

Mr. Nicolae Ciucă

The Prime Minister of Romania

2 February 2023

CONCRETE MEASURES FOR EFFICIENCY OF THE FIGHT AGAINST HUMAN TRAFFICKING IN ROMANIA

The signatory NGOs took note, with delight and hope, of the declarations of Prime Minister Nicolae Ciucă's, by which the Government of Romania publicly assumed the strengthening of the fight against human trafficking in the context of our country's accession to the Schengen Area:

- *“My message is clear: human trafficking is a form of modern slavery for which the Romanian Government has zero tolerance. This is the reason why the issue of human trafficking has become a priority at the highest level of the Romanian Executive in the last two years”¹ (18 October 2022)*
- *“The fight against human trafficking remains a priority on my and the Government's agenda²” (13 January 2023)*

For more than 15 years, Romania has been the European country with the largest number of EU citizens who are victims of human trafficking and with the fastest growing and most sophisticated organized crime groups, some of which are connected to powerful international criminal structures. The latest Report of the European Commission underlines the fact that Romania:

- has the largest number of victims of human trafficking (2,880 identified victims). For every 1 million inhabitants, Romania has 74 victims, followed by Hungary with 64 and Bulgaria with 40³. The number of [Romanian children](#) trafficked in the EU increased 10 times in 2 years⁴.
- is ranked second in the EU for the most people who have been convicted⁵, including minors⁶.

Old political deadlocks have made the challenges that the Romanian authorities have been dealing with for decades to remain the same, on all the main levels – the lack of capacity of law enforcement authorities to combat and monitor the phenomenon, the lack of assistance and protection for victims of human trafficking, the lack of effective programs to inform and prevent this phenomenon.

Therefore, in the context of the statements mentioned above, we ask the Prime Minister of Romania to urgently implement concrete measures as listed below and explained in the Annex, until the re-discussion in the European Council of Romania's accession to the Schengen Area:

1. increasing the capacity of law enforcement agencies to effectively and efficiently carry out their legal obligations to combat and monitor the phenomenon of human trafficking

¹ Public declaration available at <https://www.digi24.ro/stiri/actualitate/ciuca-traficul-de-persoane-este-o-forma-de-sclavie-moderna-fata-de-care-guvernul-are-toleranta-zero-2121565>

² Public declaration available at <https://mainnews.ro/nicolae-ciuca-lupta-impotriva-traficului-de-persoane-ramane-o-prioritate-expert-nu-exista-vointa-politica-pentru-reducerea-acestui-fenomen>

³ Data collection on trafficking in human beings in the EU, pg. 26, available at <https://op.europa.eu/en/publication-detail/-/publication/5b93c49f-12a0-11eb-9a54-01aa75ed71a1>

⁴ Ibidem, pg. 33

⁵ Ibidem, pg. 238

⁶ Ibidem, pg. 46

2. the operationalization of the 9 shelters for victims of human trafficking and properly funding their needs for assistance and protection, in both public and private sectors
3. coordinating extensive public education and awareness efforts on human trafficking with the assistance of public and private media institutions.

For details, please see the attached Annex below.

The following NGOs support this public letter of concern:

1. European Center for Legal Education and Research (ECLER)
2. Valoare Plus Association
3. Society of Feminist Analysis AnA
4. Association of Romanian Women in Italy (A.D.R.I.)
5. Association of the Jesuit Service for Refugees from Romania (J.R.S. Romania)
6. Association for Freedom and Gender Equality (A.L.E.G.)
7. Timișoara Intercultural Institute (I.I.T.)
8. Center for Public Innovation
9. Terre des hommes Foundation - Help children around the world
10. Migrant Integration Center Brasov (A.R.P.C.P.S.)
11. Front Association
12. E-Romnja Association
13. Association for the Defense of Human Rights in Romania (APADOR-CH)
14. Romanian National Council for Refugees Foundation (CNRR)
15. "Together" Community Development Agency Foundation
16. Corona Foundation
17. Bud's Flower Association
18. Novapolis Association - Center for Analyzes and Initiatives for Development
19. Association for Cooperation and Sustainable Development
20. Freedom House Romania Foundation
21. Association ReachingOut Romania

ANNEX

1. Increasing the capacity of law enforcement agencies to effectively and efficiently carry out their legal obligations to combat and monitor the phenomenon of human trafficking

In the current legislative context, DIICOT finds itself in a very challenging situation to fill vacant positions due to legislative changes that imposed new seniority and professional experience conditions. In practice, in addition to experience, the prosecutor must have time available, a desire for extra work, and even for professional affirmation due to the complexity of DIICOT cases. Prosecutors with at least 10 years of experience who have handled complex cases are well integrated at the general prosecutor's office and familiar with the typology of cases within the competence of these institutions. The transfer to DIICOT is an additional effort that often does not raise the interest of magistrates in the absence of considerable salary gains, elements that were not foreseen by the latest legislative changes. The Office of Combating Trafficking in Persons has only **7 positions of prosecutors occupied**.

The DIICOT prosecutor is assisted in the processing of files by judicial police from the DCCO, a unit specialized in combating organized crime within the structure of the General Inspectorate of the Romanian Police. If the selection criteria for filling the positions of prosecutors within DIICOT are excessively high, judicial police officers who work on the same cases may be **recent graduates** of the Police Academy, without professional experience, which creates great challenges in the practical handling of cases.

