institutions have been shut down even though there had been a decision that they would all be closed by 2020 was a concern even though EU funding has been granted to help with these closures. One view was that this deferral was because the decision was not enacted in any legislation but just within government agencies’ policies, and this should be amended to accelerate closures.

The Justice System

**Conviction rates**

The Directorate for Investigating Organised Crime and Terrorism (DIICOT) within the Prosecutor's Office is the main body investigating and prosecuting organised crimes, including human trafficking and conduct the entire investigation, working alongside the Department for Countering Trafficking in Persons within the Police (DCCO). With the help of this expertise, Romania has one of the most impressive conviction rates over traffickers - their authorities opened 864 new trafficking cases in 2016, and indicted 358 suspected traffickers in 2016, with 472 convictions in 2016.

**Victims’ engagement**

In 2016, 923 victims participated in criminal prosecutions and accessed services provided to victims assisting law enforcement, including a police escort to court, information on trial procedures, and facilitation of remote testimony.[[35]](#footnote-35) However one chief concern repeatedly raised by both statutory and non-statutory agencies was court delays, with many trials involving adult victims taking several years. ***The effect of such delays was witnesses or defendants died or disappeared, prosecutors changed, and many victims – we were told worryingly just under 50% - lose faith in the system and disengage.***

One NGO told us they had a watertight case with powerful evidence but the case was delayed by so many years that as a result the prosecutors kept changing; as a result they said, “Now I don’t even know who the prosecutor is. They have lost both the victims now as well as the trafficker during this time!”

The US TIP report 2017 also suggests that “Some victims reportedly chose not to testify because the justice ministry published the names of all trial witnesses, including children, on its public website, putting victim-witnesses at risk of retaliation and societal or familial ostracisation.”[[36]](#footnote-36) An NGO said they had had a procedure in place for a court in one district to hide the name of the survivor on the papers, but that this protocol lasted for two years before it was dropped and their details were again being published.

**Court experience**

Another recurring challenge to seeking justice appeared to be the courts themselves. Often the experience in court created a new traumatization for the victim. The lawyers and even in some cases the judges used highly derogatory words against victims. One stakeholder said the central battle in court was “to fight the judge’s mentality”. NGOs said repeatedly that the defendant tended to have more rights and be treated with more respect than the victim who was treated like the criminal. ***One stakeholder said, “Judges don't judge the facts; they judge the victims.”***

A repeated recommendation was for more training for judges, lawyers and prosecutors to tackle this stigma and raise understanding of human trafficking .Local legal Bars organise training every year but we were told these training days often focus on more profitable areas but could include human trafficking and involve NGOs who can share expertise.

The 2017 Tip Report also noted that “Observers reported courtrooms were sometimes hostile environments in which traffickers and their supporters in the audience took photos of those pressing charges and verbalized death threats.” While the law permits victims to give their testimony in a separate room, the Foundation was told this is very hard to achieve in practice. One NGO told us they had only managed this for one case they supported. This apparent reluctance was due to judges’ lack of understanding of the victim’s trauma, a preference for live testimony, alongside the state-provided lawyers’ lack of experience, and a bias against victims, particularity those exploited in prostitution.

**State compensation**

Victims of certain serious crimes, including THB, can seek financial compensation from the state.[[37]](#footnote-37)

In terms of assets seizures, from 2012 to 2013, assets confiscated for trafficking offences amounted to 177 295 Euros, plus 13 315 Euros in other currencies, as well as 8,76 kg gold, 84 real estate properties and 104 vehicles.[[38]](#footnote-38)

The 2016 GRETA report noted that any assets confiscated from perpetrators can in theory be used to compensate victims, but in practice went to the state and between 2011-2016, only 65 victims were able to claim State compensation. Although the figure was not provided, NGOs said that the amount was minimal. One stakeholder told us that, for state compensation, a person can receive a maximum of the equivalent of 10 salaries per month in a one-off payment. This is unlikely to ever exceed £3000 Euros even though a victim may have been unpaid for years. One NGO felt legislation was needed around the provision for financial compensation to ensure the sum fitted the crime.

**Compensation from traffickers**

Victims can participate in criminal proceedings as injured parties, by joining a civil claim to the criminal case, and claim compensation from the perpetrator for physical and psychological damage and loss of earnings. A court can also order a perpetrator to pay compensation to a victim as part of the punishment. The GRETA report notes that, “it is not known how many civil claims from victims .. have been submitted and have succeeded. GRETA was informed that 56 victims of THB were awarded compensation by a court in 2011 and 53 in 2012.”

