Assistance and protection of children victims of human trafficking in Romania - Research report

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Acronyms

ANITP - National Agency against Trafficking in Persons

ANPDCA – National Authority for the Protection of the Rights of the Child and Adoption

BCCO - Brigade for Combating Organized Crime

CADO - Association Center for Advocacy and Human Rights

ANITP RC – National Agency against Trafficking in Persons Regional Center

DAS - Directorate of Social Assistance

DCC - Directorate for Combating Organized Crime

DGASPC - General Directorate for Social Assistance and Child Protection

DIICOT - Directorate for Investigating Organised Crime and Terrorism

IGI - General Inspectorate for Immigration

IGPF – General Inspectorate of Border Police

ONG – Non-governmental organization

SPAS - Public social assistance service

MAE - Ministry of Foreign Affairs

MNIR - National mechanism for the identification and referral of victims of trafficking in human beings

1. Introduction

This research was conducted by Alternative Sociale Association (AAS) at the request of the Center for Advocacy and Human Rights (CADO). The report aims to contribute, through the study of relevant documents and the consultation of the opinions of specialists in the field of assistance of child victims of trafficking in human beings, to the identification of practical solutions for optimising the identification of child victims, improving inter-institutional collaboration and providing quality support services.

The study focuses on the state of affairs, at the time of the research (from the point of view of the legislative, political and institutional framework, of the dimension of the phenomenon of trafficking in minors, of the institutional path in the provision of services). It is at the same time future-oriented – by offering points of view and recommendations coming from specialists from relevant institutions and organizations in Romania, both public and private, from central and local level.

The analysis of the legislative framework concerns the relevant legal framework at international and national level and addresses, concentrically, the rights of minors covered by this study as passive subjects of one of the crimes falling within the definition of the notion of trafficking, as victims of a crime in general, and as children.

Methodological aspects

The study is based on a qualitative methodology – including the analysis of documents (of the legislation and other relevant documents), the in-depth interview and the focus group.

The main questions that the research aims to answer, which come from the terms of reference, are: what is the legal, policy and institutional framework for the protection and assistance of child victims of trafficking in human beings? What is the official and unofficial dimension of the phenomenon of trafficking in minors who benefit from the support and protection services offered by state institutions or NGOs? What are the obstacles to identifying these children? What is the institutional and service path that the minor victim of trafficking in human beings can access, from identification to leaving the protection system? What are the main issues with the assistance of children victims of trafficking? What are the potential solutions to solve these problems?

In order to answer these questions, local and central public and private institutions active in the field of assistance to minor victims of trafficking in persons, central institutions with a role in the criminal investigation of cases of trafficking in minors, with a role in the repatriation of victims of trafficking in human beings or with a role in identifying cases of minors, foreign citizens or stateless persons in Romania, were invited to participate in the interviews.

In order to carry out this report, 26 interviews were conducted with specialists from the National Authority for the Protection of the Rights of the Child, the General Inspectorate of the Border Police, the National Agency against Trafficking in Persons, general directorates[1] of social assistance and child protection[2], from regional centers of the National Agency against Trafficking in Persons[3], non-governmental organizations. The interviews aimed to collect views as well as experiences related to the identification of juvenile victims of trafficking in human beings, the services available and the inter-institutional collaboration in the field of their assistance.

Representatives of 9 institutions and non-governmental organizations that participated in the interviews deepened a number of aspects related to the assistance of minor victims of trafficking within a focus group.

The Ministry of Foreign Affairs, the National Agency against Trafficking in Persons, Directorate for Investigating Organized Crime and Terrorism, the Labour Inspection within the National Agency for Employment[4] provided statistical data.

During this research, no interviews were conducted with minors benefiting from assistance services for victims of trafficking in human beings or their families, which is one of the limits of the investigation.

[1] Bacău, Bihor, Braşov, Constanţa, Dolj, Galaţi, Hunedoara, Iaşi, Sibiu, Suceava, Timiş, Vaslui.
[2] Alba Iulia, Braşov, Central, Constanţa, Iaşi, Suceava.
[3] Betania Association, Reaching Out Romania Association, ASSOC Association, International Justice Mission Romania, People to People Foundation, eLiberare Association.
[4] The statistical data refer to the period 2020-2022.

2. Summary

Most of the specialists participating in the study believe that the available statistical data do not reflect the true dimension of the phenomenon (a point of view also shared by the independent reports consulted[5]).

Children who are not identified or who are more difficult to identify are those from closed, marginalised communities (e.g. from the Roma community), children exploited by the family, especially those exploited abroad, children recruited through the *'loverboy' method*, children who do not know the signs and indicators of trafficking and do not realise that they are being trafficked, children who do not have significant support relationships with parents or other adults, children from low-educated backgrounds, missing children, children in protection institutions, those forced to commit crimes or forced to beg and who fear interaction with the authorities, children exploited online.

In the opinion of the specialists participating in the research**, the factors that negatively influence the identification of child victims of trafficking** are related to professionals (attitude towards certain categories of children or towards certain groups / communities, non-unitary practice in terms of identifying and legally framing criminal acts, lack of specific training, overloading specialists), factors related to institutions (lack of proactivity), factors related to the community (reduced involvement, existence of closed communities), factors related to the family (parents who try to cover up, do not want to report cases, fear stigmatization, prejudices, don't trust authorities), factors related to the child victims (multiple internal barriers of the victims, fear of criminal proceedings, addictions created, inability to self-identify, belief of the child victims that they will be blamed) and other factors (legislative limitations; lack of IT tools to identify victims; different interpretation of some concepts; collection of data from several sources – different organizations that provide assistance, without a case manager to centralize information; manual collection of data, which makes it difficult to process and share it).

According to ANITP, the number of child victims of trafficking in minors varied in the last 3 years from 255 (2020), to 228 (2021) and to 234 (2022)[6]. The background of the victims is mainly rural, but the percentage of those coming from urban areas is significant.

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[5] With regard to the scale of the phenomenon of trafficking in minors, the main reference is the data provided by ANITP. The alternative reports consulted (of the various structures and working groups within the European Commission, the European Council, the US Department of State, etc.) mention for the period under review (2020-2022) figures similar to those reported by ANITP. However, they point out that official statistics most likely represent only a fraction of the actual number of minor victims of trafficking.

[6] According to the data provided by ANITP in Reply no. 456211/S1/ANITP/NP from 14.03.2023 at the request of Alternative Sociale Association from 28.02.2023.

The main exploitation counties are Dolj, Bacău, Bucharest, Timiș (counties that appear in the first places in the ANITP statistics, every year of the period analyzed).

The main operating countries: Italy, Great Britain, Germany, Spain (which appear in the first places in the ANITP statistics, every year of the period analyzed[7]).

The percentage of children forced into various forms of sexual exploitation (the main form of exploitation of this category of victims) **is decreasing** (from 84% in 2020, to 81% in 2021, to 72% of all identified children). There is also a decrease in the age of sexually exploited victims. **The data indicates a decrease in the percentage of victims belonging to the age range of 14-17 years, from year to year, from 74% in 2020 to 72% in 2021 and 62% in 2022.**

There are differences between the data collected by the various public institutions (ANITP, DIICOT[8], Ministry of Foreign Affairs), which is partly explained by the perspective from which data on victims of trafficking are recorded. For example, not all victims end up in DIICOT as an injured party in a case. For other differences, however, the explanation is not as obvious (for example, the number of repatriated minors reported by the MFA compared to the number of repatriated minors reported by ANITP in the reference period – 2020-2022).

The ANPDCA collects information additional to that registered in the SIMEV system, which it shares with other institutions but which is not public. However, the data is collected manually and the people involved in this activity do not specialise in the topics on which they collect information, which makes it difficult to capitalise on and/or share.

Other relevant sources of information are the DGASPC and the non-governmental organizations involved in the assistance of minor victims of trafficking, which also collect data, which they share with ANITP or the criminal investigation bodies and/or use them for the production of statistics, analyses, provision of services, improvement of educational and training programs, design of prevention programs.

Data collection on vulnerable groups has also been extended to refugee children in Ukraine through the Primero app. Study participants could not

[7] United Kingdom does not appear in the ANITP statistics of 2021, but it appears in those of the Ministry of Foreign Affairs (Answer M2-1/17125/13.03.2023 at the request of Alternative Sociale Association no. 38/27.02.2023).

