

# Analysis of support services for victims of human trafficking

*Qualitative Social Research*

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**Consultancy in developing the methodology and elaborating the report:**

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## Acronyms

ANITP	National Agency against Trafficking in Persons
ANOFM	The National Agency for Employment
CPRU	Emergency Reception Centre
DGASPC	General Directorate for Social Assistance and Child Protection
GD	Government Decision
NGO	Non-Governmental Organization

## Introduction and Objectives

This report is part of the pilot Project “Best practice model on assistance for victims of trafficking in human beings”, which is funded through the Norway grants financial mechanisms.

The project purpose is to strengthen the capacity of the Romanian victims’ assistance system to comply with the relevant international anti-trafficking instruments by investing in human capital development and by creating policy mechanism, in accordance with European standards.

This will be achieved by improving and developing governmental and civil society partnership in the field of victims’ assistance, improving the anti-trafficking assistance national system and reducing the vulnerability to trafficking in human beings through raising awareness within vulnerable communities, including Roma.

The main activity of the project is **the evaluation of the national assistance system for trafficking victims in accordance with the specific Standards for Specialised Assistance Services provided to trafficking victims through the Government Decision 1238/2007 and international standards and best practice.** This is the basis for the production of this report.

Other main activities are:

- Two workshops for the analysis of the evaluation results and drafting proposals to amend specific legislation regarding protection and assistance of trafficking victims.
- Training of specialists in providing victims’ assistance directly related to their daily work in order to increase their competencies and knowledge.
- The creation of a national prevention campaign for reducing the vulnerability to trafficking in human beings within vulnerable communities, including Roma.
- Publicity and high-level coverage through organizing and launching a final conference to promote the objectives, activities, achievements and results of the project to the

media, representatives of civil society and NGOs who provide assistance to victims of human trafficking.

Romania is a destination country for only a very small number of foreign nationals, the overwhelming majority of human trafficking victims recovered are Romanian nationals. The men, women and children assisted by the authorities tend to be victims of sexual exploitation or forced labour. Forced labour exploitation tends to occur in sectors such as agriculture, hotels, domestic services and construction. However, another major form of exploitation is the use of children or people with disabilities to carry out activities such as begging, theft, shoplifting etc. The traffickers who recruit and exploit Romanian victims are mainly Romanian citizens themselves. Quite often, they are related to the victim or are acquainted to the victim.

The Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) opened for signature on the 16<sup>th</sup> of May 2005 and was able to enter into force on the 1<sup>st</sup> of February 2008. The Romanian Government signed the Convention on the 16<sup>th</sup> of May 2005 and it entered into force on the 1<sup>st</sup> of February 2008, one of the first countries to do so. Since then the Government of Romania has introduced a number of significant measures to help combat the scourge of human trafficking.

Romania has adopted the main international instruments in the field of human trafficking and, at a national level, has a comprehensive set of regulations and standards. The main piece of legislation relating to human trafficking is the national anti-trafficking law No. 678/2001 on Preventing and Combating Trafficking in Human Beings. This provides measures for prevention, prosecution, assistance and protection for victims of human trafficking. It is supplemented by secondary legislation along with government decisions and orders.

ANITP was established in 2006 and has responsibility for the coordination, evaluation and monitoring of the implementation of anti-trafficking measures at a national level, including prevention, protection and assistance policies. In addition, ANITP also develops prevention projects and campaigns with a number of governmental and non-governmental agencies. Moreover, ANITP administers the national helpline. There are 15 regional centres organized by ANITP (one for each district court of appeal) to support the development of prevention

measures and to monitor the local implementation of national policies to combat trafficking in human beings.

ANITP was responsible for developing the National Strategy against trafficking in persons and produced an action plan, in cooperation with relevant government and non-government agencies. The Strategy highlights problems in a number of areas in relation to victims of human trafficking, including prevention, awareness raising, data collection and assistance and support. It also contains a number of recommendations to improve the delivery of services for victims and to combat human trafficking across Romania.

In times of austerity there is, inevitably, an increase in the human trafficking activity and also a marked rise in the number of victims recovered. At the same time, there are usually less resources available to combat human trafficking, as public services bear the burden of reductions in Government spending. However, it is in times like these that we must work harder and smarter to ensure that we continue to provide the best quality of support services to victims that we can. Closer cooperation between agencies working in the field is vital and we must continuously review our effectiveness in order to improve our services.

This report is intended to provide an open and honest analysis of the operation of the system of assistance for victims of human trafficking in Romania, with a view of improving its operation. It is NOT intended as a criticism of any individual or organization. Throughout the entire exercise, both experts have been impressed by the compassion, commitment and dedication of ALL of the staff they have encountered.

Jim Laird,  
Council of Europe Consultant

## Methodology

In line with the proposed objectives for this study, the first and most important stage of the research process involved a **qualitative approach** to highlight the ways of interaction among the professionals of the network of trafficking victim's assistance, specific ways of addressing cases, information needs, the specific manner in which victim assistance centres work etc.

This qualitative research, of exploratory type, aimed both to identify perceptions and attitudes of professionals towards assisting trafficking victims, even if it is about professionals from the regional centres of the National Agency Against Trafficking in Persons (ANITP), professionals from the General Directorate of Social Assistance and Child Protection (DGASPC) or from NGO environment.

To get an overview of the studied issue, the qualitative research had the following **target groups**:

1. Coordinators of the ANITP Regional Centres;
2. Specialists from ANITP Regional Centres: psychologists or social workers;
3. People from the management team of DGASPCs centres where victims of trafficking are assisted or have been assisted;
4. Specialists, psychologists or social workers within DGASPCs or Assistance Centres for victims of trafficking;
5. People from the management team of active NGOs;
6. Specialists from the active NGOs, psychologists or social workers.

The selected **method of data collection**, given the particularities of studied field, was **individual in-depth interview**.

*The individual in-depth interview is a qualitative research technique that involves moderate discussion, centered on a well-established theme or a block of themes. One such research technique is useful for studies on a professional field, because the time and place of the interviews can be more easily adapted to the program of the participants.*

Apart from considerations regarding participants' working program, **other motivating factors for choosing these research techniques (individual in-depth interviews) were:**

- the opportunity to explore in detail the views of participating people, without recourse to previously prepared answers;
- increased usefulness in the analysis of complex research topics or for which there is not sufficient initial information;
- development of a trust-based relationship between the researcher and the participant, which can allow them to approach certain sensitive topics, or the ones normally considered "taboo".

Data obtained through the individual in-depth interview method is useful in the sense of reporting patterns from certain statements of facts, opinions/ attitudes etc. Their interpretation is based on the **content analysis method**. It should be noted that social data thus collected is not statistically representative,.

The interviews (the qualitative research) were conducted in the following locations: Arad, Bihor, Bucharest, Botosani, Dolj, Galati, Giurgiu, Iasi, Ilfov, Mehedinti, Timis, Satu Mare, Suceava. The process of choosing locations took into account the territorial structure of the ANITP Regional Centres and the locations where Centres for protection and assistance of trafficking victims were/are set up following Law 678/2001.

In total, 28 interviews were conducted, as follows:

No.	Investigated group	Approach method	No. of units
1.	Coordinators of the ANITP Regional Centres	Interview	4
2.	Specialists from the ANITP Regional Centres	Interview	5
3.	DGASPC managers	Interview	4
4.	DGASPC specialists	Interview	6
5.	Coordinators of Centres for victims of trafficking	Interview	6
6.	Coordinators of active NGOs	Interview	1

7.	Specialists from active NGOs	Interview	2
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In addition to this fieldwork exercise, it was decided to circulate a questionnaire to other organisations and individuals working with victims of human trafficking. This would allow the consultant to obtain other, outside, views about the efficiency, or otherwise, of the national scheme of assistance and support for victims of human trafficking. Questionnaires were sent to each of the 15 regional centres asking the staff there to identify other professionals, whether from governmental or non-governmental agencies, which would be willing to complete and return the forms. This would provide a valuable insight into other relevant staff perceptions of the system. Around 18 completed questionnaires were returned and these provided useful additional information for the study.

## Legal framework

A first overview of national legislation on victims of human traffic reveals a number of aspects which are imposed ever since the beginning of this study. The preliminary analysis of legislation on victims of human traffic determined by its simple presentation in strict chronological order it emphasizes two main features of it:

- tendency of agglomeration and enhancing of legislative activity at certain times / intervals by direct association with events which redefine the position of Romania in the European context (e.g. integration into the European Union; steps on the adherence to the Schengen Area) and which conditions the obtaining of the new mandatory status of some legislative modifications;
- defining the legal framework which regulates the trafficking phenomenon has been a constant concern of the political factor in the last 15 years.

