

**Mr Ludovic Orban**  
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## LETTER OF CONCERN

1 November, 2020

We note with deep disappointment that one week after the publication of the European Commission's [Human Trafficking Report](#) in which Romania is presented as the state with the highest number of victims in Europe (pg. 26) and with the number of children trafficked in 2017-2018 **ten times higher** than in the previous reporting period (2015-2016 pg.34),

**the President of Romania enacted [a law more favorable](#) to defendants in crimes of child trafficking and child pornography.**

Although 108 NGOs drew the issue of this respective law to the attention of the President of Romania, and requested its resubmission to the Parliament to complete art.154 paragraph(4) by returning it to its previous form (as provided in the Criminal Code at that time), the President instead enacted the law in question. Only after that time, were the NGOs provided with a [unmotivated information](#) advising that the law had already been enacted.

In addition, [a draft law initiated by Parliament](#), which makes considerable changes to improve anti-trafficking and child trafficking legislation, and has obtained the necessary opinions from the competent authorities, is being blocked by the Government. In accordance with the legal norms in force, the Government of Romania was required to send the Senate a point of view on the draft law, no later than 16 October 2020. Yet, we find that at the date of this letter, two weeks after that date, this has still not been sent. Given the approaching end of parliamentary activity for 2020, any delay leads to the impossibility of improving criminal law in accordance with EU Directives, the practical needs of more efficient operation of DIICOT, and better protection of Romanian citizens against human trafficking.

We draw attention to the fact that, two weeks ago, the Minister of Justice stated how organized criminal groups are penetrating the main institutions of the Romanian state (the Minister's statement can be [heard here](#) – Romanian only).

Given that the harm has already been done by creating a law more favorable to defendants in child trafficking and child pornography cases, we ask the Government **to urgently send the Romanian Senate the necessary opinion for [draft law L655/2020](#)**, which allows immediate completion of the provisions in art.154 paragraph(4) provisions that were amended by the enactment of the above-mentioned law.

We mention that the law, to which the 108 NGOs referred, was analyzed by the specialized parliamentary commissions, by the Legislative Council, by the Government (Ministry of Justice), by the Constitutional Court of Romania and, finally, by the Presidency. None of the above

mentioned institutions disputed the fact that the law modifies more than what was mentioned in the explanatory memorandum and, at the same time, **unjustifiably removes references to child trafficking and child pornography from the content of art.154 paragraph (4) of the Criminal Code**. This decision of the President does not seem to correspond to the political commitment in combatting trafficking in human beings.

Art. 154 (4) - the form in force before the enactment of the law:

*"(4) In the case of crimes against sexual freedom and integrity, **those of trafficking and exploitation of vulnerable persons, as well as the crime of child pornography**, committed against a minor, the statute of limitation shall begin to run from the date on which he become an adult ."*

Art. 154 (4) - the form modified by the law enacted by the President:

*"(4) With the exception of the offenses provided for in art. 218 [rape] and 220 [sexual intercourse with a minor], in the case of offenses against sexual freedom and integrity, committed against a minor, the limitation period shall run from which he became a major. If the minor died before the age of majority, the limitation period shall begin to run from the date of death. "*

**By eliminating the crimes of human trafficking and child pornography from the content of art.154 paragraph(4) some cases of child trafficking and child pornography may be closed.**

The signatory NGOs draw attention to the current serious security problems of Romanian citizens resulting from the large-scale trafficking of Romanians, and to the total lack of political will to combat this phenomenon; both of which greatly affect Romania's image in Europe, as well as EU security.

NGOs supporting this approach:

- RoTIP- Network of Anti-Trafficking Organizations, on behalf of 20 NGOs;
- FONPC - Federation of Non-Governmental Organizations for Children, on behalf of 63 NGOs;
- Association for the integration and assistance of vulnerable groups;
- Saint Stephen's Association;
- Pro Roma Association;
- Association of Community Development Consultants;
- Bucovina Institute Association.