[8] DIICOT reports 171 cases registered in cases investigated in 2020 (30 new cases identified), 142 cases in cases investigated in 2021 (7 new cases identified) and 136 cases of child victims of trafficking in files investigated in 2022 (no data on new cases identified are published).

indicate ways in which this data is used to identify child victims of trafficking in human beings. Moreover, they mention (a fact also supported by the ANITP statistics) that the identification of minors victims of trafficking in foreign citizens or stateless persons in Romania is exceptional.

No data are recorded on the criminal acts associated with the trafficking of minors that led to the identification of child victims. The participants in the research mention that in their practice they encountered situations in which child victims of human trafficking were identified during the investigation of other types of crimes (child pornography, drug trafficking, etc.).

The main sources of referral are public institutions. In some situations, victims are also referred to by embassies or consulates, NGOs or intergovernmental organisations (ILO). Only a few cases are notified through the Telverde anti-trafficking hotline.

Actions with increased effectiveness in terms of identifying child victims, according to specialists are: information and awareness activities carried out in schools, educating the family about signs and indicators of trafficking, training professionals from the education system, social services, law enforcement institutions, medical institutions on the signs and indicators of trafficking, educating the community to report (changing attitudes towards reporting; promoting indicators, ways to report suspicions or trafficking cases, including the fact that the reporting can be done anonymously).

In Romania, 12 services dedicated to assisting victims of trafficking in human beings are licensed (4 offered by private providers and 8 by public providers). Of these**, 5 services (of which 4 public and 1 private) are specifically aimed at child victims of human trafficking, for which only services organized as residential centers are available.** For the child victim of trafficking in human beings there is no specific standard of organization as a day care center - only as a residential center (unlike the services available for adult victims of trafficking). The existence of several types of services (residential or daytime) is associated with better prevention, identification and assistance of child victims of trafficking by the participants to the study.

In addition to those already mentioned, assistance for child victims of trafficking in human beings are also offered within unlicensed or licensed services for other categories of victims (e.g. for adults, for victims of domestic violence, abuse, etc.).

The main reasons identified by the participants with regards to why there are no more licensed services specifically aimed at child victims of trafficking are: the low number of child victims of trafficking identified; the lack of a standard for day care services (without accommodation); the fact that the

standard for residential service for child victims of trafficking has been adopted only recently (2020); difficult and rigid procedures, not adapted to the specifics of working with this vulnerable group; lack of specialized personnel; lack of funds for the running these services.

Inter-institutional collaboration is appreciated by research participants as good. However, it is affected by the lack of clarity or ownership of roles by some institutions. In some situations, the criminal investigation bodies do not respond promptly to the DGASPC's complaints; in other cases DGASPC expect ANITP to initiate the assistance of the child victims, as well as to assume the role of case manager; the community public social assistance services do not provide information and do not support the monitoring activity as the DGASPC would like. Non-governmental organizations highlight the benefits of networking, which allows for a more efficient use of resources in providing assistance and covering the needs of child victims. On one point all the participating institutions and organizations agree: "Good people make the world go round."

The number of child victims seeking anonymization of the data recorded in the SIMEV is increasing (from 12% and 7% in 2020 and 2021, to over 20% in 2022).

About half of the minor victims identified in 2021 and 2022 do not want to benefit from the recovery and reflection period. In the opinion of specialists, this fact may affect the accuracy of statistics on the number of child victims (in the case of re-trafficking the same child can be recorded several times), but it is not relevant from the perspective of service provision.

In the opinion of the specialists participating in the study, **professionals investigating cases of trafficking in minors and those who provide assistance services must have a range of knowledge and skills**, including: elements of psychology (victimology, trauma psychology, developmental stages of the child, knowledge of elements of minimal knowledge in victimology in order to avoid secondary victimization), hearing skills and techniques (active listening, empathy, etc.), knowledge of the field of human trafficking. The respondents' experiences are diverse, with some stating that the investigators with whom they interacted "have minimal abilities of empathy and patience, very little of understanding trauma psychology and less of development psychology, and no active listening skills at all" and have no relevant training, others say they are satisfied with the skills and knowledge that the investigators have (especially those within the BCCO). About the private service providers involved in the assistance of the child victims, the respondents consider that they "have specialized and experienced staff", as in the case of the DGASPC that have dedicated services. **However, most of the DGASPC do not have staff trained to provide the necessary services to child victims of human trafficking. The participants in the study**

consider that the representatives of the criminal investigation bodies will not identify the child victim in the absence of a specialization.

An insufficiently covered dimension is that of collaboration between law enforcement and support institutions (for which joint meetings and trainings are required).

The main challenges in assisting child victims of trafficking in minors identified by the research participants are: the collaboration with the family; providing financial resources for the child's participation in various assistance activities; the victim's refusal to collaborate; the age of the victim child; the lack of specialists, the fluctuation of the specialized staff, the overloading, the insufficiently trained staff, the lack of services within the home town halls (day care centers), the cultural models that favor the re- re-trafficking, the reduction of the number/types of free medical tests for the minor victims of trafficking.

In order to improve the assistance of child victims of trafficking in minors, the participants in the study consider it necessary to ensure human resources at the level of the DGASPC; to ensure the financing of assistance services (public and private); to develop very clear procedures, with the attributions of each actor, for the different stages; training of specialists (judges, policemen, social workers, psychologists, lawyers, judicial executors), specialization of investigators on the topic of trafficking in persons, on working with minors victims, training of formal and informal actors (priests, medical staff, medical students, staff from mobile teams who intervene in cases of emergency, various professional categories that can come into contact with vulnerable categories); a coherent training programme for specialists; creation of regional residential centers for the child victim of trafficking (after the organization of ANITP); creation of day care centers for the rehabilitation of child victims of trafficking; activation of Community Advisory Councils; proactive monitoring of children at risk; creation of a fund for victims of crime; legislative changes to clearly differentiate between trafficking in human beings and other crimes; elimination of the principle of territoriality in the provision of assistance; free of charge medical testing for children who have been exploited in the sex industry; methodologies for identifying victims of trafficking in human beings at border crossings; phone reporting application; including the minor's opinion in the decisions that concern him or her, during his assistance; information campaigns at community level and actions carried out in the multidisciplinary team.

Examples of good practices mentioned by the respondents: the activity of *the Reaching Out* Association, the activity of the DGASPC Cluj from Câmpia Turzii (assistance for the children victims); the ability to adapt the ANITP staff to the pandemic restrictions, when they carried out online assistance and monitoring activities; the provision of expertise related to the assistance of

victims of trafficking during hearings by ANITP staff, the educational programs implemented in schools (i.e. by eLiberare Association).

The participants also mention a number of **factors that have contributed to the success in assisting the child victims identified in practice**: the establishment of personal collaboration relationships, the specialization of lawyers on the issue of trafficking in human beings, the extrajudicial psychological expertise that can be used in criminal cases, the interinstitutional teamwork, services that are integrated and inclusive of the entire family, different assistance programs designed based on the method of recruitment and the type of exploitation; accommodation or shelter services.

Chapter I. Analysis on the relevant international and national legal framework for the protection of and support to victims of trafficking in minors

Ensuring the protection and assistance of child victims of trafficking in human beings is carried out through a complex legal framework that addresses their quality either as a victim of trafficking in human beings, as victims of crimes, or as children. The existing normative documents include a series of rights for the trafficked minor, whose rights must be protected both from the perspective of the child as a victim of trafficking in human beings, of the child as a passive subject of one of the offences that fall within the definition of the notion of exploitation, as expressed / understood at international[9] and national level[10]; children victims of trafficking also fall under the legislation dedicated to the protection of the rights of victims of crimes, as well as from the perspective of children's rights in general.