At the DCCO level, there are 205 positions of police officers handling cases of human trafficking, of which 18 hold management positions and 187 directly work on cases. **Financial investigations are carried out by 23 police officers**, both for human trafficking crimes and other crimes under their jurisdiction. Additionally, a review of the job description reveals that in 2022 the majority of the tasks carried out by judicial police officers within MoI were administrative in major, with only 26% of their tasks involving criminal investigations in DIICOT cases. In fact, Romania has about **48 full-time police officers** working on human trafficking investigations. Currently they are handling more than 800 cases, many of which involve transnational investigations. They are also required to monitor the phenomenon of trafficking among the 19-20 million Romanian inhabitants, 5-6 million of whom reside abroad, as well as the organized crime, [in the context of the ongoing conflict in Ukraine](#). In counties with more than 500,000 residents, the task of combating human trafficking is carried out by 2 police officers (Dâmbovița, Ilfov, Buzău etc.) and 1-3 prosecutors whom, in addition to human trafficking, also investigate all other offences under DIICOT competence. We mention that in the USA, similar structures such as the FBI and DEA have 11.3 agents and, respectively 3.22 agents per 100,000 inhabitants. The Romanian national estimates show that for the southern area of Romania (Bucharest, Ilfov, Giurgiu, Teleorman, Ialomița) a number of **90 policemen** would be necessary for proper monitoring and investigation of the phenomenon.

The double subordination of judicial policemen (to the DIICOT prosecutor for criminal investigation activities and to the hierarchical superior of the Romanian Police for administrative aspects) is completely ineffective. When the structure was established, the DIICOT prosecutors requested the secondment of the judicial police under conditions similar to the secondment at the DNA, but their approach was politically blocked from that moment until now. Although there is a legislative provision since 2016 (GEO no 78) that provides for the secondment of judicial police officers and agents, this measure to make DIICOT more efficient has not been implemented yet (since 2016!).

The situation presented above is not in concordance with the Prime Minister's statements. Furthermore, we note that the Government has prioritized the allocation of resources to other police structures, such as:

- The Animal Police which has a number of **499 police officers** and **88 veterinarians**. Also, the ministry endowed the services of this structure with **42 dedicated vehicles**.
- The School Safety Police has **270 positions**, given that the most important risks associated with this sector are under the competence of DIICOT - drug and prohibited substance trafficking or trafficking in children.

Therefore, we ask for the issuance of Orders of the Minister of the Interior by which:

- to second at least 90 judicial police officers, in accordance with the provisions of GEO 76/2016, to allow efficient investigations in the more than 800 cases of human trafficking currently filed at DIICOT
- to establish requirement of an extensive seniority and professional experience for the occupation of judicial police positions within the DCCO
- to stipulate that judicial police officers within the DCCO exclusively engage in criminal investigation tasks (100% of professional activity), fully removing any administrative duties that might occasionally exert pressure and interference in their criminal investigation work
- to clearly specify the total independence of the judicial police officer in the criminal investigation activity and his protection in the investigation of cases, mainly in cases of complicity of public officials involved in the trafficking of victims (e.g. the current situation of [the President of the Giurgiu County Council](#) or the [Secret Club in Bacau](#)).

2. The operationalization of the 9 shelters for victims of human trafficking and properly funding their needs for assistance and protection, in both the public and private sectors

According to statistical data reported by the European Commission, Romania has annually over 1.500 victims of human trafficking identified (50% are minors) and there is no shelter for them in the public system. The number of places in the NGO shelters is very small, and the funding of the costs for the assistance and protection of the victims is very difficult to be covered by private sector. The implementation measures of Law 678/2001 provide for the establishment of 9 regional shelters for victims of human trafficking in Satu Mare, Botoșani, Iași, Galați, Ilfov, Giurgiu, Mehedinți, Timiș and Arad, but none of them are operationalized and functional according to the necessary standards. Especially during the period of international evaluations, mixed shelters with other types of victims, were improvised in some counties, which led to the lack of specialized assistance for victims of trafficking and to the vulnerability of victims of domestic violence.

The Government adopted the National Mechanism for the Identification and Referral of Victims of Human Trafficking, a document criticized by civil society due to the overlapping of competences among different authorities and the inconsistency of the referral procedures for minor victims. The Economic and Social Council delivered, in its vast majority, a negative opinion for this draft law. The representative of the police unions in Romania also requested, together with representatives of civil society, a negative opinion. Nevertheless, the Government decided to adopt the Mechanism in its original form, without amendments, which makes the identification and protection of victims a very centralized process under the National Agency against Human Trafficking (NAAHT), which is not an independent institution in Romania but subordinated to the Ministry of Interior. The Agency's competences have been extended based on competences of similar institutions in countries where this authority is an independent one. NAAHT, in the last 10 years, recognized a very low number of victims,

between 30% and 50% of the number of Romanian victims reported annually by the European Commission⁷.

We ask the Prime Minister of Romania for:

- the operationalization of the 9 shelters for victims of human trafficking in the public sector, with the allocation of all the necessary resources for the effective assistance and protection of victims.
- the operationalization of a sufficient and easily accessible support fund for NGOs that offer assistance and protection to victims of human trafficking.
- coordinating extensive public education and awareness efforts on human trafficking with the assistance of public and private media institutions, so that the information reaches as many people as possible, especially children and youth who do not understand this phenomenon and the recruitment modus operandi.

⁷ See the European Commission's reports and ANITP annual reports. ECLER has published a 10-year study that can be accessed here <http://www.ecler.org/wp-content/uploads/2019/11/2019%20ANITP%20fake%20data%20reported.pdf>