From the analysis of the main legislative instruments, one can identify several types of normative documents intended for several categories of persons, as follow:

**1. National and international normative legislative acts regarding children's rights, children victims to trafficking human beings and the associated actions in order to combat any form of children exploitation:**

- a. Law no.565/2002<sup>1</sup> - transposition in national legislation of the provisions of the United Nations Convention against transnational organized crime, adopted in New York on November 15, 2000 as well as of the two additional protocols, adopted in New York, on 15<sup>th</sup> of November 2000: Protocol on the prevention, repression and punishment of trafficking in persons, especially of woman and children and the Protocol against smuggling with migrants on land, air and sea. In accordance with Protocol on the prevention, repression

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<sup>1</sup>Romanian Official Gazette, Part I, No.813 of November 8, 2002.

and punishment of trafficking in persons, especially of woman and children, chapter II “Protection of victims of human trafficking”, art. 6 “Assistance and protection for victims of human trafficking”, each member state of the Convention must guarantee measures that ensure the mental, psychological and social recovery of the victims and also provide a shelter for them; advice and information on their rights under the law in force, medical, psychological and material assistance and employment, educational and training opportunities.

- b.** Law no.272/2004<sup>2</sup> concerning the protection and promoting of child rights. The law addresses public authorities, licensed private bodies, as well as private individuals and legal entities that are responsible with child protection. They are bound to observe, promote and guarantee the rights of children as set forth in the Constitution and law, pursuant to provisions of the United Nation Convention on the Rights of the Child ratified by Law no. 18/1990 and the other international acts on the subject-matter, in which Romania is a party;
- c.** Government Decision no.1443/2004<sup>3</sup> concerning repatriation methodology for unaccompanied Romanian children located on the territory of another state and ensuring special protection measures in their favour. The resolution sets forth the procedure for children repatriation in the country, the identification of their parents or other legal guardians, the coverage of repatriation expenses, as well as the special protection services with competence in providing emergency protection to unaccompanied minors upon repatriation. Art. 16 of Decision no.1443/2004 states that the minimum standards concerning the organization and functioning of specialized centres are approved by order of the Secretary of State of the National Authority for Child Protection.

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<sup>2</sup>Romanian Official Gazette, Part I, No.159 of March 5, 2014.

<sup>3</sup>Romanian Official Gazette, Part I, No.873 of September 24, 2004.

- d. Government Decision no.49/2011<sup>4</sup> for approving both the methodology framework on prevention and intervention of the multidisciplinary team and networking in situations of domestic violence on the child and family and the multidisciplinary and inter-institutional intervention methodology on exploited children or at risk of being exploited through work, children victims of trafficking in persons, as well as Romanian migrant children victims of other forms of violence in the territory of other States. The purpose of this Decision is to establish a common methodological framework for the responsible authorities in the field. The document presents the main aspects of the methodologies and procedures in accordance with the legislation in force and related to the specific of each institution engaged in prevention or action in cases of child abuse.

## **2. National and international normative legislative acts regarding the trafficking in human beings:**

- a. Law no.678/2001<sup>5</sup> concerning the prevention and combatting of trafficking in persons, with subsequent amendments and additions. The law regulates the prevention and combat against trafficking in persons, as well as the protection and assistance granted to victims of human trafficking, which is a violation of one's rights and prejudicial to one's dignity and integrity. Measures with regard to the protection and assistance of victims of trafficking are stipulated by Articles 26-44.

Articles 32 to 34 make specific references to the organization, operation and types of services offered in the assistance centres (e.g. the length of stay, facilities, sources of financing, services offered, internal regulations of the centres).

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<sup>4</sup>Romanian Official Gazette, Part I, No.117 of February 16, 2011.

<sup>5</sup>Romanian Official Gazette, Part I, No.783 of December 11, 2001.

- b. Government Decision no.299/2003<sup>6</sup> for approval of the Regulation for implementation of the provisions of Law 678/2001 concerning prevention and combatting of trafficking in persons.

In Chapter 4 (art. 48-56) of Decision no.299/2003 are presented the forms of assistance and protection provided to victims of human trafficking, Romanian citizens or foreigners.

The provisions of this article relate to the official procedure on victims' accommodation in assistance centres (e.g. accommodation requests, length of stay, current facilities at the centres to ensure optimal housing conditions and support programs carried out in the centres).

- c. Law no.300/2006<sup>7</sup> concerning transposition in the national legislation of the provisions of the Convention of the European Council concerning struggle against human trafficking. The Convention was signed on May 2005 and Romania signed it in Warsaw on May 16, 2005. The Convention's objectives target the prevention and combating of human trafficking, the protection of fundamental rights held by victims of human trafficking, as well as to draft a complete handbook for the protection and assistance of victims and witnesses, to ensure efficient investigations and prosecutions and to promote international cooperation;
- d. Government Decision no.1238/2007<sup>8</sup> for approval of the National Standards specific for specialized assistance services for victims of human traffic. By means of this Decision are approved a total of 25 standards regarding the national network of centres that provide protection services and support to victims of trafficking, types of services offered in the assistance centres, the quality of these services, the organization of centres and the degree of specialization of human resources in these centres.

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<sup>6</sup>Romanian Official Gazette, Part I, No.206 of March 31, 2003.

<sup>7</sup>Romanian Official Gazette, Part I, No.622 of July 19, 2006.

<sup>8</sup>Romanian Official Gazette, Part I, No.715 of October 23, 2007.

- e. Common Order<sup>9</sup> no. 335-2881-1990-1072-266-A 6880-409/C-2353/C of October 29, 2007, of the Minister of Administration and Interior, of the Minister of Education, Research and Youth, of the Minister for Public Health, of the Minister of Labour, Family and Equal Opportunities, of the President of the National Authority for Protection of Child Rights, of the Minister of External Affairs, of the General President and of the Minister of Justice for approval of the National Mechanism for identification and referral of the victims of human traffic;
  
- f. Government Decision no.1.142/ 2012<sup>10</sup> for approval of the National Strategy against trafficking in persons for the period 2012-2016 and the National Action Plan 2012-2014 to implement the National Strategy against trafficking in persons for 2012-2016. One of the five main objectives of this Strategy focuses on improvement of the quality of protection and support services provided to victims of human traffic with a view to social reintegration. Specific objectives are related to the reconfiguration of the system of protection and assistance services and also to the reinforcement of the capacity of National Agency against Trafficking to monitor and evaluate nationwide the providers of support services.
  
- g. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. Art. 11-14 of the Directive contain references to measures of assistance, protection and support for victims of human trafficking (children and adults): providing an appropriate and safe accommodation, material assistance and necessary medical treatment including psychological assistance, counselling and translation and interpreting services.

### **3. Other regulations with implications in the field of human traffic:**

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<sup>9</sup> Romanian Official Gazette, Part I, No. 849 of December 17, 2008.

<sup>10</sup> Romanian Official Gazette, Part I, No.820 of December 6, 2012.

- a. Law no.211/2004<sup>11</sup> concerning some measures for ensuring the protection of victims of crimes. Conditions in which it can be provided psychological counselling to victims of offences, as well as other forms of assistance to victims of criminal offences are stipulated in Chapter 3. According to this law, “non-governmental organizations may organize, independently or in cooperation with public authorities, services of psychological counselling for victims of crime and also to ensure other forms of support services to victims of crime”.
  
- b. Law no.292/2011<sup>12</sup> regarding social assistance, with subsequent amendments and additions. Art. 62 and 63 of this law specify the social services intended for victims of human trafficking (“a) residential centres with fixed-term accommodation that ensure assistance, care and protection; b) day care centres which mainly provide information, counselling, emotional support for the purpose of rehabilitation and social reintegration; c) services provided at the community level, consisting of social care services, emotional support, psychological counselling, legal advice, professional guidance, social reintegration”) and under what conditions are granted.

As public authorities faced a rise of the phenomenon of human trafficking especially in the new context determined by signing the accession to the European Union, preoccupations concerning drafting appropriate legislation intensified.

Joining the European Union has led subsequently to a number of other amendments and later additions in the legal matter, often substantial, of the regulations of law governing on national and European level. These constant preoccupations were determined by the need to harmonize and ensure a high degree of compliance with Legislation applied at European level in the field.