Considering that Romania has ratified the "Council of Europe Convention on preventing and combating violence against women and domestic violence"[11], given the gender of most victims of trafficking in human beings, while taking into account the recommendations of the European Parliament in the "Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims"[12] in which reference is made to the gender perspective on trafficking in human beings, the authors of this report will

[9] See: Art. 3, lit. a) of the Protocol on the prevention, repression and punishment of trafficking in persons, especially women and children, in addition to the United Nations Convention against Transnational Organised Crime; Art. Article 34 of the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989; Article 4(a) of the Council of Europe Convention of 16 May 2005 on action against trafficking in human beings; Article 4 of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA; Art.3, lit. (b) of the 2007 Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse; Article 2(3) of 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. At the time of the research, Directive 2011/36/EU is being revised, one of the proposed amendments being: 'the inclusion of forced marriage as a specific form of violence against women and girls and illegal adoption on the list of minimum forms of exploitation'- Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52022PC0732&from=EN. The proposal is under discussion in the Council or its preparatory bodies. The proposal was sent by the European Commission and national parliaments. In this respect, the Romanian Senate considered it "necessary to explicitly add forced marriages and illegal adoptions as a proportionate response to the increase in the percentage of cases of trafficking in human beings for purposes other than sexual and labour exploitation, forms of exploitation that are currently not explicitly mentioned in the Anti-Trafficking Directive;". For more details see: Judgment no. 30 of 3 April 2023 on the proposal for a directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims - COM(2022) 732 final, available https://legislatie.just.ro/Public/DetaliiDocument/266731.

[10] See: art.182 "Exploitation of a person" of the Criminal Code.

[11] For more details, see: Council of Europe Convention on preventing and combating violence against women and domestic violence, available at https://rm.coe.int/168046253e .

[12] "A gender perspective on trafficking in human beings is needed and Member States should further strengthen and develop the gender dimension in monitoring the application of EU anti-trafficking legislation." - Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, 2021.

treat the provisions on trafficking in minors in the light of the regulations contained in the Istanbul Convention.

In this respect, we recall that within the meaning of the "Council of Europe Convention on preventing and combating violence against women and domestic violence", in the case of all forms of violence (including trafficking in human beings), the notion of 'women' is viewed integratively, also including 'girls up to the age of 18'.[13]

I.1. International legal framework

We propose below an analysis of the provisions of the international framework regarding the protection and assistance of child victims of trafficking in human beings in the light of the provisions relating to: their prevention, identification, assistance and post-assistance.

I.1.1 Prevention of trafficking in human beings among children

The existing provisions[14] at international level on the prevention of trafficking in human beings and, implicitly, on trafficking in minors highlight certain aspects regarding: the elimination of all forms of child labour, the sale of children, child prostitution, child pornography, forms of sexual exploitation and sexual violence, child trafficking, human trafficking.

International bodies call on states to adopt various measures aimed at helping to prevent trafficking in minors, including: research; information campaigns; social and economic initiatives; policies and programmes to ensure the training of specialists involved in combating trafficking in human beings, i.e. in order to reduce the vulnerability of persons to trafficking; legislative measures; awareness-raising campaigns; education; training, especially for child victims; cooperation with other non-governmental and other competent organizations; strengthening cooperation at national, bilateral and multilateral level with the aim of eliminating poverty, underdevelopment, inequality of opportunity and deterrence of demand conducive to the exploitation of people.[15]

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[13] Article 3, point f, of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

[14] For details see: Art.9, paragraph (1), letter a) of the Protocol on the Prevention, Repression and Punishment of Trafficking in Persons, Especially Women and Children, additional to the United Nations Convention against Transnational Organized Crime; Art. 9, par.2 of the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography; Art.7, para. 2, lit. a) of Convention No. 182 - on the prohibition of the most serious forms of child labour and immediate action to eliminate them, adopted at the 87th session of the General Conference of the International Labour Organization in Geneva on 17 June 1999; Art. Articles 34 to 36 of the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989; Art.5, para. 1 of the Council of Europe Convention on action against trafficking in human beings of 16 May 2005; Article 12, paragraph 2 of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

A special emphasis is placed on creating a protective environment for the child, who must be ensured a healthy development from a social, cognitive, emotional, physical and behavioral point of view. In order to achieve this desideratum, in the process of adoption by states of preventive measures, it is important to take into account, among other things, the awareness of the public opinion, including children, about these measures in particular,[16] but also about the rights of the child and the fundamental human rights[17], which can be seen through the prism of reducing the vulnerability of minors to trafficking.

I.1.2 Identification and assistance of child victims of trafficking in minors

As regards the identification of child victims of trafficking in human beings, international law provides for certain measures that can be taken in order to ensure an immediate reaction by specialists when faced with a trafficking situation, focusing on the exchange of information on persons crossing or attempting to cross the border, respectively on the means and methods used by organised criminal groups, with a view to strengthen the cooperation between immigration services[18], but also for the training of professionals in the field[19]. All the measures adopted with regards to the identification of child victims of trafficking in human beings must take into account the special situation of women and child victims, respect their privacy and protect their personal data[20].

In order for a minor victim of trafficking in human beings to be able to benefit from specific protection from the moment of identification, the best interests of the child prevail over uncertainty about his or her age.[21]

International acts contain comprehensive regulations regarding the assistance of child victims of trafficking in human beings. These can be summarised in a number of rights, freedoms and principles, among which we mention: the right of access to support services appropriate to the specific needs

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[15] For details see: Art.9, para. 2-5 of the Protocol on preventing, suppressing and punishing trafficking in persons, especially women and children, in addition to the United Nations Convention against Transnational Organized Crime; Art. 9, par.2 of the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography; Art.2, Art.6 of the Council of Europe Convention on the fight against trafficking in human beings of 16 May 2005.

[16] For details, see: Art.9 para. 2 of the Optional Protocol to the Convention on the Rights of the Child, relating to the sale of children, child prostitution and child pornography.

[17] For details, see: Art. Article 36 of the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989; Art. Article 5(3), paragraph 5 of the Council of Europe Convention on action against trafficking in human beings of 16 May 2005.

[18] Article 10 of the Protocol on the Prevention, Repression and Punishment of Trafficking in Persons, Especially Women and Children, in addition to the United Nations Convention against Transnational Organized Crime.

[19] Art.10, para. 1 of the Council of Europe Convention on combating trafficking in human beings of 16 May 2005.

[20] For details see Articles 10-11 of the Council of Europe Convention on the Fight against Trafficking in Human Beings of 16 May 2005.

[21] Article 10, paragraph 3 of the Council of Europe Convention on the fight against trafficking in human beings of 16 May 2005.

of victims, the right to information, the right to protection and care, the right to privacy (protection of personal data), the right to recovery and reflection, the right to education, freedom of expression, the principle of the best interests of the child.

The right of access to support and assistance services appropriate to the specific needs of victims is regulated in many international acts. In general, they refer to issues such as: shelter, living conditions that can ensure the subsistence of the victims, medical, psychological and material assistance; the possibility of employment, education and training; care; translation and interpretation services[22]. Immediate measures to be taken concerning the unaccompanied child[23] are also considered, namely the situation where there is a conflict of interest between the holders of parental responsibility and the child victim[24]; the situation of third-country nationals who are victims of trafficking in human beings;[25] the importance of carrying out an assessment of the specific situation of each child victim of trafficking before being provided with support and assistance, with particular emphasis on the special needs of children and on assistance to victims with special needs (pregnant persons, persons with disabilities, poor health, mental or psychological disorders) [26].

Given the seriousness of the act and its consequences for the victim, international bodies encourage States to provide immediate services to children (even from the moment when there is a reasonable indication that that person is a victim of trafficking in human beings), and not to make the provision of assistance services conditional on the victim's desire to be a witness or to cooperate with the authorities.[27] Also, being known that the family is one of the essential pillars in the harmonious development of the child and that state

[22] For details, see: Art.6, para. 3-4 of the Protocol on preventing, suppressing and punishing trafficking in persons, especially women and children, in addition to the United Nations Convention against Transnational Organised Crime; Art.12, para. Articles 1 to 6 of the Council of Europe Convention on Combating Trafficking in Human Beings of 16 May 2005; Art.11, para. 5, Art. 14 para. 1, Article 16, paragraph 1-2 of 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, Article 9 of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on rights, supporting and protecting victims of crime and replacing Council Framework Decision 2001/220/JHA.

[23] Art. 10, para. 4 of the Council of Europe Convention on the fight against trafficking in human beings of 16 May 2005, Art.16, para. 3 of 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

[24] Article 14, paragraph 2 of 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.

[25] For details, see Article 7,9,10 of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an facilitation of illegal immigration and who cooperate with the competent authorities.