***It was broadly agreed that most trafficking victims did not receive any compensation or the amount received was negligible***. One rationale cited was that judges underestimated the exploitation or effects of human trafficking. The Foundation was told by a statutory agency that “Judges decide what survivors are entitled to and don’t always appreciate the suffering caused.” Stakeholders in both statutory and non- statutory sectors said judges only provide the victim compensation when they demand it but that it should be made mandatory for money to be given, since victims of trafficking “suffer tremendously”.

Even when a large sum is demanded from traffickers by judges, obstacles remain. According to Article 19 of the Law on Protection of Victims of Crime, a free-of-charge bailiff service can be used for the execution of the judgement, but this provision is not well known and victims do not have the resources to enforce the compensation decision themselves. While traffickers are able to find the best lawyers, victims can’t afford top lawyers and access legal assistance via legal aid. However the Foundation was told that such lawyers lack motivation and do the minimal amount required.

In many cases we were told the remedies weren’t executed or even if they were, the trafficker would hide their wealth and so the victim received nothing. NGOs had tragic stories where victims were left with nothing after going through the trauma of applying for funds, in some cases being accused of only accusing the trafficker because they wanted money.

 In one example a girl had been trafficked as a child for sexual exploitation controlled by drugs. During her exploitation she contracted HIV. The lawyers working in an NGO manged to win her 100,000 Euros, and the traffickers huge house was seized. However the house had been bought in such a way that it was impossible to link it with the trafficker and the child victim was left with nothing. In another case they fought for a trafficker working in a prison to donate part of his salary to the victim; but only manged to obtain a meagre 3 leu a month to be sent to the survivor.

NGOs recommended Romanian parliamentarians examine the ways in which countries such as Italy succeed in seizing assets of criminals. One stakeholder said in the Netherlands the state pays the victim immediately whatever they are awarded from the trafficker and then the onus is on the state to pursue the criminal’s funds.

Stakeholders also felt police needed to focus more on financial investigations not just criminal ones. They said there were too few officers trained to deal with this and that DIICOT only cover criminal investigations. They felt they should cover financial investigations regarding traffickers as well and should be provided officers to carry this out as a priority; as removing one or two traffickers would not get rid of the criminal network, whereas removing the money behind the network would eradicate the group.

Another key challenge was the length of the court case – as it often took years to get a criminal charge and only then could compensation be accessed. The long duration created other challenges. One stakeholder provided the following example - the trafficker was charged and so their $10,000 care was seized. The trial might then last five years so the police would spend huge amounts looking after the car. After five years the car is worth only £3000 and then if they can’t prove the car is linked to the crime of human trafficking they then have to return the car to the trafficker!

Prevention

The National Agency against Trafficking in Persons (ANITP) carry out significant prevention work. For example they “implemented three large-scale national prevention campaigns, a separate awareness campaign targeting the Romanian community in the United Kingdom, and several other educational prevention campaigns and projects.” [[39]](#footnote-39) There is also a hotline and efforts have been taken to reduce demand for commercial sex acts and forced labour.

Several stakeholders felt Western countries should do more to tackle demand in their countries as well. But there was also a view that more could be done in Romania to tackle prostitution, organ trafficking and job agencies advertised online. One stakeholder provided us with a link to a website where people could ‘choose’ to sell their kidneys. One stakeholder said that Romania needed a Criminal code on organ trafficking and that previously amendments had been considered around this but had been dropped.

A couple of stakeholders noted that there were ***more NGOs providing prevention work than direct services to victims*** and it was felt that prevention work’s outcome should be measured to verify if it was working. While ANITP received praise from stakeholders, it was admitted that they lack staff and one stakeholder said “they are very good at prevention work but could do more to directly encourage local authorities to provide services to those who are vulnerable and might be potential victims.”

Another recommendation was for ANITP to focus more on hot spots where there is a high risk of trafficking such in the South East and do prevention work that doesn’t simply involve posters and basic awareness raising. As the NGO in Cernovoda told the Foundation, the girls know about human trafficking they just don’t think it could happen to them and the drivers pushing them into the hands of exploiters such as poverty and abuse are strong. ***One stakeholder told us a victim of trafficking is “like a fish jumping in the sand. It has to move” when all options are as unappealing as each other***. Instead they should divert efforts to work with social services around labour options and safeguarding and provide services to the communities to give them incentives to stop them being trafficked.

Romanian Non-Governmental Organisations

**Regional disparity**

The NGOs we spoke were doing invaluable work but we heard that there were entire regions in Romania, often in those areas where people were particularly vulnerable to trafficking, where there was an absence of NGOs specialising in trafficking. This gap meant that victims wanting to return to these regions, were left with little or no support and so were more likely to be re-trafficked.