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<sup>11</sup> Romanian Official Gazette, Part I, No.505 of June 4, 2004.

<sup>12</sup> Romanian Official Gazette, Part I, No.905 of December 20, 2011.

Also, partnerships concluded by the Romanian state with various bodies and international institutions have imposed to align the legislative framework of legal instruments with international character.

## **Situation of centres for assisting victims of human trafficking**

**Centres created under Law no. 678/2001 on preventing and combating human trafficking.**

### **1. Arad**

**The centre for assistance of trafficking victims in Arad, subordinated to DGASPC Arad, is not operational. Assistance services can be provided for adult victims, residents of Arad County, through other structures subordinated to DGASPC).**

The Centre (the original location) was established in 2004 and functioned up to 2006, when the designation of the building was changed, currently the headquarters of the County Population Registry. In 2006, another office was assigned (a neuro-psychiatric centre), where a floor was supposed to be available for the assistance of victims of trafficking in residential regime and another floor for other categories of persons in difficulty. However, in this building as well, offices of other public institutions (Archive of Police Inspectorate and Department of Public Health) were accommodated. As a result, all categories of victims are assisted in the available space on one floor. The low number of victims and high costs has caused its closure. The decision to close the residential centre was taken by the County Council.

At the time of the interviews, the assistance of adult trafficking victims cannot be performed in a residential regime unless they reside in Arad County. The assistance of the latter can be done in other structures subordinated to DGASPC, but not in a centre dedicated to victims of trafficking.

### **2. Botosani**

**The centre for assistance of trafficking victims in Botosani, subordinated to DGASPC, is operational as it was set up, but not as a specific centre for victims of trafficking. There are available, for victims of trafficking, two rooms, in a care and assistance centre for the elderly, located almost 30 kilometres from the town of Botosani.**

It was founded in 2006. There are six specific places for adult victims of trafficking, three for men and three for women. However, since its establishment, it has received a single victim for assistance in 2006.

The period of assistance in residential regime is of maximum 90 days, with a possible extension until the completion of criminal proceedings. The centre can assist victims residing in another county, with the prior approval of the Director of DGASPC.

According to the Director of the centre, victims of trafficking can access assistance services as shelter and food, basic medical assistance, but not specific psychological assistance. The specific assistance services for victims of trafficking should be provided by specialists from DGASPC office from the town of Botosani.

In terms of child victims, their assistance in residential regime can be done in the Emergency Reception Centre (CPRU).

### **3. Galati**

**The centre for assistance of trafficking victims in Galati, subordinated to DGASPC, is not functional. Assisting adult victims, in a residential setting, was possible between 2009 - May 2014 in an apartment within a protected location, which could accommodate three people.**

At the time of data collection, the centre's activity is suspended, therefore residential assistance services for adults cannot be provided, within public institutions. The reason for the suspension of the activity, according to specialists interviewed, is related to the operating costs / maximum standards of cost (in 2010, cost standards were approved, that provide a maximum of one employee to each three beneficiaries, while in this specific case there were six employees to three beneficiaries). The decision to suspend the activity of the residential centre was taken by the County Council. Accordingly to the DGASPC specialist, who attended the interview, there is a plan to reopen the centre, but it is not specified a deadline.

In relation to child victims, their assistance in residential regime is made in the Emergency Reception Centre, but we cannot speak of a dedicated service.

#### **4. Giurgiu**

**At the time of data collection, this centre, subordinated to DGASPC Giurgiu, was not operational.**

The centre was established in 2005, but had no cases of victims of trafficking by 2007. The last cases of victims of trafficking were assisted in 2013.

In February 2014, the building was affected by a flood and became inoperable. No funds were allocated for renovation until this year, 2015.

At the time of interview, the building was renovated, but still no case was referred due to the accreditation procedure not being completed. According to the DGASPC representative, who attended the interview, the centre will be used exclusively for the assistance of human trafficking victims.

The personnel plan is complete, the centre being able to receive victims immediately after the conclusion of accreditation procedure.

#### **5. Iasi**

**The centre for assistance of trafficking victims in Iasi, subordinated to DGASPC, is functional, but not in the original structure.**

The initial Centre / original building could assist both adult and child victims in a dedicated service. However, due to the low number of referred victims (the official reason given by the specialists interviewed), the County Council decided to change the destination of the building (another public institution moved into it), therefore:

- for adult victims it was decided to allocate one room at the Centre for victims of domestic violence. If the victim is not residing in Iasi County, it may be housed in emergency procedure for 72 hours (longer periods are subject to approval). Male victims cannot be assisted in this centre;
- the assistance of child victims is done in the Emergency Reception Centre (CPRU), but there are no specific rooms for victims of trafficking, nor specific services for victims of trafficking.

## 6. Ilfov

**At the time of data collection, this centre, subordinated to DGASPC Ilfov, was not operational.** The decision to establish the centre was taken in 2014.

The building has been renovated and was made available to DGASPC Ilfov by the local County Council (the procedure for transferring the property to DGASPC was, at the time of interview, almost completed). According to the DGASPC representative, who attended the interview, the centre will be exclusively designated to the use of human trafficking victims.

However, the required personnel have not been recruited yet. Although the organization chart was approved in 2014 with 11 positions, at the time of the interview, only two positions had been filled. These two positions were transferred to other services in DGASPC Ilfov.

At the first recruitment process, held during the winter of 2014 in order to occupy the vacancies no application was received.

The low wages offered for the positions is considered by the interviewed person to be the main reason for the lack of interest concerning the vacancies. A new contest for occupying the positions will be organized.

## 7. Mehedinti

**At the time of data collection, the centre for minor victims of trafficking (Vanjulet), subordinated to DGASPC Mehedinti is not operational. The reason, according to interviewees, is that it has been “mothballed”** (this is stated to be caused by the lack of child victims requiring residential assistance services). This centre was established in 2004 and operated until 2013.

For adult victims, the DGASPC Mehedinti representative states that a protected apartment is available in Drobeta Turnu Severin. They are unable to receive victims of trafficking who are from other counties. At the time of the interview, there were no victims assisted in the apartment. The last victims were assisted in a residential scheme, in this centre, in 2014.

## **8. Satu Mare**

**The centre for assistance of trafficking victims in Satu Mare, subordinated to DGASPC, is functional at present time, but is not working exclusively for trafficking victims.**

It was established in 2005 as a centre for human trafficking victims and can provide assistance in residential regime both for adult and minor victims. In 2010, it was joined with the emergency centre for abused, exploited and neglected children. The latest assisted victim was in 2013.

At this point, they can provide assistance to adult victims. For victims from other counties prior approval is required.

## **9. Timis**

**The centre for assistance of trafficking victims in Timis is functional and managed by Generatie Tanara Romania (NGO), since 2006.** After the takeover, Generatie Tanara renovated the building. Currently, Timis County Council provides support to pay utilities (electricity and gas), other costs being incurred by Generatie Tanara.

This centre can provide a full range of support services, for both adult and minor victims: residential assistance, material assistance (clothing and footwear, hygiene products, school supplies etc.), assistance in obtaining or recovery of identity documents, psychological, medical and legal assistance, counselling and career guidance, monitoring of cases.

The services provided are not conditioned or restricted by factors such as county of residence of the victim, which leads to referral of victims to this centre by (public and private) institutions operating in neighbouring counties (there are also cases of reference from other counties too, such as victims residing in the counties of Moldova). They can assist both adult and minor victims.

In addition, assistance is usually provided over a longer period of time, minimum 6 months or until self-empowerment.

As not all of the centres were operational and there was an uneven spread of services in those that were functioning, serious consideration had to be given as how to present the findings of the fieldwork in this report.

It was decided that this would best be done by separating the information on the general workings of the national assistance scheme from the information gathered from the visits to each centre. The main reason for this was the experience of those interviewed in the field of human trafficking and, in particular, their work with the national support system for assisting victims in Romania. It was felt that this would provide a unique insight into the day-to-day workings of the system.

### **Other structures providing support services to victims of trafficking, except as described above.**

The field research, though focused on the structure of the centres for assistance of human trafficking victims established under Law No. 678/2001, has revealed the existence of other institutions, public or private, that provide services for trafficking victims . Clearly, the list below is not exhaustive.

1. **ADPARE in Bucharest.** This NGO can provide a wide range of support services to victims of trafficking: residential assistance, material assistance, assistance in obtaining or recovery of identity documents, psychological, medical and legal assistance, counselling and career guidance, monitoring cases. Residential assistance may cover a number of six people in a three-bedroom apartment. In residential regime it can only assist female victims. The average period for assisting a person is approximately three years.