[26] Art.11, para. 7 of 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.

intervention must be centered on supporting the family in fulfilling its role, states are encouraged to adopt measures to provide assistance and support to the family of the child victim of trafficking in human beings.[28]

A key element in harnessing the right to assistance and support services appropriate to the specific needs of child victims of trafficking in human beings is information and freedom of expression. According to international regulations, the **right to information** of child victims of trafficking in human beings includes: informing them about the applicable legal and administrative procedures, the rights available to them and the services that can be offered to them in view of their vulnerability.[29]

Since the participation of children in decisions that concern them is a common desideratum in communications of international bodies, the **right to freedom of expression** from the perspective of trafficking in human beings must be understood as the opportunity afforded to the child victim to express his or her views, to highlight his or her needs and concerns with regard to the provision of specific assistance and support.[30]

In the light of the provisions contained in international normative acts[31], we stress the importance of respecting the **right to protection and care** by all relevant actors by adopting measures that contribute to the well-being of child victims of trafficking in human beings.

From the moment of identification of the minor victim of trafficking in human beings, throughout the period of the provision of assistance services and after that stage, the child must be ensured respect for the **right to privacy**, this

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[27] Art.11, para. 2-3 of 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, Article 8, para. 5 of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA.

[28] Art.8, para. 1 of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA.

[29] For details, see: Art. 6, para. 2, lit. a) of the Protocol on the Prevention, Repression and Punishment of Trafficking in Persons, Especially Women and Children, in addition to the United Nations Convention against Transnational Organized Crime, Article 11, para. 5 of 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. 12, paragraph 1, point d), para. 7 of the Council of Europe Convention on action against trafficking in human beings of 16 May 2005.

[30] For details, see: Art. 24, para. 1 of 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.

[31] For details, see: Art.7, para. 2, point (b) of Convention No 2. 182 - on the prohibition of the most serious forms of child labour and immediate action to eliminate them, adopted at the 87th session of the General Conference of the International Labour Organization in Geneva on 17 June 1999; Art.5 para. 1-2, art.24, para.1, art.32 of the Charter of Fundamental Rights of the European Union; Art. 4, para. 1-2 of the European Convention on Human Rights and the additional protocols.

being understood, in accordance with international regulations[32], as the protection of the identity of the child victims against interference by any person, with the exception of the identification of the child's family members, or circumstances aimed at ensuring their well-being and their protection.

International law establishes a minimum period of 30 days for the making use of the **right to recovery and reflection** by victims of trafficking in human beings, leaving it free for States to decide whether this period is sufficient for the purpose for which it was established (recovery of the victim, avoidance of influence of traffickers, cooperation or not with the competent authorities).[33] The legislative acts also refer to a period of reflection for third country victims, without setting a minimum duration of it.[34]

Education is an important pillar in reducing the vulnerability to the adversities a child may face, including the crime of trafficking in minors. For this reason, States should take appropriate measures to ensure that the right to education of juvenile victims of trafficking in human beings is utilized.[35]

In view of all the above-mentioned aspects, we stress the importance of respecting **the principle of the best interests of the child[36],** including in the situation where there are doubts about the age[37] of the victim, in all steps, measures, actions and activities aimed at ensuring the protection and assistance of child victims of trafficking in human beings.

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[32] Art.11, para. 1-2 of the Council of Europe Convention on action against trafficking in human beings of 16 May 2005.

[33] Article 13, paragraph 1 of the Council of Europe Convention on the fight against trafficking in human beings of 16 May 2005.

[34] For details, see: Art. 6 of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an easing of illegal immigration and who cooperate with the competent authorities.

[35] Art. 7, para. 2, point (c) of Convention No 2. 182 on the prohibition of the most serious forms of child labour and immediate action to eliminate them, adopted at the 87th session of the General Conference of the International Labour Organization in Geneva on 17 June 1999; Art.10, para. 1, point (b) of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an unlawful immigration facilitation and who cooperate with the competent authorities.

[36] Art. 13, para. 1 of 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. 18, para. 1 of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA; Art. 24, para. 2 of the Charter of Fundamental Rights of the European Union.

[37] Art. 13, para. 2 of 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. 18, para. 3 of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA.

I.1.3 Post-assistance. Prevention of re-trafficking

With regards to post-assistance, international documents do not provide a specific and clear perspective on the measures that should be adopted by national bodies, but do refer to the right to education and the quality of all actions undertaken to provide support and assistance to victims of trafficking in human beings, which must be aimed at full social integration and the recovery of the victim both physically, as well as mentally.[38]

According to international legislation, the protection of victims of trafficking in human beings and, implicitly, of trafficking in minors must contain specific provisions both for the prevention and provision of direct social services to child victims and for the prevention of their re-trafficking.[39]

We stress the importance **of specific objectives of the intervention that focus on preventing re-trafficking by addressing specific risk factors** (individual characteristics and profile of the trafficked victim, return to the country of origin, migration, socio-economic, family, educational factors)[40].

I.1.4. Public policies on trafficking in minors

The issue of trafficking in human beings, and implicitly of trafficking in minors, is currently in the attention of international bodies that have developed various strategies aimed at guiding the steps of national actors in order to combat this phenomenon.

Together with the European Commission, we also emphasize the importance of awareness-raising campaigns on the risks of trafficking in human beings; of strengthening cooperation between social actors (public and private); of continuous improvement of the capacity of professionals, including on gender topics, on the rights of the child; of the exchange of best practices; of the access to adequate and safe accommodation for victims of trafficking in human beings; of adopting specific measures to inform children about their rights; of creating a safe environment so that minor victims feel safe to report crimes, implicitly the crime of trafficking in minors.[41]

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[38] Art. 9, para. 3 of the Optional Protocol to the Convention on the Rights of the Child, relating to the sale of children, child prostitution and child pornography.

[39] Art. 9, para. 1: "States Parties shall establish policies, programmes and other comprehensive measures to: b) the protection of victims of trafficking in human beings, especially women and children, against a new action of which they may be the victims--"Protocol on the prevention, repression and punishment of trafficking in human beings, especially women and children, additional to the United Nations Convention against Transnational Organised Crime.

[40]Pentru detalii, a se vedea: International Organization for Migration, „The Causes and Consequences of Re-trafficking: Evidence from the IOM Human Trafficking Database", 2010.

[41] For more details, see: "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy against Trafficking in Human Beings 2021-2025"; 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Strategy

In conclusion, international legislation contains regulations on the prevention, identification, assistance and post-assistance of child victims of trafficking in human beings. In the proposed approaches, international bodies call on states to adopt appropriate, specific and effective measures for the protection and assistance of child victims of trafficking in human beings.

I.2 National legal framework

The applicable national legal framework for the protection of child victims of trafficking in human beings includes different normative acts, which regulate the actions necessary to be taken at different stages of the intervention – from the prevention of the phenomenon among young people to the post-assistance monitoring phase.

The relevant legal framework includes normative acts that are specific to the issue of trafficking in human beings[42] and normative acts which refer to different aspects related to the assistance and protection of victims of trafficking, such as combating crime, the regime of crossing state borders and migration, assistance to different categories of vulnerable people (prevention of school dropout, avoidance of social marginalization, ensuring the necessary living conditions – integration into the labour market, finding a home, family reintegration, etc.).

With regards to the protection and assistance of minors who are victims of human trafficking specifically, there is a limited number of pieces of legislation[43]. The main pieces of legislation regulating the intervention of different actors in preventing and combating trafficking in human beings refers to victims of trafficking in general, most of the time there being no clear differentiation between underage victims compared to major victims.

From a gender perspective, there is a greater focus on women and girls[44] both in preventing trafficking and assisting victims. Following the ratification of

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to combat child sexual abuse more effectively', 2020; "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Strategy on Victims' Rights (2020-2025)".

[42] Order no. 1.335/2020 of the Minister of Labor and Social Protection on the approval of the Minimum Quality Standards for social services with accommodation, organized as residential centers for care and assistance for child victims of trafficking in persons; Government Decision nr. ANRE President's Order no. 49/2011 for the approval of the Framework Methodology on prevention and intervention in multidisciplinary and networked teams in situations of violence against children and domestic violence and of the Methodology of multidisciplinary and inter-institutional intervention regarding children exploited and at risk of exploitation through work, child victims of human trafficking, as well as Romanian migrant children victims of other forms of violence on the territory of other states; Government Decision nr. ANRE President's Order no. 1295/2004 on the approval of the National Action Plan for preventing and combating child trafficking; Government Decision nr. 1443/2004 on the methodology of repatriation of unaccompanied Romanian children and ensuring special protection measures in their favor.