**Partnership working**

Another concern was the lack of unity between NGOs as well as between some NGOs and government agencies. The cause of this problem, the Foundation was told, was three-fold and lay in the fact that (1) There were a disparate group of NGOs seeking common resources; (2) There was no standardised level of assistance; and (3) there was no harmonisation of the national referral process.

So while there were examples of good multiagency working such as the partnership in the West of the country etc., ***there was no common partnership across the piece, so no agreed set way of supporting victims in the national referral mechanism*** , which meant the experience of the victim was likely to be significantly affected by the how well multiagency working was taking place wherever they were situated.

The lack of harmonisation was a clear problem. The Foundation heard for example of a case where ***one NGO had no space for survivor and asked an NGO to house them who, in spite of having space, then refused to help***.

Leo Kenny’s paper for this report said what was required was a harmonisation of the referral process so everyone was on the same page, not working against each other but in way that could support each other. He recommended NGOs have a roundtable to agree a standard practice for working within the national referral mechanism. If it was harmonised it would be simpler to link the NRM with European Member States so the return of victims to Romania could be better organised. While ANITP had tried to do convene NGOS recently few had attended and it is felt a more neutral party needed to bring everyone together, with a clear set of outputs.

These would include coordinating aims, clarify what everyone was doing, work out how to avoid duplication and ascertain who could fill in which gaps, agree on general practices including creating a clear pathway for all victims of trafficking and data collection. Leo Kenny recommended a multisector agenda with clearly identified leadership and accountability for results; and agreed vision with short and long-term time bound targets with clear indicators for results.

**Agreed standards**

This partnership work could also respond to the concern around the lack of agreed standards. Stakeholders said that there some NGOs who may be doing more harm than good and it was broadly agreed that there needed to be some kind standards if not accreditation of assistance. The Human Trafficking Foundation worked with the sector in the UK to produce similar standards[[40]](#footnote-40) for refuges and outreach support in the UK for victims of human trafficking, and the Government has recently agreed to adopt these into Government safe house contracts.

**Parliamentary Subcommittee**

It was also recommended that the Parliamentary Subcommittee on Human Trafficking meet with NGOs more regularly perhaps every two months. While this would be an opportunity for the NGOs to question the parliamentarians it would also be an opportunity for the parliamentarians to ensure this the NGOs, ANITP and other key agencies are keeping to the standards agreed.

**Funding**

It was repeatedly said that “The government needs to realise [funding human trafficking NGOs] is not charity. This is about realising fundamental rights.” When Romania joined the EU many outside funding sources for human trafficking stopped. However in 2008 the government had itself provided funding for anti-trafficking and victim-service NGOs, to the tune of $270,000. In 2009 this funding stopped.[[41]](#footnote-41)

Specific funding is obligatory according to EU law on human trafficking. Both the Government and the EU should therefore be assisting NGOs to fill this gap. However more funding from Proceeds of Crime should be given to NGOs, alongside funds currently going to social services for support to THB. A clear allocated fund should be available to NGOs including an emergency fund. Even those NGOs receiving considerable funds from abroad said there were always gaps between funds when they really struggled. Furthermore, some of this should be directed to funding for NGOs to work in areas where they currently do not.

ANITP spoke of a fund they had been given for NGO activities but the legal framework hadn’t been deemed transparent and the whole process had entered the Ministry of Justice and stalled. There was a recommendation that this procedure should be accelerated so the funds could be used.

**Taxation**

Nightingales Trust Foundation had set up a coffee shop for potential victims of trafficking to work in. However the business almost collapsed last year because they are taxed the same amount as a business as NGOs don’t receive any tax breaks. They then tried to set it up as a Social Enterprise but were told that one can do so in law but that there is no practical way to do this no and lawyer they found knew how do assist. There needs to be a clear pathway for how to create a social enterprise. Also NGOs should not be paying business rates. It seems sensible to provide NGOs with tax relief. It is also important that this is done without too much bureaucracy so small NGOs can access it. As Ben Wells at Nightingales said, “***If we are paying the state more than we pay the women survivors in the coffee shop, then the state is really not helping!”***

RECOMMENDATIONS

**Bringing the NGOs together to ensure victims receive a consistent approach**

***(See pages 13-14 for details)***

There is clear evidence that the public and non-statutory organisations are not all working together. A new initiative is needed with someone outside the sector coordinating - one suggestion could the British, US or Dutch Embassy . A representative from the Parliamentary Subcommittee in attendance might be welcome. The principal purpose is to ensure all victims get a consistent approach wherever they are and wherever they come from. Outcome would need to include a clear pathway of who does what, an agreed set of data collection, and set of standards of what assistance provision should like, similar to the Foundation’s Trafficking Survivor Care Standards.