2. **People to People Association in Oradea.** This NGO can provide a wide range of support services to victims of trafficking: material assistance, assistance in obtaining and recovery of identity documents, psychological, medical and legal assistance, counselling and career guidance, monitoring cases, less residential assistance. People to People Association will

soon develop a residential assistance service for victims of trafficking, scheduled to be implemented this year.

## **Support services to victims of trafficking. The overall situation of the assistance system.**

**Law 678/2001 provides**, in Article 32, amended and supplemented by Law no. 230/2010 that:

*(1) Victims of trafficking can be temporary accommodated, on request, in centres of assistance and protection of trafficking victims, referred to as centres, or in protected housing for victims of trafficking, established by this law, referred to as protected housing.*

*(2) Centres operate in subordination of Arad, Botosani, Galati, Giurgiu, Iasi, Ilfov, Mehedinti, Satu Mare and Timis County Councils.*

*(3) The protected housing represents the social establishment, without legal personality, developed to ensure victims of trafficking hosting of family type in a protected system and assistance for their social reintegration.*

*(4) The protected housings are organized and functioning in the subordination of general directorates of social assistance and child protection.*

*(5)The period of accommodation in the centres, respectively in the protected housing, is determined by the decision of the County Council for more a maximum of 90 days.*

*(6) The period of accommodation in the centres or in the protected housings may be extended, by decision of the County Council, at the request of judicial bodies, with a maximum of 6 months or, where appropriate, pending completion of criminal proceedings.*

*(7) Centres and protected housings are furnished and equipped so as to provide good conditions for accommodation and personal hygiene, food, psychological and medical assistance.*

*(8) In the general directorates of social assistance and child protection, support services for adult victims of trafficking are established.*

*(9) Current and capital expenditure funding for the centres referred to in paragraph (2), as well as for the protected housings referred to in paragraph (4) is made from the local budgets of counties in whose administrative-territorial jurisdiction it operates.*

*(10) Costs related to accommodation, assistance and protection of victims of trafficking, as well as their transport between the administrative-territorial units where they were identified and the centre or the protected housing where they shall be accommodated / assisted, are paid from the local budget of the county on whose administrative-territorial jurisdiction the centre or the protected housing operates.*

*(11) Depending on the evolution of human trafficking in Romania, the Bucharest General Council or the County Councils, other than those provided in par. (2), may establish centres under paragraphs (7), (9) and (10)".*

We decided to add the whole article from this legislation, whereas in the subsequent analysis will refer to various points of it.

## **Residential Support Services**

**Referring to adult victims**, analyzing the situation of Centres for victims of trafficking, presented in the previous chapter, we note that, from nine centres named in paragraph two of Article 32 of Law 678/2001:

- **Five centres are non-functional**, due to various reasons, such as lack of accreditation, positions vacancy, "mothballed centres" (Arad, Galati, Giurgiu, Ilfov, Mehedinti,). These centres cannot assist victims in a specialized residential service, if it would be required to assist an adult victim. "Emergency solutions" can be found, according to the specialists interviewed, such as accommodating the adult victim in different structures providing assistance for the homeless, centres for mothers with children at risk, centres for victims of domestic violence, centres of various local NGOs, but which are not specialized in assisting victims of trafficking;

- **Two centres are functional, but not as they were set up. These centres were merged after establishment, for financial reasons, with other centres** (Iasi and Satu Mare). They can provide residential care services exclusively for female victims;
- **One centre is operational as it was set up, (Botosani)**. It is located at a distance of approximately 30 kilometres from the city, within a services centre for the elderly; the problem of accessing other services such as counselling and career guidance occurs.
- **One centre is functional as it was set up and offers specific assistance services for trafficking in human being victims (Timis)**. This centre is the only one that provides the full range of services assumed by law no. 678/2001, but this is administered and financially supported by an NGO, Generatie Tanara Romania, as the Timis County Council supports only the payment of utilities (electricity, gas).

**A particular case**, besides the centres above mentioned, is the support centre for victims of trafficking in subordination of DGASPC Dolj. It offers services, including residential assistance, for victims residing in Dolj County; for other categories of victims the approval of DGASPC Director is necessary. At national level, there may be such centres, but they have not been subject to this research, neither appeared spontaneous references in interviews with specialists on others (for example in discussing the referral mechanism, no other such centre was mentioned).

*„In Dolj, there is a centre for adults subordinated to the County Council, but in the other counties, the need cannot be met. The only options are NGOs, ADPARE Bucharest, who give money for transportation, medical services ... but rarely, even do they have money all the time.” (ANITP specialist)*

Given the previously described aspects, the support services of adult victims in residential regime is problematic in the majority of counties where interviews were conducted. With respect to the functional centres, except the Timis centre, the assistance of adult victims that reside in another county raises difficulties, being unavailable or available only on short-term (72 hours). Exceptions are accepted with the prior consent of the Director DGASPC.

*„If the victim resides in another county, she/ he cannot receive assistance services. Only the services for “local victims” are reimbursed. For victims that reside in other counties, we don’t even follow procedures for reimbursements, because we learned the lesson. We have 41 “countries” (referring to County Councils).” (NGO coordinator)*

Moreover, **the issue of assistance adult male victims** in residential regime appears, even in the functional centres, either because these structures were merged with others that assist women in difficulty, either because of their transformation into structures that grant assistance to child victims.

*„If we have a male victim? Here is a real problem. Normally, there is this centre, on 678, in Mehedinti, which normally would have had to take over these adult victims. However, in Mehedinti, they made a distinction at a time, although the law does not provide differentiation, where they said they could assist only child victims. Namely, they work only with children. After, they twisted again and wanted to work only with those residing in Mehedinti. They said that there is a financial limitation and have restricted the area. The County Council decided as such.” (ANITP specialist)*

**For child victims**, except Timis County, their assistance in residential regime is performed, when it is necessary, usually in emergency reception centres for children subordinated to DGASPCs. They have no staff or specific service for the victims of trafficking.

*„In Mehedinti even with the children is a problem. The centre in Mehedinti was founded in a project of an NGO, later was taken over by the County Council, but they changed everything and reached to this form that practically does not exist. It was about Vanjuletul, but that was the destination for the repatriated child, and was not limited by county of residence ... It is closed for a long time, they say in conservation purpose. The building is closed, there is no staff there, as they were relocated. The thing is that they changed the destination; ask for the original project.” (DGASPC specialist)*

*„ A child victim...? There is room for...but, if is possible, the victim is sent home. Instead, the centre for children, established following the National Interest Program, is disbanded. Victims are now accommodated in the centre for children with other*

*categories of children with problems. Not even related to minors we do not stand well. They (DGASPC) do not comply... in the case of centre for children, so why they should comply... in the case of centre for adults?" (ANITP specialist)*

**The accommodation period**, defined as „up to 90 days” or, which may be extended, as appropriate, by *"the decision of the county council, at the request of judicial bodies, with a maximum of 6 months or ... until the completion of criminal proceedings"* is considered by most of the specialists interviewed insufficient for the social rehabilitation of the victim. At the same time, conditioning the victim to be part of the criminal process to receive assistance more than 90 days implies a strict legal approach to the concept of victim. Otherwise, if the victim refuses, for various reasons, to be part of a criminal trial, he/she cannot access residential assistance.