[43] Law nr. 678/2001 on preventing and combating trafficking in human beings, with subsequent amendments; Government Decision nr. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001 on preventing and combating trafficking in human beings.

the Istanbul Convention[45] on preventing and combating violence against women (including trafficking in human beings), which defines the term "woman"[46] as including "girls up to the age of 18", references to female victims in the normative acts must be interpreted as applicable to both adults and minors.

The actions taken at national level for the protection and assistance of victims of trafficking in human beings are guided by the provisions of the National Strategy against Trafficking in Persons and of the National Action Plan for the implementation of the national strategy. At the time of drafting this research (Q2 of 2023) while documents are in the preparation phase for the next programmatic period, the institutions involved in preventing and combating trafficking in human beings (including the assistance of minor victims of trafficking) continue to be guided by the documents related to the period 2018-2022[47].

Another document with a role in coordinating and guiding the actions dedicated to the protection of minors victims of trafficking in human beings is the National Mechanism for Identification and Referral (MINR)[48]. It regulates aspects such as working principles, relevant actors and specific actions to be taken according to the specific situation of the victim.

I.2.1 Prevention of trafficking in human beings among children

The prevention of trafficking in human beings occupies an important place in specific legislation[49], with an emphasis on the interinstitutional collaboration of all relevant actors, public or private[50]. As specific prevention actions, the national legislation specifies the elaboration of studies on the size and characteristics of the phenomenon[51] as well as the development and implementation of "campaigns / projects / initiatives"[52] aimed at informing and raising awareness of the population, as measures to reduce the vulnerability to trafficking.

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[44] Articles 3, 6, para. (1) and 26 para. (5) of the Law no. 678/2001 on preventing and combating trafficking in human beings.

[45] Law no.30/2016 for the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence, adopted in Istanbul on May 11, 2011

[46] Art. 3, letter f) of the Council of Europe Convention of 11 May 2011 on preventing and combating violence against women and domestic violence.

[47] Government Decision nr. ANRE President's Order no. 861/2018 for the approval of the National Strategy against Trafficking in Human Beings for the period 2018-2022 and of the National Action Plan 2018-2020 for the implementation of the National Strategy against Trafficking in Human Beings for the period 2018-2022, with subsequent amendments and completions.

[48] Approved by Government Decision nr. ANRE President's Order no. 88/2023 for the approval of the National Mechanism for the identification and referral of victims of trafficking in human beings.

[49] Chapter II of Law no.678/2001 and General Objective No. 1 of the National Strategy against Trafficking in Persons for the period 2018-2022.

[50] Art.3, Law 678/2001 on preventing and combating trafficking in persons.

[51] Government Decision nr. ANRE President's Order no. 1295/2004 on the approval of the National Action Plan for preventing and combating child trafficking.

[52] The National Strategy against Trafficking in Human Beings for the period 2018-2022 and the National Action Plan 2018-2020 for the implementation of the National Strategy against Trafficking in Human Beings for the period 2018-2022.

Regarding the prevention of trafficking among young people, a special attention to facilitating the **access to education** is observed, focusing on keeping children in the education system[53] and organizing **information** activities on human trafficking dedicated to children, as well as to parents, teachers and other community members[54]. Actions such as school and extracurricular information activities, parental counseling and teacher information seminars are targeted.

The national legislation also provides for specific actions to facilitate the **integration on the labor market**[55], children being targeted by actions of vocational guidance[56] as measures to avoid school dropout and social marginalization.

I.2.2 The identification and assistance of child victims of trafficking in human beings

The national legal framework mentions the collaboration of different actors who can signal potential risk situations involving minors. The main normative act regulating the identification of a person (minor or adult) as a victim of human trafficking is the National Mechanism for Identification and Referral of Victims of Trafficking in Persons[57]. It states that the identification is carried out on the basis of an assessment following self-detection or notification by any actor who reports a risk situation[58]. An assessment of the existence of the trafficking situation[59] in the case of minors it is carried out only by specialists trained in hearing children[60], in the presence of a DGASPC psychologist, a representative of the regional center of the ANITP[61], after ensuring basic needs (food, hygiene, accommodation) and after obtaining informed consent from the victim[62]. In the

[53] Art.16, lit. f) of Government Decision no. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001.

[54] Art.8, Law nr. 678/2001 on preventing and combating trafficking in human beings; art.16 of The Government Decision nr. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001; Objective 1 of the National Strategy against Trafficking in Human Beings for the period 2018-2022 and the actions related to the achievement of Objective 1 of the National Action Plan 2018-2020 for the implementation of the National Strategy.

[55] Art.6, paragraphs 1, 2 and 3 of Law no. 678/2001 on preventing and combating trafficking in human beings.

[56] Art.16, lit. g) of the Government Decision no. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001.

[57] Art.27^2 of Law nr. 678/2001 on preventing and combating trafficking in human beings.

[58] Chapter 4 of the National Mechanism for identification and referral of victims of trafficking in persons (approved by Government Decision no.88/2023).

[59] It is based on some indications / risk indicators established in Annex 1 to the National Mechanism for identification and referral of victims of trafficking in persons.

[60] According to the provisions of Government Decision no. ANRE President's Order no. 49/2011 for the approval of the Framework Methodology on prevention and multidisciplinary and networked team intervention in situations of violence against children and domestic violence and of the Methodology of multidisciplinary and inter-institutional intervention regarding children exploited and in situations of risk of exploitation through work, child victims of human trafficking, as well as Romanian migrant children victims of other forms of violence on the territory of other states.

[61] Chap.6, point 6.1 of the National Mechanism for identification and referral of victims of trafficking in human beings.

[62] Action 4 of the National Mechanism for identification and referral of victims of trafficking in human beings.

case of minors, this consent is requested from the legal representatives or the parents (if they were not involved in the traffic situation) or from the DGASPC when it is necessary to establish a special protection measure.

At the identification stage, the applicable legislation specifies the provision of the rights to be informed and the provision of security and physical protection.

The right to information[63] it is ensured from the first interaction with the criminal investigation bodies or representatives of other institutions with attributions in the field and before the start of any form of protection and specialized assistance. It aims to inform the victim about the rights and obligations of the person as a victim, the services they can benefit from, the institutions and procedures necessary to be followed in order to obtain the rights.

The right to protection and security is also guaranteed by law from the identification stage, through diplomatic missions[64], prosecution bodies[65] and providers specialized in assisting victims of trafficking[66]. It aims to physically secure minors (getting them out of the trafficking situation and protecting them against abuse) and ensuring basic needs.

The regulations on the specialized assistance provided to child victims of trafficking contained in the national legislation specific to the field are comprehensive, these being built around rights that must be guaranteed by the institutional actors that come into contact with these minors: the right to information, the right to specialized assistance and recovery services, the right to protection, the right to legal assistance, the right to education.

The right to information granted to minors refers to the fact that they 'have the right to be informed of decisions concerning them according to their age and degree of maturity'.[67].

The right to specialised assistance and recovery services[68] focuses on the provision of services necessary for the reintegration of minors who are victims of trafficking in human beings (including their temporary accommodation[69]) taking into account the particular situation of the child. The actors involved in granting these rights will take into account aspects such as: the age of the child[70], the language spoken and understood by the victim[71], health

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[63] Action 5 of the National Mechanism for identification and referral of victims of trafficking in human beings; Chapter II of Law nr. Regulation (EC) No 211/2004 on certain measures to ensure the protection of victims of crime.

[64] Art. 21 of The Government Decision nr. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001.

[65] Art.27, para. 1 and Art.31 of the Law no.678/2001 on preventing and combating trafficking in persons.

[66] Action 4 of the National Mechanism for identification and referral of victims of trafficking in human beings.

[67] Participation of victims of trafficking in human beings in decision-making on protection and assistance, Chapter II of the National Mechanism for identification and referral of victims of trafficking in human beings.

[68] Art.26 of Law nr. 678/2001 on preventing and combating trafficking in human beings.

[69] Art.32, 36 and 39^2 of Law nr. 678/2001 on preventing and combating trafficking in human beings.