**Recommendations to Countries of destination**

**(See page 7 for details)**

Create a minimum standard of services and support provided to Romanian victims before they are returned to Romania, including adequate risk assessments, providing adequate time for this, and for data to be shared with the agency before they are returned on whether it is safe to return.

**Children**

**(*See pages 9-10 for details)***

Create a school curriculum for children and teenagers with high needs (i.e learning difficulties, mental health issues, impaired hearing) to tackle the high rate of drop out amongst potential victims of trafficking.

Closure of the 191 remaining orphanages should be added to legislation to accelerate these closures and in this way protect vulnerable children at risk of trafficking .

**Preventing the causes of trafficking and re-trafficking**

**(*See pages 3-4 for details)***

The EU is funding Romania, through 9 national programmes, to tackle poverty by providing 31 billion Euros. This is a fund that could be used for prevention work - to tackle the drivers of human trafficking around poverty, lack of opportunity, discrimination and support for children whose parents are working abroad and are deemed at risk.

Prevention work should focus more around the drivers of human trafficking such as directly encouraging local authorities to provide safeguarding services and vocational opportunities to those who are vulnerable and might be potential victims in trafficking hot spots.

Sites which advertise prostitution and organ donation should be shut down.

**Trafficking referrals**

**(*See pages 6 & 8-9 for details)***

Create a clear, agreed and transparent way for statutory organisations to refer victims to NGOs - this will avoid the appearance of public services using favourites.

A risk assessment for victims of trafficking should include extra care to avoid returning a victim immediately to their family if the risk of trafficking is still present.

 Consideration must be given to funding NGOs directly, since they have a track record of working successfully with victims rather than continuing to fund an often unavailable social service system.

Creating Child Centres for child victims of trafficking exclusively, could prove invaluable rather than mixing all children into the same centre.

**Compensation and the Criminal Justice System**

**(*See pages 9-11 for details)***

There is no evidence that any victims receive real compensation from their traffickers even when they are convicted and assets seized. The evidence suggests that the seizing of assets is too late and not enough is done in the way of financial investigations to make any meaningful impact on traffickers’ activities. Seizing assets is complex but with a skeleton staff of investigating, it is unlikely that much more can be achieved. Judges have powers to award state and civil compensation but they rarely adequately use their powers.

There is widespread criticism that the Justice System is riddled with delays and maladministration and there is lack of protection of victims in court. A total overhaul is long overdue so that victims are not side-lined as to compensation.

**Training**

**(*See pages, 8-9 & 11 for details)***

Organise regular practical training for judges, prosecutors, police, social services, doctors and lawyers at a regional level so that all new recruits are aware of human trafficking and child sexual abuse and how to support victims.

**Funding and taxation of NGOs**

**(*See pages 12-13 for details)***

Funding of services to support victims of human trafficking should be seen as a fundamental human right. In accordance with the EU Directive Romanian the Government should make sure more funds are specifically targeted to assisting victims of human trafficking

More money from the Proceeds of Crime, alongside funds currently going to social services should be diverted to NGOs. This funding should cover all regions of the country.

The Ministry of Justice review of the funding that was provided to NGOs through ANITP should be accelerated so that NGOs can benefit before the end of 2018.

NGOs should not be forced to pay business rates if they are involved with business enterprises for the benefit of victims. For those NGOs who aren’t, they should also have a charitable exemption form any rates or taxes because they are doing the work, compelled by the EU Directive, that the state is failing to do.