*„So, we have assigned a maximum of 90 days in which we manage to enrol the victim in the education system ... and to continue, what should the victim do after that, leave school, we resent she/he back into the environment where the victim has been trafficked, what should we do with her/him? We have cases of two or three years sustained with school fees and everything that means education. We reported every six months and they said ... well, take them out every three months. You, as a State, limit yourself to the victim as an object that you used a time and after that you throw it."( NGO coordinator)*

*„If you do not accept to be part of the criminal proceedings it is over with your assistance in the centres operated by the the Romanian state. The NGO is different. Then why this period is called reflection? Because of the obligation of Romania to transcribe Directive 36, Council of Europe convention and so on ... and these are provisions of international instruments ... but it (referring to the period of reflection) does not really exist. If the victim has been identified by the police and arrives a the centre, even to us, to everyone, he/she already made contact with the police, already gave statements, police will not stop from investigating the case three months and afterwards to continue the investigation... and now depends heavily on our relationship with the police and about ... many of the police officers with whom we*

*work with are very OK, meaning that they pose no great pressure, they are patient, but eventually they have to make their reports. Then, it has to be mediated; a new procedure was implemented, the mediation of the relationship between the victim and the police ... and we shall intervene in the situation if someone from the police is too insistent. Or come and promise the assistance that we offer to the victim as a kind of reward." (NGO specialist)*

Although Law 678/2001 explicitly provides that:

*(9) Current and capital expenditure funding for the centres referred to in paragraph (2) as well for the protected housing under paragraph (4) is made from the local budgets of counties in whose administrative-territorial jurisdiction operates.*

as well as

*(10) Costs related to accommodation, assistance and protection of victims of trafficking, as well as their transport between the administrative-territorial units where they were identified and the centre or the protected housing where they shall be accommodated / assisted, are paid from the local budget of the county on whose administrative-territorial jurisdiction the centre or the protected housing operates.*

most of the specialists and directors of DGASPCs who participated in the study say that either cannot assist, in residential regime, victims from other counties, as a result of management decision of County Councils, or can do so for a short period of time, and only with the consent of the Director DGASPC. Also, it should be noted that precisely the financial aspects to support these services have determined the County Councils to change the destination of these centres, or, where appropriate, to close them.

*"The problem occurred after the decentralization of the local budgets started and the Centre became administrated by the County Council. Being very few victims in the county, more than 90% of the victims were from outside the county, on three axes ... one, Bistrita Nasaud - Iasi - Botosani, two, Brasov - Galati, and three Slobozia - Tandarei. Being from outside the county, nobody reimbursed (from the county of origin). There was no budget for emergency. I do not understand why should we pay for Brasov, for example". (DGASPC director)*

Furthermore, Law 678/2001, points out that local authorities, in this case the County Council, may establish such centres, but does not mention what would happen if they disband them or change their destination.

*"The law says authorities can establish service; I talked to the Secretary of the County Council and he said: Is there somewhere a written obligation that I have to do so? I look at the tasks and I choose firstly the mandatory ones, because I have no resources; those issues that have some coercive measures... if I do not resolve them I receive some kind of penalty ... that's the order." (NGO specialist).*

*„When they put the centres on border there was some kind of logic, but the funding was zero. They gave us two computers and a phone, if I remember correctly. It's easy pass this to local authorities, but to not give them the resources ... the problem of human trafficking is not a local one, the phenomenon of trafficking persons is not a kiosk in the market." (DGASPC specialist)*

Taking into account the above information presented, regarding the residential assistance, it can be highlighted **the first problem identified** by the present research, with reference to centres established under Law No. 678/2001, namely the **lack of "stability" in time of the assistance centres and of the provided services.**

*"In these conditions, that renovated centre, we had to keep it for two years. In 2006 was took from us. President of the County Council said: "You know, I admire you for how you struggle, but I must take it because I have to give it to the Personal Records and Passports. I admire you, but you know ..." After he gave us a new building, what to say.... a neuropsychiatry centre... disaster. Broken pipes ... you realize, it was unoccupied for years. We restored it, painted it, we made it functional so that we could receive a foreign visit in it. However, we still had few victims, usually they came during the summer, lower costs, and winter months were almost death. And then, because we had the Centre on two levels, on a level we sheltered other categories of beneficiaries in need, young men and women who, for various reasons, were not been able to stay in their family. A floor remained for victims. Because the archive of the police was already full... and having no other storage space, they took our ground*

*floor and half of it was transformed in their archive... and because the highway that was built ... crossed over the Health Department building, they moved and divided it, so that some offices they put to our ground floor; so, in four rooms archive, in four rooms the Department of Public Health, and we had to shelter victims mixed with other categories of beneficiaries. Eh, other legislative changes were made, that, you see, cannot be received but only in emergency, and due to the situation, we filled the centre with children, an emergency reception centre. We have no reception centre for victims of trafficking." (DGASPC specialist).*

*„Until about four years ago there was a centre ... where we could get victims from other parts too (counties). At one point, there were not so many cases requiring shelter. Then, they said that, due to the lack of funds, they accept only victims from their county, and later, from a year or two, they disbanded the Centre and transformed it into a placement centre, and a space from there they rent it to the Passport Department." (ANITP specialist)*

*„It was a building dedicated to trafficking victims, but because it was considered there are no sufficient casualties and costs are not justified, it was taken by the County Council and now there is another institution. The original centre had other conditions: the floor was for adults and the ground floor for children. Now, there are no separate rooms for adult trafficking victims; they are housed at the centre for domestic violence, where there are available rooms. At the children's centre is even more chaotic... emergency reception centre, behavioural rehabilitation “program” and centre for victims of trafficking ...” (DGASPC specialist)*

Given the circumstances, residential care to trafficking victims, particularly adult victims, is made, in most of the cases<sup>13</sup>, using “emergency” or compromise solutions, in structures that were not set up for this purpose. We cannot speak of an actual residential assistance to facilitate social reintegration of victim.

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<sup>13</sup> Except the centre of Timisoara and centres managed by other NGOs.

*„Pressures were made for the establishment of a centre at least on short term, 30-90 days. Or a crisis centre. „What can I do with it now? I go with it to this NGO, but they have other specific, they have no obligation to receive it. From the moment they closed the Centre, we took them there, but this is not normal. For example, this one (a victim) they want to give her out now, but she is not in the position to leave the centre...” (ANITP specialist)*

*„Since the closing (of the centre), the first victims that we had and requested shelter, let’s say... she was the first one who really need it; I took her to the NGO in question, because the victim was not resident of the county, police found her after a 112 call, and until the police hearing or other things, it takes some time, so she had to be hosted somewhere. I made the notice (to DGASPC) and, of course, they had no place to send her ... they told me, well, you know, the activity is closed. Then I ask for help to the foundation. However, they do not have specialists on traffic, so they provided accommodation and food ... and this was it. And this girl needed more. I referred her to them too (DGASPC), and they said assistance would be given as she’s at home, at domicile. Therefore, they go to the foundation and assist her there. And the victim tells us: you know, these ladies came, they asked me a lot of questions, but they did nothing for me. Because they come, they collect data to fill their documents, but specifically, nothing in order to resolve victim’s problems.” (ANITP specialist)*

### **Medical Assistance Services**

The majority of interviewed specialists, regardless we refer to representatives of public authorities or of NGOs, consider that the medical assistance offered to adult victims of human trafficking is carried out with difficulty. The main causes are the absence of a valid health insurance, sometimes the absence of identification documents, corroborated with the absence of funds allocated for this aspect. Thus, if the services needed by the victim are not considered emergencies, access to medical services is conditioned either by the support offered by various non-government organizations, either by the network of informal relations developed locally by the personnel involved in assisting victims.

*„Minors are minors, but adults, who don't have a job, don't pay insurance... in case of a health problem, they can only benefit from emergency services, in those 3 days, but a medical service... later. If it's not an emergency, eject. Through the conventions we concluded with hospitals, this is exactly what we are trying to offer, to register them to a family physician. Neither the health insurances stipulated by [Law] 678, namely that victims should benefit, are still not paid; if it's an adult victim... goodbye. The Romanian state should provide, as it clearly says, money from the state budget, but nobody saw this happen. Say there's a victim who was sexually assaulted, she needs medical check-ups. Let's not mention psychological testing. All these are done by us, yes, from our own money. Not even for these...we can't even think about money for hygiene, other products. (NGO specialist)*

Considering that most assistance centres in residential regime for trafficking victims are non-operational, the initial evaluation of the victim's health condition, as described in the legislation<sup>14</sup>, is a very difficult process. Without an institutionally defined relation, through clear protocols, the victims may face other situations of abuse:

*„Medical assistance is...very difficult, the collaboration with hospitals is laborious, medical services are very limited, victims are treated poorly, despised, we wait with them for hours in line. If they don't have medical insurance, even though they're assured by law, things unfold slowly. We have a collaboration convention with the Mitropolia of Moldova and Bucovina, with one of their clinics. However, they can offer support for a limited number of cases. They do not cover analyses, gynaecological consultation, psychiatric check-up.” (DGASPC specialist)*

Moreover, free access to a series of basic medical investigations is not stipulated anywhere. Either we refer to testing for sexually transmitted diseases, either to other diseases for which these persons are at risk, such as tuberculosis, access to such investigations is difficult and lacking continuity.