[70] Art.53, paragraph 4 of Government Decision no. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001.

[71] Art.43, Law nr. 678/2001 on preventing and combating trafficking in human beings.

status[72] and other aspects related to the particular situation of the minor. In the case of juvenile victims for whom a special protection measure is established, an individualized protection plan is drawn up and in the case of children who remain in the family, a rehabilitation and social reintegration plan is created[73]. MNIR promotes the immediate identification of victims of trafficking in human beings, which allows relatively fast access to specialized protection and assistance services.

The right to protection is aimed at ensuring the physical security of minors identified as victims of trafficking involved as an injured party during the criminal proceedings[74].

The right to legal aid[75] concerns the representation during criminal proceedings in order to exercise rights and is granted at all stages of the criminal proceedings. In order to ensure the right to privacy, court hearings in cases of trafficking in minors or child pornography shall not be public[76].

The right to education granted to[77] minors who are victims of trafficking is aimed at "reintegrating student victims of human trafficking into the educational system, depending on the specificity of the trauma suffered".

Compliance with **the principle of the best interests of the child** will prevail in any action taken by the relevant actors at the stage of identification and assistance of child victims of trafficking in human beings[78].

All forms of assistance to victims of trafficking in human beings (including minors) are based on the interinstitutional collaboration of the actors involved[79]. This also applies to cross-border collaboration for the repatriation of identified victims to territory other than their home territory.

In the case of victims of trafficking of minors, Romanian citizens identified on the territory of other countries, the repatriation will be carried out in compliance with the Government Decision no.1443/2004[80], based on the collaboration between diplomatic missions, ANPDCA, the General Inspectorate of Border Police and ANITP with the help of the subordinated structures. The measures provided by the legislation for the repatriation of minors victims of trafficking in human beings are aimed at ensuring their security both in the

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[72] Chap. 6, point 6.6 of the National Mechanism for identification and referral of victims of trafficking in human beings.

[73] Approach centered on individual needs and peculiarities, Chapter II of the National Mechanism for identification and referral of victims of trafficking in human beings.

[74] Art.24 of Government Decision no. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001.

[75] Art.44, Law nr. 678/2001 on preventing and combating trafficking in human beings.

[76] Art.24, para. 1, Law nr. 678/2001 on preventing and combating trafficking in human beings.

[77] Art.16, Government Decision nr. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001

[78] Art.2, lit. 4 of Law nr. 272/2004 on the protection and promotion of the rights of the child.

[79] Art.27, paragraph (2) of Law no. 678/2001 on preventing and combating trafficking in human beings.

[80] Government Decision no.1443/2004 on the methodology of repatriation of unaccompanied Romanian children and ensuring special protection measures in their favor.

country of destination, during the journey and upon arrival in the country. It is also envisaged to facilitate a social reintegration as quickly and efficiently as possible and to avoid re-trafficking[81].

In the case of minors who are foreign citizens who accompany the victims of human trafficking or who are victims themselves, the provisions regarding minors in the Emergency Ordinance no.194 of 2002 on the regime of foreigners in Romania apply accordingly[82]. Thus, the Romanian state facilitates for the victims of trafficking, foreign citizens, the return to their country of origin and ensures the transport in full security to the border of the Romanian state, unless otherwise provided in the bilateral agreements[83]. In the case of child victims, repatriation may be made following a prior assessment by the competent authorities only if there is a certainty of family reintegration and security of the minor in the country of origin. If the minor is not accepted in the state of origin, he or she is granted the right of permanent residence on the territory of Romania[84].

I.2.3 Post-assistance. Prevention of re-trafficking

Monitoring in the post-assistance period is regulated by GD 49/2011 and is carried out on the basis of a post-assistance monitoring plan[85]. It is drawn up when the child is withdrawn from exploitation, the provision of services has ended and the child is to be reintegrated into the family, school and community. Monitoring shall be carried out over a period of at least 6 months.

Since the case management[86] belongs to the support service providers accredited according to the law, public or private institutions, the monitoring plan will be carried out by the specialists of these structures, depending on the evolution of each case during assistance.

In order to prevent the re-victimization of minors who have experienced trafficking, the legislation proposes measures for their reintegration, such as

[81] Item 8.2.1, Chapter 8, of the National Mechanism for identification and referral of victims of trafficking in human beings.
[82] Art.58 of Government Decision no. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001.
[83] Art.37, Law nr. 678/2001 on preventing and combating trafficking in human beings.
[84] Item 8.3, Chapter 8 of the National Mechanism for identification and referral of victims of trafficking in human beings.
[85] Item II.5 of the METHODOLOGY of multidisciplinary and inter-institutional intervention regarding the children exploited and in situations of risk of exploitation through work, the child victims of trafficking in persons, as well as the Romanian migrant children who are victims of other forms of violence on the territory of other states, approved by Government Decision no.49/2011.
[86] Item III of the METHODOLOGY of multidisciplinary and inter-institutional intervention regarding the children exploited and at risk of exploitation through work, the child victims of human trafficking, as well as the Romanian migrant children who are victims of other forms of violence on the territory of other states, approved by Government Decision no.49/2011.

providing social housing[87], providing specialized medical assistance[88], stimulating their re-integration into the education system[89] and integration into the labour market[90].

I.3. The institutional framework for the protection and assistance of child victims of trafficking in human beings

For the activity of preventing trafficking in minors, respectively the assistance and protection of this category of victims, the national legislation provides roles for public authorities and institutions, non-governmental organizations and other representatives of civil society. Below are presented duties and responsibilities of institutions with regards to prevention, identification and assistance, post-assistance.

A. THE PREVENTION OF CHILD TRAFFICKING[91]

According to the legal framework in force, roles in terms of preventing trafficking in persons, including trafficking in minors, belong to the following institutions: the inter-ministerial working group for coordinating and evaluating the activity of preventing and combating trafficking in human beings, the Ministry of Foreign Affairs, the Ministry of Labor, Family and Social Protection, the Ministry of Administration and Interior, the Ministry of Education, the Ministry of Health, The Ministry of Justice, the Ministry of Public Finance, the Ministry of Public Administration, the Ministry of Culture and Cults, the County Police Inspectorates, the National Agency Against Trafficking in Persons, the National Agency for Employment, the General Inspectorate of the Romanian Police, the General Inspectorate of the Border Police, the local public administration authorities, as well as other governmental bodies with attributions in the field of

[87] Art.36 of law 678/2001 on preventing and combating trafficking in persons.

[88] Art. 27^1 of Law 678/2001.

[89] Art.16, lit. f) of Government Decision no. 299/2003 for the approval of the Regulation for the application of the provisions of Law no. 678/2001.

[90] Art. 6, para.3, Law 678/2001.

[91] The activity of preventing trafficking in persons is carried out by the institutions provided in Law no. No 678/2001, as amended, according to its powers, and is governed by the Implementing Regulation of the provisions of Law No 678/2001. 678/2001 on preventing and combating trafficking in human beings and Emergency Ordinance no. 41 of 27 April 2011 being structured in the Strategy and the National Action Plan for combating trafficking in human beings.

human trafficking[92].

Inter-ministerial working group on coordination and evaluation of the activity of preventing and combating trafficking in human beings

For the unitary development, coordination and evaluation of the activities of preventing and combating trafficking in human beings, an inter-ministerial working group for coordinating and evaluating the activity of preventing and combating trafficking in human beings is set up within the National Committee for Crime Prevention[93], without legal status, within the National Committee for Crime Prevention, without legal personality, **the Inter-ministerial Working Group for coordinating and evaluating the activity of preventing and combating trafficking in human beings[94]** , hereinafter referred to as the Inter-ministerial Group, which has the following main tasks with regard to the prevention of trafficking in human beings:

- Develop prevention strategies together with the institutions involved and with the representatives of non-governmental organizations that carry out activities in the field.
- Supports local programmes to prevent and combat trafficking in human beings.
- Draws up information materials containing the rights of victims of trafficking in human beings, to be made available to them by the authorities with attributions in this regard.
- Carries out quarterly evaluations of the activity of preventing and combating trafficking in human beings, based on the data made available by the institutions involved and by the associations and foundations that carry out activities in the field.
- Ensures a good collaboration between the state institutions and the associations and foundations with activity in the field.

