

PRESS RELEASE

Request for the accountability of all political actors and civil society in the fight against human trafficking

Bucharest, June 20, 2023

The consortium of organizations implementing the project "Signal the Traffic, Stop the Danger - AntiTraffic" (STOP - AT) welcomes the annual assessment made by the US State Department regarding Romania's progress or regression in the fight against human trafficking, the recommendations made and the annual monitoring of the implementation of these recommendations.

We emphasize, with full responsibility, the fact that Romania will never have the ability to change its status as country of origin of the largest number of victims of human trafficking identified in the EU if there is no real political will to improve public policies and to combat the phenomenon, especially by supporting DIICOT and DCCO with providing the necessary human, financial, material and technological resources for effectively fulfilling their duties. Also, the fight against cross-border organized crime can only be successful through effective cooperation and a permanent exchange of information at the level of the actors involved in the Inter-institutional Task Force created within the National Strategy against Organized Crime 2021-2024.

The connections between the political class and organized crime must absolutely come to an end. According to the comments often received from among professionals "the politicians must dissociate from organized crime so that we can do our work, otherwise we work in vain" - was the remark made with frustration of a professional involved in the investigation of transnational organized crime groups. This remark also represents the point of view of many representatives of institutions that have duties in the fight against organized crime or the protection of victims, representatives with whom the NGOs in the present consortium came into contact.

According to the [US State Department TIP Report](#), the Government of Romania does not meet the minimum standards for the elimination of human trafficking, but makes significant efforts in this regard. We mention that the efforts made by the Romanian Government **are not effective**. The report points out that a new National Mechanism for the Identification and Referral of Victims has been adopted but does not mention that it focuses on the protection of adults, although over 50% of victims of Romanian origin identified annually are minors. The [Network of NGOs against Trafficking in Persons \(Ro-TIP\)](#) has repeatedly requested the Romanian Government to develop a child-centered NIRM coordinated by ANPDCA, due to Romania's real and specific needs in this field. In addition, Romania lacks specialized services

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and assistance to support minor victims who, in a percentage of over 75%, are sexually exploited from an average age of 14 years. In Romania, there is [only one shelter](#) with specialized services for minor victims of human trafficking, with a capacity of 10 places, given that annually at least 250 children in need of specialized assistance are exploited.

In the context of the Ukrainian refugee crisis, Romania has also taken some measures that made this population vulnerable to human trafficking, such as closing public refugee centers in June 2022, in a very short time, without announcing this measure in a timely manner and without the vetting of those who took in and hosted the refugees coming from these centers. Also, informing refugees about the risks of human trafficking was done very late and sporadically.

The US report mentions the challenges arising as a result of the declaration as unconstitutional of the interruption of the statute of limitation period for criminal liability provided for by art. 155 of the Criminal Code. It was noted that a number of approximately [600 files](#) could be closed. We mention that, regarding the trafficking of minors, Decision of the Constitutional Court of Romania no. 358/2022 can influence the course of a judicial procedure by 2-3 years. We believe that the biggest problem created in this matter was the promulgation by the President of Romania, on November 2, 2020, of several changes to the Criminal Code, whereby the statute of limitation for criminal liability in the situation of trafficking in minors and child pornography decreased in many cases by more than 10 years. Ro-TIP, together with other actors - [108 NGOs](#), requested the President of Romania not to promulgate a law amending the Criminal Code, a law which represents a more favorable law for traffickers of minors. Nevertheless, the President, at the request of other NGOs (eLiberare and the PROTECT Platform) promulgated the law by which the statute of limitation for criminal liability in cases of trafficking in minors and child pornography was greatly reduced, in some cases even by 17 years.

ECLER representatives tried to stop this move through bilateral communications and public posts on the Facebook pages of the initiators and supporters, explaining the potential effects of releasing a large number of minor traffickers, but the above-mentioned NGOs still advocated for the law's promulgation. On November 2, 2020, 108 NGOs publicly criticized the President for the promulgation of this law, while the PROTECT Platform published on the official website a letter of thanks addressed to the President of Romania (www.traficdepersoane.ro, letter that can no longer be found on the website at the moment) because the law had been promulgated.