*„Let me give you an example. In order to perform medical tests to a victim repatriated from Denmark, we needed to turn to ADPARE. They paid. But it's not normal, they could have not had the money. The idea is that the State should assure*

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<sup>14</sup> G.D. No. 1238 of October 10, 2007

*access to a series of base medical investigation... and here we refer to introducing a victim in the community. They are not many, but at least tuberculosis, HIV and hepatitis could be covered. And I can give you an example, a victim who was repatriated by plane (using a commercial airline), who died after some time, no more than a month, due to tuberculosis. You can realize that everyone on that plane was exposed, and so were we..." (DGASPC specialist)*

Once the difficulties encountered in testing for various illnesses are overpassed, there's the problem of access to medication. There are no funds allocated, and if the specific disease is not included a national program for free universal access to treatment (such as tuberculosis), no medication can be purchased (except for sponsorships).

*„Let's say we solved the part regarding medical examination. If the victim has a health condition that requires treatment, with few exceptions, medication is not compensated. And then we return to the need for sponsorships and others as such..." (DGASPC specialist)*

### **Psychological assistance services**

Most participants in interviews appreciate that the victim's psychological assistance can be covered for a short period of time, but problems can occur in accessing this service for a longer period. Reasons relate to the lack of resources: either the victim does not have the material resources to travel to DGASPC, the more if the victim resides in the rural area, or the personnel that should provide this service cannot travel to the victim's home, for various reasons, such as the absence of work vehicles, lack of funds for fuel, insufficient personnel.

Moreover, in the case of psychological evaluations for courts of law, difficulties occur due to the lack of DGASPC personnel accreditations.

*„There are certain restrictions for psychologists employed by the DGASPC, imposed by the College of Psychologists. The College of Psychologists, in collaboration with an institute, created a 2-year course for training expert psychologists especially for judicial procedures. The first series completed the course one year ago and there is a*

*list of expert psychologists, and the courts are not allowed to turn to other psychologists. We, the others are no longer allowed to send anything psychological evaluation-related to the court of law. We have reached a compromise, in the sense we do not name our activity as psychological evaluation, but psychosocial evaluation. In our county, there is no psychological evaluation expert. These courses are paid individually, and cost approximately 5,000 Lei per year. We, as psychologists employed by the DGASPC, are no longer allowed to supply psychological documents to other institutions, not necessarily for trafficking victims. This happens considering that there is a strategy which assumes that DGASPC supplies these services, to which ANITP and DGASPC are part.” (DGASPC specialist)*

### **Material assistance (clothing and footwear, hygiene products, school supplies etc.)**

Most of the interviewed specialists consider that material assistance can be provided at a minimum level, for a short period of time. If the victim is under residential assistance, either we are talking about assisting the trafficking victims in specific centres or specialized structures for other categories of beneficiaries, food, clothing and hygiene products are guaranteed. However, if the victim is assisted at home, in most cases, there are no funds to ensure these products.

Given that in any institution that participated in this study there is no emergency fund for the victims of human trafficking, there may be problems in the provision of material assistance.

*„Often, the victim comes poorly dressed and mostly without any identification papers. Not having an emergency budget, problems arise. If I buy her clothes, I must make a necessity account, that takes time, problems arise. If I buy a pair of shoes, I must come with three offers etc. For example, the jacket has an amortization of 2 years; you cannot take the jacket back from her. These are some issues that nobody has thought about. Plus, a centre like this must have a car, money for sending the victim to the county of origin, if necessary.” (DGASPC specialist)*

## **Services of assistance in obtaining and recovery of identity documents**

Most respondents, regardless if we speak about the staff of DGASPC, ANITP or NGOs active in the field, considered that assisting the victim to obtain or recover the identity documents did not pose a problem.

## **Legal aid services**

There are no funds or services dedicated to special legal assistance for victims of human trafficking, excluding the services provided by the non-governmental organizations involved in this field. In addition, in most cases, victims are assisted in court by *ex officio* lawyers, if the victim is part in a criminal trial. This means that there is no continuity in assisting the victim (by the same lawyer) and there is no time assigned for the legal counselling of the victim (by the lawyer who is assisting the victim), preliminary to the victim's participation to the hearing.

However, coordination of victims in the criminal trial, by the staff of ANITP regional centres, can be considered a model of good practice. This provides the victim with the minimum necessary legal information, legal advice, preparation for trial, psychological support during the trial, transport safely and protected. The program is implemented in cooperation with law enforcement and NGO partners.

## **Counselling and vocational guidance**

There are few effective approaches in counselling and vocational guidance. Most of the interviewed specialists appreciate that the chances of a victim of human trafficking to access qualification courses are low, due to the lack of designated programs. Also, the participants to the interviews underlined that a long term approach is needed, aimed at tackling the root

causes of trafficking, especially through fostering access to education and jobs for vulnerable groups.

*“If she is a minor it’s very easy, because then DGASPC gets involved and that’s the end of story., It’s crappy with the adults – in Olt, Dolj, Mehedinti there are no NGOs or institutions to offer them actual assistance, meaning that (I am not talking about ANOFM which offers...or mostly not) the victims have poor education, they (ANOFM) don’t have anything to offer to them, or the victim does not show up – has no money to go to classes, or cannot accept a job which does not provide any transport requirements or rent).” (DGASPC specialist)*

Under these conditions, the reintegration of victims of trafficking into society is difficult and the risk of being re-trafficked is high.

## **The common “route” of a victim of trafficking in human beings through the protection system**

When we started this research project, we wanted to identify a “common route” of a victim through the protection system. However, this undertaking proved difficult, because of the strong “local specificity” that characterizes the system of assisting human trafficking victims, specifically, because of the various “emergency” solutions which the specialists involved in the system must find in order to overcome aspects such as: absence of residential assistance facilities, difficulty to provide access to medical assistance, difficulty caused by the absence of dedicated funding, difficult collaboration with the County Employment Agencies, etc.

For this purpose, the participants to interviews, both specialists within ANITP, as well as those in DGASPC or in the NGOs have been asked to describe their own modality to address three hypothetical cases, thus:

**1<sup>st</sup> case.** 17 year old girl, from Miercurea Ciuc, brought to you by the police, sex worker, without ID, with no money or possibility of making money except prostitution, in a poor physical condition, underweight, with signs of physical abuse.

**2<sup>nd</sup> case.** 27 year old male, brought to you by the police, found sleeping in the street, poor psychological condition, saying that he agreed to work in a farm but didn't receive any money, food or shelter, no ID, his ID is at the farm, left as warranty.

**3<sup>rd</sup> case.** 22 years old Roma woman, says that someone promised her a job in the UK as babysitter. Says that she ran away from that family that had contracted her as babysitter, because they “use her like a slave” (doing all the work in the house), her ID is still at that family's home. She ran away from that family, went to the local police and after this was referred to a local NGO (from UK). She is identified as a trafficking victim and repatriated.

The main conclusion of this exercise is the fact that we cannot speak of a “typical route”, but of a series of different “routes”, depending on the region of the country / county. Such aspects, like the existence of a strong local network of NGOs, various local partnerships between the institutions involved in assisting victims of human trafficking, the network of informal relations of specialists on local level, radically influence the quality of the assistance offered to victims.

In the case of the first hypothetical situation, “17 year old girl, from Miercurea Ciuc” we can conclude<sup>15</sup> as follows:

- It is considered the “easiest-to-assist case” by most specialists in the system. The victim, being a minor, can benefit, in all cases of residential assistance, even if not always in specialized structures. The residential assistance is usually performed in emergency admission centres for minors. It is not, according to the interviewed specialists, the “best case scenario”, as the victim is assisted with other categories of minors. The main risk-related aspects, in this case, are connected to the stigmatization risk and absence of specialized psychological counselling;
- Family reinsertion, where possible, is considered the ideal situation for solving the case;
- Medical assistance can be provided. The relation with health units is often described as being difficult;
- Assistance in reissuing identity documents is not a problem, in the opinion of the majority of interviewed specialists;
- School reintegration of the victim is possible, but may cause various problems, from case to case (e.g., depending on the period of interrupting of the educational process, if the courses cannot be resumed in the classic system, the victim’s integration in alternative programs such as “the second chance” (“a doua sansa”) may be difficult, as the main problem is related to the small number of such programs);
- The main long-term risks, starting from the case described above, are associated to the moment when the victim becomes an adult and can no longer benefit from services destined for assisting minors. In this context, most interviewed specialists underline the risk of re-trafficking.

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<sup>15</sup> However, we underline that it is the typical, “modal” situation, and alternative approaches can exist. The observation is valid for all three cases.