[92] Chap. II, Art. 4 of Law nr. 678/2001.

[93] Chap. I, Art. 5-6, Government Decision nr. 299/2003 on the approval of the Regulation for the application of the provisions of Law no. 678/2001.

[94] The inter-ministerial group is composed of 4 representatives of the Ministry of Interior, of which at least one representative of the General Directorate for combating organized crime and anti-drug, and one representative of the following public authorities, appointed by order of the head of the institution to which it belongs: the Ministry of Justice; Ministry of Foreign Affairs; the Public Prosecutor's Office; Ministry of Labour and Social Solidarity; Ministry of Education and Research; Ministry of Public Administration; Ministry of Health and Family; Ministry of Youth and Sports; Ministry of Culture and Cults; National Authority for Child Protection and Adoption.
The coordinator of the Inter-ministerial Group is the Director-General of the Directorate-General for Combating Organised Crime and Drugs of the Ministry of the Interior.

Ministry of Foreign Affairs[95]

- Draws up a list of states with high potential in terms of trafficking in human beings, which will be communicated to the Inter-ministerial Group[96] and, upon request, to the institutions concerned.
- The Ministry of Foreign Affairs and the Ministry of Administration and Interior adopt the necessary measures, based on the legislation regulating the regime of foreigners in Romania[97], in order to prevent the access to the Romanian territory of foreign citizens in connection with which there are solid indications that they are involved in human trafficking[98].
- Ensures the dissemination to those interested, through the diplomatic missions and consular offices of Romania abroad, of information materials on the rights of persons, victims of human trafficking, according to the Romanian legislation and the state of residence.

Ministry of Administration and Interior [99]

- Takes action to:
    - informing the population in high-risk areas about the phenomenon of human trafficking;
    - identification of persons involved in activities related to illegal migration and trafficking in human beings, as well as the places where these activities are carried out;
    - supporting alternative programmes organised by the competent institutions for victims of trafficking who do not wish to return to their country of origin.
- Adopts, together with the Ministry of Foreign Affairs, the necessary measures, based on the legislation regulating the regime of foreigners in Romania[100], in order to prevent the access to the Romanian territory of foreign citizens in connection with whom there are solid indications that they are involved in human trafficking[101].

Ministry of Justice[102]

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[95] Chap. II, Art. 5 of Law. 678/2001.
[96] Chap. II, art. 19 of the Government Decision no. 299/2003.
[97] Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania, with subsequent amendments.
[98] LAW no. 230 of November 30, 2010 for the amendment and completion of Law no. 678/2001.
[99] Art. 23, para. 1, 2, and 3, Art. 27, Cap. II, of the Government Decision no. 299/2003.
[100] Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania.
[101] Law nr. 230 of November 30, 2010 for the amendment and completion of Law no. 678/2001.
[102] Art. 29, Art.30 Cap. II of the Government Decision no. 299/2003.

- Together with the Public Ministry, on the basis of its own data, it carries out periodic studies in order to identify the causes that determine and the conditions that favor human trafficking.
- Periodically conducts studies to assess the effects of legislative measures on the phenomenon of trafficking in human beings.
- Contributes to the development of national and local strategies for the prevention of trafficking in human beings.
- Aims to improve the internal legislative framework in the field.
- Provides specialized assistance for the elaboration of normative acts in the field and for their implementation.
- Elaborates and promotes draft normative acts in subjects related to the prevention and combating of trafficking in human beings.
- Participates, together with the institutions in the field of trafficking prevention of persons, in carrying out campaigns to inform the public opinion on the phenomenon of human trafficking.

Ministry of Labour, Family and Social Protection[103]**,** through its specialised structures at central and territorial level:

- Develops and applies special measures to integrate people at high risk of being trafficked into the labour market, especially for women in disadvantaged areas and for socially marginalised people.
- The Ministry of Labour and Social Solidarity together with the Ministry of Public Finance is studying the opportunity of developing measures to stimulate economic agents that employ both people at high risk of being trafficked and victims of trafficking, who have graduated professional training courses, making proposals in this regard.
- Periodically elaborates statistical bulletins, differentiated by sex, on the unemployed, the unemployment rate, the persons included in the qualification, retraining and improvement courses, as well as the persons who go through the mediation process of work for employment, which it transmits to the Inter-ministerial Group and to the institutions provided by Law 678/2001.
- Together with the Ministry of Health, the Ministry of Education carries out educational, health and psychological programs, targeting risk groups, street children and institutionalized children.
- Together with the Ministry of Industry and Resources and the National Institute of Statistics, promotes programs to combat poverty and unemployment.

The Ministry of Public Finance together with the Ministry of Labour and Social Solidarity is studying the opportunity of developing measures to stimulate

[103] Chapter II, Art.6 of the Law no. 678/2001; art.8, art.34, art.37 of the Government Decision no. 299/2003.

economic agents that employ both people at high risk of being trafficked and victims of trafficking, who have graduated professional training courses, making proposals in this regard.[104]

Ministry of Education[105]

- Carries out, individually or in partnership with the other ministries involved and/or with the non-governmental organizations with activity in the field, educational programs in order to prevent trafficking in persons, as follows:
  - educational activities in the area of formal and non-formal education for pupils in pre-university education and students in higher education;
  - information and counseling activities for parents and pupils on the consequences of human trafficking;
  - information seminars for teachers in the field of children's rights and human trafficking.
- Takes action to:
  - the inclusion in the curriculum of the discipline "Civic Culture" of clear references that explicitly address the issue of trafficking in human beings;
  - making recommendations during civic culture classes with special reference to the issue of trafficking in persons;
  - inclusion in the school hours of trafficking in human beings;
  - the organization at the houses of the teaching staff, at the palaces and children's clubs and in the pre-university education units of information and prevention actions on human trafficking, with the participation, as the case may be, of representatives of the Ministry of Interior, the Ministry of Labor and Social Solidarity, the Ministry of Health and Family, the Ministry of Justice, of the Romanian associations, foundations and non-governmental organizations, foreign and international, carrying out activities in the field of prevention of trafficking in human beings, or even of victims of trafficking in human beings;
  - advising parents and teachers in seminars aimed at limiting the risk of involving children and young people in human trafficking;

[104] Chap. II, Art. 6, para. 3 of Law nr. 678/2001.

[105] Chap. II, Art. 8 of Law no. 678/2001; Chapter II, art. 16, art.17, art.34 of the Government Decision no. 299/2003.

- developing extracurricular activities and offering educational alternatives to pupils and young people from disorganized families, prone to school and family dropouts;
- the career and career orientation of pupils and young people, consisting of information, documentation and advice aimed at their school and professional integration;
- the reintegration of pupils who are victims of human trafficking in the educational system, depending on the specifics of the trauma suffered;
- organizing methodical training seminars for teachers and school counselors on the topic "Participation of the school in preventing and combating trafficking in human beings";
- distribution in the school network of informative materials on the phenomenon of trafficking in human beings: causes, consequences, risks, etc.;
- organizing regional, national and international actions on the issue of trafficking in human beings and the role of the school in preventing this phenomenon;
- supporting media campaigns aimed at pupils and young people to exemplify and explain the causes, scales, consequences and scale of this phenomenon;
- the introduction in the management plans of the general school inspectors, the deputy general inspectors and the directors of the educational units of some objectives aimed at preventing and combating trafficking in persons.

- Initiates and conducts curricula to prevent illiteracy and school dropout among people at high risk of being trafficked.
- Together with the Ministry of Health, it organizes information and education campaigns in educational institutions on the risks and effects of sexually transmitted diseases.
- Together with the Ministry of Labor, the Ministry of Health carries out educational, health and psychological programs, targeting risk groups, street children and institutionalized children.

Ministry of Health [106]

- Organizes, within vulnerable communities, information and education campaigns on sexually transmitted diseases and participates in conducting campaigns to inform the public opinion about the causes, risks and consequences of human trafficking.
- Takes steps to inform individuals of the risks of marriages of convenience.

[106] Chapter XIV, letter F of decision no. 861 of 31 October 2018; Art. 33, para. 2, art. 34, art.35, Cap. II of the Government Decision no. 299/2003.

- Together with the Ministry of Labour and Social Solidarity, the Ministry of Education carries out educational, health and psychological programs, targeting risk groups, street children and institutionalized children.
- Participates, according to its legal competences, together with other competent institutions and non-governmental organizations in carrying out campaigns to inform the public opinion on the causes, risks and consequences of trafficking in human beings.