Through the legislative amendment, the offenses of trafficking and exploitation of vulnerable persons and child pornography were removed from the text of art. 154(4) of the Criminal Code.

The text of art. 154(4) Criminal Code, before the amendment:

*“(4) In the case of offenses 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 begins to run from the date on which he became of age. If the minor died before reaching the age of adulthood, the statute of limitation begins to run from the date of death.”*

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The text of art. 154(4) Criminal Code, **after the amendment** by Law no. 217/2020 (**November 2, 2020**):

"(4) With the exception of the offenses provided for in art. 218 and 220, in the case of offense against sexual freedom and integrity, committed against a minor, the statute of limitation begins to run from the date on which he became of age. If the minor has died before reaching the age of adulthood, the statute of limitation begins to run from the date of death."

Discussions in the public space, subsequent to the promulgation of the law on November 2, 2020, finally drew attention to the serious consequences that this law will produce and, not a month later, the Criminal Code was amended back, in the form it had before the amendment of art.154(4) by the law promulgated by the President of Romania on November 2, 2020.

The **current text** of art. 154(4) Criminal Code, amended by Law no. 274/2020 (from November 29, 2020):

*"(4) With the exception of the offenses provided for in art. 218 and 220, in the case of offenses 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 begins to run from the date on which he became of age. If the minor died before reaching the age of adulthood, the statute of limitation begins to run from the date of death."*

Unfortunately, the promotion of various interests or the lack of legal knowledge caused the promulgation of a law more favorable to criminals, applicable to all acts committed before art.154(4) was restored to its original form (November 29, 2020). This fact does a huge disservice to justice and brings an important advantage to criminals, leading to the release of many traffickers of minors.

Later, probably to reverse the mistake made, the entities that supported the unfortunate amendment of art.154(4) advocated for the imprescriptibility of the offenses of human trafficking. However, this aspect has been requested and supported nationally and internationally by Ro-TIP experts since [2014-2015](#) as a general responsibility of all states of the world to protect against this phenomenon when governments cannot or do not want to defend their own citizens.

We believe that only together, with good faith, cooperation and competence, our society can significantly advance in this direction as well, of protection against human trafficking and effective justice.

More information about the STOP-AT project can be found on the website:

<https://stopat.ecler.org/> and Facebook <https://www.facebook.com/STOP.AT.traficul>

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Project carried out by the Valoare Plus Association in partnership with the European Center for Legal Education and Research, G4Media, the Christiana Cultural Social Economic Association, Freedom House Romania, and the Jesuit Service for Refugees from Romania, with the financial support of Active Citizens Fund Romania, a program financed by Iceland, Liechtenstein and Norway through EEA Grants 2014-2021. The aim of the project is to increase the level of efficiency in the implementation of anti-trafficking policies through education, monitoring, advocacy and watchdog activities.

For more information about the project "Signal the Traffic, Stop the Danger - AntiTraffic", go to stopat.ecler.org

About the Active Citizens Fund Romania Program

The Active Citizens Fund Romania program is financed by the EEA Grants 2014-2021. The general objective of the Grants is to reduce economic and social disparities and strengthen bilateral relations between the 15 beneficiary states and the donor states (Iceland, Liechtenstein, Norway). The program is administered by the consortium composed of the Foundation for the Development of Civil Society, the Foundation for Partnership, the Resource Center for Roma Communities, the PACT Foundation and Frivillighet Norge, which acts as the Fund Operator appointed by the FMO - the Office of the Financial Mechanism for Grants EEA and Norwegian. Active Citizens Fund Romania aims to strengthen civil society and active citizenship and increase the capacity of vulnerable groups.

With a total allocation of €46,000,000, the program aims to develop the long-term sustainability and capacity of the civil society sector, enhancing its role in promoting democratic participation, active citizenship and human rights, while strengthening bilateral relations with donor states Iceland, Liechtenstein and Norway.

For more information about the Active Citizens Fund in Romania, please go to www.activecitizensfund.ro.

For more information on EEA and Norwegian Grants, visit www.eeagrants.ro.

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