The second hypothetical situation, “27 year old male” represents, in the case of most interviewed specialists, the case that is the “most difficult to assist”:

- Residential assistance cannot be provided, in most cases, except for in structures such as shelters for homeless persons. However, it must be mentioned that most participants to interviews notice that this type of cases do not usually require residential assistance;
- In the absence of health insurance, the victim can only benefit from emergency assistance. For other categories of medical conditions, a typical answer cannot be identified: there are cases where the medical investigations/ treatments can be financed by various NGOs, cases when specialists in the system have developed an informal relation with various specialists in the health system, thus providing the victim with limited access to basic investigations, cases where local partnerships have been developed with various public or private medical institutions, etc.
- Reissuing identity documents is not considered a problem;
- Professional reintegration of the victim is difficult, although most interviewed specialists, consider this is the main need of this category of victims. The main cause for this difficulty is represented by the absence of targeted programs;
- The main risk associated to the situation described above is the risk of re-trafficking (defined as “the victim reaching the same situation”).

In the case of the third hypothetical situation, “22 years old Roma woman”, we may conclude:

- Residential assistance can be provided, in most cases, but not in centres destined for victims of human trafficking and not on the long term. The ideal solution for solving cases is, in the opinion of the interviewed specialists, family reinsertion.
- Medical assistance, if necessary, is difficult to provide, except for emergencies. Like in the case “27 year old male” described above, in the absence of a health insurance, it cannot be described as “a typical answer”: there are cases when

medical investigations/ treatments can be financed by various NGOs, cases when specialists in the system have developed an informal relation to various specialists in the health system, thus providing the victim a limited access to basic investigations, cases when there are local partnerships developed with various public or private medical institutions, etc.

- According to the opinion of most interviewed specialists, the ethnicity does not constitute a problem which could affect the access to assistance services in any manner;
- As regards the counselling and professional reinsertion, most respondents affirm that these unfold difficulties, mainly because of the lack of targeted funds and programs;
- In the conditions when the victim is reinserted the original social and economic context, in the absence of information and counselling programs, the risk of re-trafficking cannot be neglected.

# **Main problems identified regarding the assistance system for victims of human trafficking**

## **1. Problems regarding the access to residential services:**

**1.1. Lack of access to specialized residential services;**

**1.2. Lack of temporal “stability” of traffic centres;**

**1.3. Lack of residential assistance for some category of victims.**

### **General description:**

Most of the centres for the victims of trafficking that were included in this evaluation report were non-functional. These centres cannot shelter victims and, due to this reason, the authorities must use alternative solutions or "emergency solutions" such as adult victims' accommodation in different structures providing assistance for the homeless, centres for mothers with children at risk, centres for victims of domestic violence.

Taking into consideration the victims' gender, the qualitative research highlights the fact that the male victim assistance in residential regime is an issue, even in the functional centres. This happens, either because these structures merge with others that assist women in difficulty, either because of their transformation into structures that grant assistance to child victims

Another issue in accessing residential assistance is related to the victims' county of residence. Most specialists and directors of DGASPCs which participated in the study said that either cannot assist victims from other counties in residential regime, because of County Councils' management decision, either can do so for a short period of time, only with the consent of the Director DGASPC.

However, these “alternative solutions”, such as centres for mothers with children at risk, centres for victims of domestic violence, emergency reception centres for minors, do not provide specific assistance for victims of trafficking. Given that the majority of the interviewed specialists underline the importance of assisting the victims into specialised

facilities, this is one important minus of the system. Victims may encounter social stigma, isolation, lack of access to specialized assistance services, such as medical, legal or psychological.

The decision of setting the centres for trafficking victims under the authority of the County Council was an inappropriate one. Lack of funding, interest, effective management and coordination led to important changes of the initial destination of these centres. In addition, in some cases, the destination of the building in which these were meant to function was changed due to political or administrative decisions at local level.

## **2. Problems regarding the funding of the system:**

**2.1. Lack of governmental funds (National Interest Programs);**

**2.2. Lack of an emergency fund dedicated to assistance, as a matter of urgency;**

**2.3. Insufficient human resources, overwhelmed by tasks and poorly paid (low wages in comparison with other public duty officials).**

**2.4. Insufficient resources (vehicles, insufficient fuel)**

### **General description:**

State funding, through national interest programs, had no continuity, only covering the years 2007 and 2008. Since then, there were no governmental funds specific on trafficking victims.

At national or local level, an emergency fund dedicated to the victims of trafficking is not available. This causes important issues in providing emergency assistance of the victims; for example is difficult to ensure funds for medical assistance or medical exams, exempting emergencies, for material assistance or for the proper short-term accommodation of the victims, taking into consideration the absence of dedicated shelters.

Most of interviewed specialists underlined that the personnel of the institutions involved in assisting victims of trafficking is insufficient (vacancies are suspended in the organization chart), personnel is overwhelmed by tasks and affected by the lack of resources (vehicles, insufficient fuel). Also, specialists are poorly paid, some of them receiving the minimum wage stipulated by law or very close to it.

### **3. Other problems regarding assistance for trafficking victims:**

**3.1. The status of victim may be conditioned by its willingness to cooperate with law enforcement agencies;**

**3.2. Identity protection for the victim that is part in the criminal trial is not always provided, given the fact that on the court websites victims' personal data are made public: name, home address.** For example, in the case<sup>16</sup> of a minor victim of human trafficking, her full name, county of residence, village, street and house number was published on <http://portal.just.ro/>;

**3.3. Assistance for the victim in the criminal trial is made, mostly, by *ex officio* lawyers. Therefore, one of the main problems arising is the lack of continuity of the process of assisting the victims in the penal trial.**

#### **General description:**

Some of the interviewed specialists mention that the assistance of trafficking victims, especially residential assistance, may be conditioned by their willingness to cooperate with the law enforcement agencies. Also, in terms of residential assistance, it is not possible to exceed 90 days of assistance, if the victim is not part of a criminal trial.

Regarding the protection of the victims' identity, this aspect is not always respected. Full name of the victim and complete home address can be found on the web pages of the courts (see the footnote number 3).

The victims' coordination in the criminal trial by the ANITP staff can be considered a best practice model, providing the victim of trafficking with a minimal legal information and psychological support. On the other hand, the victim is assisted in the criminal trial mostly by *ex officio* lawyers, and this can represent an issue, because the legal assistance continuity is not ensured. The program is implemented in cooperation with law enforcement and NGO partners.

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<sup>16</sup> [http://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000000480308&id\\_inst=3](http://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000000480308&id_inst=3)

#### **4. Problems regarding institutional collaboration:**

**4.1. Locally, inter-institutional cooperation is poorly formalized and based mainly on a network of informal relations, on the principle „man consecrates the land“. The main problem is the lack of stability and continuity of this network.**

##### **General description:**

The institutional cooperation at local level is poorly formalized: there are few efficient protocols between different institutions involved in the assistance of trafficking victims. In this regard, most of the interviewed specialists underlined the necessity of clear protocols, with clear defined responsibilities for all parties, public or nongovernmental institutions involved in the assistance process.

Being so poorly formalized and based on informal relations, the assistance process cannot have predictability and the quality of this process is different from one region to another, or from county to county. For example, a victim may receive full medical assistance in one county, because the local specialists manage to start collaboration with a private clinic or with a physician, while in other medical assistance is given.

#### **5. Problems regarding the “regional bias”<sup>17</sup> in the quality of the assistance process:**

**5.1. There are serious differences in the quality and the type of assistance services that a trafficking victim can access depending on the local situation at county level.**

##### **General description:**

There are regions in the country with a strong network of institutions (usually non-governmental) where a victim of trafficking can access a variety of services, starting with long term residential assistance, proper medical assistance, proper legal assistance, school or professional (re)integration, but also regions where access to services is problematic. The main cause of this bias is the presence or absence in the area of NGO’s that can provide this type of services.

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<sup>17</sup> Differences in the process of assistance

### **Additional information obtained through questionnaires<sup>18</sup>**

A forty-five question, 12-page document was also issued to try and get more information in relation to the assistance system for human trafficking victims in Romania. The questionnaire was designed to find out about the background and experience of the worker completing the form as well as their views on the operation of the assistance system. Issues relating to the support and training of staff were also raised. 18 questionnaires were completed and returned and provided useful additional information to complement the fieldwork exercise.

