

PUBLIC LETTER OF CONCERN REGARDING THE TIP REPORT IN THE CONTEXT OF THE HIGH VULNERABILITY OF UKRAINIANS IN ROMANIA

To: The President of the United States of America, Joe Biden
The U.S. Secretary of State, Antony Blinken
The U.S. Ambassador to Romania (Nominee), Kathleen Ann Kavalec
Chargé d'Affaires, David Muniz

July 28, 2022



Dear Mr. President,
Dear Mr. Secretary of State,
Dear Mrs. Ambassador to Romania (Nominee),
Dear Mr. Chargé d'Affaires,

On July 20, 2022, the Government of the United States of America published [the TIP Report](#) that upgraded Romania to Tier 2 after 3 consecutive years of being on the watch list.

In the context of the conflict in Ukraine, we support and appreciate the cooperation between the Government of Romania and the Government of the United States of America. We believe that this cooperation is absolutely necessary, and that Romania needs the support of the United States of America to achieve the balance of power in the region and to continue its democratic and Western European path.

We understand very well the fact that, if Romania had remained for the 4th consecutive year on the Tier 2 monitoring list of the TIP Report, it would have automatically implied, according to American legislation, the downgrade of our country to Tier 3 in 2023. Such downgrade would have triggered automatic sanctions against Romania. The sanctions would have targeted the limitation of the international assistance that USA can provide to Tier 3 states, especially in the military field, as well as Romania's impossibility to access international funds containing American public money, such as those managed by IMF or the World Bank. [The 2019 amendment to US law](#) states that:

"The President shall ensure that federal agencies limit grants and contracts to entities that do not engage in various activities related to human trafficking."

In the current geo-political context, we consider the decision to upgrade Romania to Tier 2 as a political decision of the State Department, in order to continue bilateral military cooperation, even though national standards in combating human trafficking and assisting survivors have in fact been drastically lowered compared to 2020. Among the most important aspects we mention:

- on October 25, 2021, the Government of Romania decided, by amending the national legislation, to remove from the National Strategy against Human Trafficking an extremely important structure in monitoring and evaluating the phenomenon of human trafficking at the national level, namely the "Monitoring Committee for Strategy Implementation", even though 16 NGOs with human trafficking prevention activities requested the Government, through [a letter sent on August 26](#), not to adopt this decision to amend the National Strategy.
- even if in 2021 a specialized office to combat human trafficking was established within the Directorate for Investigating Organized Crime and Terrorism (DIICOT), the new structure faces numerous challenges. Currently, the prosecutor's office staff is undersized due to the legislative changes approved by the Constitutional Court on July 14, 2021, whereby holding a position in this structure can only be achieved by prosecutors with a professional experience of at least 10 years (too high to have applications for these openings). Also, the structure does not benefit from its own judicial police to be able to carry out fast and effective investigations.
- the [9 shelters](#) (min. 7:20) for survivors of human trafficking are still only regulated for the purpose of adopting better public policies, without such policies actually having been implemented in practice. A journalistic investigation published on January 28, 2022, shows that **none** of the shelters for survivors were functional.
- the national legislation is ambiguous in many aspects such as the interpretation of acts of trafficking of minors as acts of pimping, which does not ensure for protection and assistance for survivors, or the failure to correctly transpose the EU Directive on forms of exploitation (in particular the commission of criminal acts – exploitation for theft, robberies, drug trafficking, or even human trafficking when victims are forced to recruit other persons, human organ trafficking, etc. are not covered by Romanian legislation).
- policies to prevent human trafficking, especially among minors, are ineffective. Furthermore, the number of sexually exploited Romanian children, both in the country and abroad, is continuously increasing, while their age is decreasing more and more. [The European Commission's Report](#) (pg. 33) shows that the number of **Romanian children exploited in the EU increased 10 times in the last 2 years** of reporting, and [research published by ECLER](#) shows that the age of sexually exploited children is getting lower, starting **from 3 years old**.

Considering the above, and especially the high vulnerability of the large number of refugees currently on the territory of Romania, as well as the fact that both Ukraine and Romania have highly developed transnational criminal groups, **the signatory NGOs request the State Department of the United States of America** to continue monitoring the Government of Romania in order to improve the national standards for survivor assistance and combating human trafficking.

The following NGOs sign this public letter:

ANAIIS Association
European Center for Legal Education and Research Association
Children for the Future Association
Christiana Cultural Social Economic Association
Front Association
Initiative for Justice Association
Inovatrium Association
Manieres Association
Association for Cooperation and Sustainable Development
Transcena Association
TrueSight Association
Association of the Jesuit Service for Refugees from Romania
Valore Plus Association
Association of Romanian Women in Italy
FILIA Center
National Council of Students
Youth Council of Romania
E-Romnja Association for Promoting Roma Women Rights
Eyes Open International
Together Agency Foundation
Freedom House Foundation Romania
PARADA Foundation
Geeks for Democracy
Făgăraș Research Institute
Romanian Women's Lobby
SDGuild
Society of Feminist Analysis AnA
Contraceptive and Sexual Education Society