1. We recommend parliamentarians read, for a breakdown of assistance as well as support within regions and Government refuges “ Analysis of support services for victims of human trafficking 2015, Ciprian Gradinaru” [↑](#footnote-ref-1)
2. http://oim.ro/en/what-we-do/programs/609-tandem-with-ngos-to-support-victims-of-trafficking-in-human-beings-vot-tango [↑](#footnote-ref-2)
3. The Foundation also communicated with a range of organisations in the UK including the London based IOM, the Home Office’s Voluntary Returns Scheme. St Mungo’s Routes Home Project, The Red Cross and Justice & Care [↑](#footnote-ref-3)
4. GRETA (2016) 20 [↑](#footnote-ref-4)
5. Ibid [↑](#footnote-ref-5)
6. ibid [↑](#footnote-ref-6)
7. TIP report, US, 2017 [↑](#footnote-ref-7)
8. GRETA (2016) 20 [↑](#footnote-ref-8)
9. Data from ANITP [↑](#footnote-ref-9)
10. Information provided by DCCO [↑](#footnote-ref-10)
11. TIP report , 2017 [↑](#footnote-ref-11)
12. ["World Economic Outlook Database October 2009 -- WEO Groups and Aggregates Information"](http://www.imf.org/external/pubs/ft/weo/2009/02/weodata/groups.htm#oem) [↑](#footnote-ref-12)
13. However, Romania has also made huge progress in integrating their most vulnerable members into society with a reduction of 6.8 percentage points in the share of people affected by poverty or social exclusion. [↑](#footnote-ref-13)
14. http://ec.europa.eu/eurostat/statistics-explained/index.php/Europe\_2020\_indicators\_-\_poverty\_and\_social\_exclusion#cite\_note-11 [↑](#footnote-ref-14)
15. The rate was 7.3% between 2005 and 2015. UN’s 2015 International Migration report,http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2015\_Highlights.pdf [↑](#footnote-ref-15)
16. http://cursdeguvernare.ro/romania-enters-the-top-20-states-with-the-largest-diaspora-according-to-the-un-report-on-migration.html [↑](#footnote-ref-16)
17. https://newsmavens.com/news/aha-moments/885/96-723-romanian-children-have-parents-who-work-abroad [↑](#footnote-ref-17)
18. https://cohesiondata.ec.europa.eu/countries/RO [↑](#footnote-ref-18)
19. *A study by the Centre for Educational Evaluation and Analysis, see link below* [↑](#footnote-ref-19)
20. https://www.romania-insider.com/suspected-pedophile-arrested-police/ [↑](#footnote-ref-20)
21. A case where officers had “refused to take into consideration that her young age and vulnerability had been factors contributing to her attitude towards the abuse” and required ‘signs of violence’ to the child’s body to prove rape even though in European law a child cannot consent to sex

http://www.humanrightseurope.org/2016/03/european-court-romanias-laws-failed-sex-abuse-child-victim/ [↑](#footnote-ref-21)
22. https://www.romania-insider.com/romania-ranks-last-in-the-eu-on-equality-between-men-and-women/ [↑](#footnote-ref-22)
23. http://www.worldbank.org/en/news/feature/2014/04/02/world-bank-champions-equality-for-women-in-romania [↑](#footnote-ref-23)
24. Ibid 9 *(Women, Business and the Law 2014: Removing Restrictions to Enhance Gender Equality )* [↑](#footnote-ref-24)
25. http://www.worldbank.org/content/dam/Worldbank/document/eca/romania/Summary%20Report%20RomanianAchievingRoma%20Inclusion%20EN.pdf [↑](#footnote-ref-25)
26. https://www.nasul.tv/inregistrare-incendiara-cu-victor-ponta-implicat-intr-un-dosar-faimos-de-prostitutie-si-proxenetism-se-dadea-drept-gabi-soferul-lui-robert-negoita-ma-platea-cu-100-de-euro/ [↑](#footnote-ref-26)
27. http://www.tolo.ro/2018/02/05/ei-sunt-cei-10-ofiteri-pe-care-au-recunoscut-la-diicot-fetele-dosarul-de-pedofilie-si-de-trafic-de-persoane/ [↑](#footnote-ref-27)
28. ibid [↑](#footnote-ref-28)
29. https://www.theguardian.com/global-development/video/2016/aug/19/from-rural-romania-to-a-swiss-brothel-video?CMP=twt\_a-global-development\_b-gdndevelopment [↑](#footnote-ref-29)
30. Information from an NGO in Bucharest [↑](#footnote-ref-30)
31. Project reference VC 3107– RO 20 PA29, Norwegian Financial Mechanism 2009-2014, Romania 20, Programme Area 29 Domestic and Gender-based violence. [↑](#footnote-ref-31)
32. https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a99b1 [↑](#footnote-ref-32)
33. https://www.theguardian.com/global-development/video/2016/aug/19/from-rural-romania-to-a-swiss-brothel-video?CMP=twt\_a-global-development\_b-gdndevelopment [↑](#footnote-ref-33)
34. http://www.hopeandhomes.org/news-article/eu-funds-2/ [↑](#footnote-ref-34)
35. https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271268.htm [↑](#footnote-ref-35)
36. https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271268.htm [↑](#footnote-ref-36)
37. https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a99b1 [↑](#footnote-ref-37)
38. Ibid [↑](#footnote-ref-38)
39. https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a99b1 [↑](#footnote-ref-39)
40. https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/599eeb6bcf81e06e2cc016e3/1503587187213/Trafficking+Survivor+Care+Standards+2015.pdf [↑](#footnote-ref-40)
41. https://www.state.gov/j/tip/rls/tiprpt/2010/142761.htm [↑](#footnote-ref-41)