Many of the questions required only a “tick box” answer, but others gave the opportunity to the worker completing the questionnaire to expand on how they view the support systems. Included in the responses were aspects concerning what functioned well and what was not functioning, multi-agency cooperation and its effectiveness or otherwise, staff support and training and, most mentioned of all, funding.

All of the respondents confirmed that they regularly collected statistical information and passed data to a central collection point. No issues were raised regarding the database maintained by ANITP Bucharest and most people responding felt that data collection and sharing were vital in combating human trafficking, monitoring trends and providing appropriate services to victims.

The final three questions offered the opportunity for individual respondents to give their views on what their own organisation needed to help provide better services for trafficking victims, what other agencies or organisations needed to improve their own services to trafficking victims and, finally, any other comments.

The majority of the feedback suggested that additional funds, emergency funds and human resources were required, not only for their own organisation, but for others as well. Other things mentioned were the need for a vehicle, specialised shelters for victims of human trafficking and additional training.

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<sup>18</sup> this information were added to the qualitative field research by Jim Laird, Council of Europe Consultant

In response to the question on what other agencies/organisations need to improve their services, almost everyone commenting suggested that training for staff was the biggest problem. Funds and human resources were also frequently mentioned.

The same issues, funding, human resources, training etc. also featured in the additional comments question at the end of the document.

## Conclusions and recommendations

### Conclusions:

1. Centres for victims of human trafficking, mentioned in Law 678/2001 did not have, with few exceptions, temporal continuity. In most cases, the County Council could not provide funding for these structures.
2. Assisting human trafficking victims in centres together with other categories of victims is problematic, both for adult victims and in case of child victims.
3. Funding of the system for assisting human trafficking victims is inappropriate.
4. State funding, through national interest programs, had no continuity, covering only the years 2007 and 2008.
5. There is an important need of an “emergency fund”.
6. Assistance measures, as defined by Law 678/2001, are sometimes, in practice, problematic, because the status of victim may be conditioned by its willingness to co-operate with law enforcement agencies.
7. Identity protection<sup>19</sup> for the victim which is part in the criminal trial is not always ensured, given that on the court portals their personal data are made public: name, home address.
8. Assisting the victim in the criminal trial is made, mostly, by *ex officio* lawyers, and one of the main problems arising from this is the lack of continuity of the legal assistance process.
9. Locally, inter-institutionalized cooperation is poorly formalized and based mainly on a network of informal relations, on the principle „man consecrates the land”. The main problem is lack of stability and continuity of this network.
10. Analysing the current situation of centres for victims of human trafficking, we can find that the model of outsourcing the services to NGOs can be successful.

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<sup>19</sup> This is not a specific problem of the assistance system, it concerns the judicial system.

## Recommendations:

- ! Romanian authorities should take measures to allocate appropriate funds in the central budget and the budget of local authorities dedicated to actions against trafficking in persons and victims' assistance programs. The non-reimbursable financing, through programs of national interest, should be resumed. Also, the Romanian authorities should ensure the continuity of this financing mechanism.
- ! Romanian authorities should take measures to allocate sufficient human and financial resources to all institutions involved in the assisting victims of human trafficking. Also, should unblock the employment of specialists in the field of social assistance (psychologists, social workers).
- ! Romanian authorities should create an emergency fund for victims, based on standards of costs, to provide funding of assistance services (material, medical, psychological, legal etc.).
- ! The system of assistance of victims of trafficking should be redesigned in order to ensure the continuity<sup>20</sup> of the centres for assisting human trafficking victims. In this regard, central authorities should reinforce the cooperation with local authorities (especially County Councils) to ensure the fact that these centres<sup>21</sup> become and remain operational. There should be a clear definition of the mechanisms for financing of these centres.
- ! Residential assistance should be granted in the state run shelters regardless of the county of origin of the victim. Clear protocols should be developed for victims' referral between counties and between other agencies and ANITP, including NGOs and other government departments.
- ! Assistance measures provided for in law, including access to health care, should be guaranteed in practice.

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<sup>20</sup> Most of centres created under the Law no. 678/2001, had no continuity in time and, at this time, most of residential assistance takes place using "compromise solution".

<sup>21</sup> Centres created under the Law no. 678/2001

- ! Specific programs to facilitate victims' access to education and vocational training, as well as access to the labour market, are needed, in order to help the reintegration of victims into society and avoid re-trafficking.
- ! Providing access to assistance, especially shelter for more than 90 days, should be independent by the victim's consent to cooperate with authorities during the criminal trial. Also, the period of reflection and recovery should be always granted in practice.
- ! Ensuring the effective identity protection of human trafficking victims, in compliance with Superior Council of Magistracy decision no. 308 of 5<sup>th</sup> of March, 2009.
- ! Protocols are needed to be established, at central level, with the institutional actors involved in assisting and protecting victims, especially concerning access to health services, training, legal assistance.
- ! The training programs for the specialists working in the victims of trafficking protection and assistance should be a continuous preoccupation for the Romanian authorities. These programs should have a multidisciplinary accent and should cover all categories of specialists: law enforcement officials, judiciary system officials, specialists from the centres for victims of trafficking. A special focus should be on social workers from local level, especially from city halls of rural localities.
- ! The public – NGO partnerships should be supported and encouraged. A framework for monitoring the services provided under these partnerships should be created. Monitoring should cover, inclusively, the quality of services. When assistance is delegated to NGOs as service providers, the state should provide adequate financing and to ensure the quality of the services delivered.
- ! Further quantitative analyses should be conducted to evaluate the specific need of residential assistance in different regions of the country, in terms of number of victims and the evolution of this number over the years. The location of the state run shelters for victims of trafficking should be based also on this type of studies, not only on the proximity to the border.

## Annex

### Interview guidelines

#### Before the interview

*This is not a press interview, all answers are confidential, they will only be used for evaluation and research purposes. None of the names of the participants will be published in any of the research or evaluation. Please remember that this is not a test and that there are no right or wrong answers. We are only interested in understanding how this system works. I would like to record the interview. The only reason for doing this is to not lose any information. It is impossible for me to write down everything, it would take too long. Please, for the sake of confidentiality, don't give your name after I start recording.*

#### **Personal context / Work history:**

What is your professional background? What are your main interests in the field (regarding your actual work)?

How long have you worked here? How did you decide to apply for this job? Do you like it? What are the first three things you like the most? How about the three things you dislike?

If you were asked to describe your actual job in one word, what would that word be, and why?

**Approach to individual cases. Please describe your personal way of approaching human trafficking cases. Please take into consideration that this is not a test, but it is just an exercise that will help me describe best practices. That is why I ask you to tell me all the options, the solutions, the way you act in order to make trafficking victims' life easier.**

**1<sup>st</sup> case.** 17-year-old girl, from Miercurea Ciuc, brought to you by the police, sex worker, without ID, with no money or possibility of making money except prostitution, in a poor physical condition, underweight, presenting signs of physical abuse.

**2<sup>nd</sup> case.** 27-year-old male, brought to you by the police, found sleeping in the street, poor psychical condition, saying that he agreed to work in a farm, but didn't receive any money, food or shelter, no ID, his ID is at the farm, left as warranty.

**3<sup>rd</sup> case.** 22-years-old Roma woman, says that someone promised her a job in the UK as a babysitter. Says that she ran away from that family that had contracted her as babysitter, because they “use her like a slave” (doing all the work in the house), her ID is still at that family’s home. She ran away from that family, went to the local police and after this was referred to a local NGO (from UK). She is identified as a trafficking victim and repatriated.

So far, we have spoken about hypothetical cases; I would now like to ask you about a case that was referred to you and that made the most impression on you. How did you deal with it?

Did you encounter cases of people that were re-trafficked? For example, trafficked twice or more. If yes, why do you think that they end up in this situation? Can you describe a case for me?

**Prevention:**

What are the main prevention approaches at local level? In your opinion, are these effective? Support systems provided by the local specialists are very important, because they can provide the most efficient practices. Would you like to outline and detail some?

Who is responsible for the trafficking victims’ protection, at local level? In your opinion, are these measures (for protection) effective? Is there something else, or more, that could be done?

**Suggestions:**

If you could change the way things are done in this field, what would you do? Think in term of procedures, practices, legal framework, support services.

When I was preparing the field research, it was quite difficult for me to find statistical data on human trafficking. Do you know who collects this kind of data? How are they collected? In your opinion, is this collecting system effective?

In the end, would you like to add something? Is there something I forgot to ask you regarding this area? Please take into consideration that I’m not an specialist in this field and I might lose some important information.