Ministry of Public Administration[107]

- Supports and coordinates the work of centers for assistance and protection of victims of trafficking in human beings.
- Produces and disseminates documentary material on the risks to which people, potential victims of trafficking in human beings, may be exposed.

Ministry of Culture and Cults [108]

- Together with **the Ministry of Youth and Sports**, it carries out, according to its competences, cultural and educational programs to strengthen the sense of human dignity and the protection of oneself, as well as extracurricular education programs for parents and children, on combating violence against girls and women.
- Through religious denominations, it takes the necessary measures to raise society's awareness of the consequences of human trafficking.

The National Agency Against Trafficking in Persons (ANITP)[109] has the following roles aimed at preventing:

- Produces and disseminates documentary material on the risks to which people, potential victims of trafficking in human beings, may be exposed.
- Carries out, with the support of other institutions and organizations with attributions in the field, periodical studies in order to identify the causes that determine and the conditions that favor human trafficking.
- Organizes information campaigns on the phenomenon of trafficking in human beings and the risks to which its victims are subjected, in cooperation with the interested institutions, as well as with non-governmental organizations, international organizations and representatives of the civil society, engaged in the prevention of trafficking in persons, in the protection and assistance of its victims.

[107] Chap. II, art. 32 of the Government Decision no. 299/2003.
[108] Art. 36, art. 38, Cap. II of the Government Decision no. 299/2003.
[109] Art. 7, art. 10, art. 11 of Law no. 678/2001; Annex 3 to the Government Decision no. 1.064 of 2 October 2021 amending and supplementing Government Decision no. 861/2018.

- Carries out and implements, including in the online environment, actions/ campaigns to inform and raise awareness of the public about the phenomenon of trafficking in human beings.
- Develops its own programs for carrying out activities to prevent trafficking in persons.
- Manages the anti-trafficking assistance line - Tel Verde.

The General Inspectorate of the Romanian Police[110] **and the corresponding units in the territory**

- Develops and updates, according to its competences, with the support of other institutions and organizations with attributions in the field, the database on the phenomenon of trafficking in persons, monitors and periodically evaluates this phenomenon, taking into account both the perpetrators and the victims of human trafficking, as well as the legal entities involved in committing the crime of trafficking in persons.

The General Inspectorate of the Border Police[111]**, with its subordinated units,** carries out activities on the line of preventing the illegal exit from Romania of minor Romanian citizens, possible victims of human trafficking.

National Agency for Employment[112]

- For people at high risk of being trafficked, the National Agency for Employment develops information programs on the labor market and employees' rights, professional training programs, as well as information programs for economic agents, for their employment with priority.
- Organizes annual, at national level, job scholarships for the unemployed.
- Collaborates with the institutions responsible for the implementation of the National Action Plan in developing information materials on the risks posed by trafficking in persons, which will be presented to people looking for a job.
- Victims of trafficking and persons entitled to the guaranteed minimum income in disadvantaged areas, as well as other persons at high risk of being trafficked, are included as a "target group" in the National Employment Programme and the National Annual Vocational Training Programme.

[110] Emergency Ordinance no. 41 of 27 April 2011 for the amendment of Law no. 678/2001.

[111] Chap. XIV, lit. A, para. 3 of DECISION no. 861 of 31 October 2018.

[112] Art. 6, Chapter II of Law no. 678/2001; Art.9, 10 and 11, Chapter II of the Government Decision no. 299/2003.

Public Social Assistance Services[113]

- Social services are based on the identification and assessment of individual, family or group social needs and the elaboration of intervention plans for the prevention, combating and solving of difficult situations.
- The main categories of social services with the exclusive aim of preventing and combating poverty and the risk of social exclusion are addressed to people and families with no or low incomes, homeless people, victims of human trafficking, as well as to persons deprived of liberty.

Non-governmental organizations[114].

- The responsible institutions, in collaboration with the Romanian and foreign non-governmental organizations that carry out activities in the field, take measures for the development and dissemination of information materials, documentation, video materials, leaflets, billboards, in order to inform the population, at national and regional level, about the phenomenon of human trafficking

B. IDENTIFICATION AND ASSISTANCE OF CHILD VICTIMS OF TRAFFICKING IN HUMAN BEINGS

In order to identify and assist the child victims of the trafficking, the roles provided by the legislation in force have the following institutions: the National Agency Against Trafficking in Persons, the Ministry of Internal Affairs, the Directorate for Combating Organized Crime, the Directorate for Investigating Organized Crime and Terrorism, the Ministry of Foreign Affairs, the Diplomatic Missions and Consular Offices of Romania abroad, the General Inspectorate for Immigration, Ministry of Health, National Authority for the Protection of the Rights of the Child and Adoption, County Employment Agencies, Public or Private Providers of Social Services / Specialized Services, International Organization for Migration, Office in Romania.

In order to improve the access of victims of trafficking in persons to assistance and protection services, institutions and non-governmental organizations with attributions in the field cooperate in order to apply the National Mechanism for identification and referral of victims of trafficking in persons.[115] The national mechanism for the identification and referral of victims of trafficking in human

[113] Art. 40, para. 2, Art. 56, para. 2 of Law no. 292/2011 of social assistance.
[114] Chap. I, Art. 4 of the Government Decision no. 299/2003.
[115] Chap. V, Art. 27-2, para. 1 of Law nr. 678/2001.

beings (MNIR) aims to establish the ways of identifying the victims of trafficking in human beings and the procedure for entrusting them to the providers of protection and assistance services.[116]

Ministry of Internal Affairs[117]

- Ensures the physical protection of victims of trafficking in human beings.
- Ensures, upon request, on the territory of Romania the physical protection of persons victims of trafficking, who are parties to the criminal proceedings. The amounts necessary to ensure the physical protection of the persons referred to in para. (1) shall be supported by the Ministry of the Interior from the budget funds allocated annually for this purpose.
- May request the embassies accredited in Romania to issue a new passport or travel document, as the case may be, for foreigners, victims of human trafficking, who do not possess any identity document or it has been lost, stolen or destroyed, except in the case of asylum seekers or beneficiaries of protection in Romania.
- In the case of bringing to Romania by a transport company of victims of trafficking, knowing its illicit nature, it establishes the period for which the respective transport company is obliged to ensure the accommodation and maintenance of these victims and to bear their transport to the border Romanian, according to the law.
- In order to identify the victims of trafficking in persons, the employees of the Ministry of Interior may organize controls in public or private institutions, as well as in the premises of economic agents, regardless of the owner or the holder, according to the law.
- Organizes training and specialization courses for its own staff involved in investigating cases of trafficking in human beings and in hearing victims of trafficking.

Ministry of Justice[118]

- Ensures the training and improvement of magistrates in the field of combating trafficking in human beings.
- Ensures that international judicial cooperation in the field is carried out in good conditions.
- Aims to improve the internal legislative framework in the field.
- Provides specialized assistance for the elaboration of normative acts in the field and for their implementation.

[116] Chap. V, Art. 27-2, para. 2 of Law no. 678/2001.

[117] Art. 27, para. 1, Art. 39, Art. 40, Art. 48, Cap. V, of Law no. 678/200; Art. 24, par. 1 and 2, art. 26, para. 3 of the Government Decision no. 299/2003.

[118] Chap. II, Art. 29-30 of the Government Decision no. 299/2003.

Ministry of Public Administration[119]

- Supports and coordinates the work of centers for assistance and protection of victims of trafficking in human beings.
- The rules of conduct of the staff of the centers for the assistance and protection of victims of trafficking in human beings are established by order of the minister of public administration.

Ministry of Health[120]

- Medical assistance for victims of human trafficking is provided in accordance with the normative acts regulating the field of social health insurance.

Ministry of Foreign Affairs[121]

- Sends to the National Authority for the Protection of the Rights of the Child and Adoption (ANPDCA) requests for the repatriation to Romania of minors, Romanian citizens, possible victims of human trafficking, identified on the territory of other states.
- Ensures the transport of Romanian citizens who are victims of human trafficking, for repatriation.
- Issues, through the diplomatic missions and consular offices of Romania, if necessary, for the purpose of repatriation, identity documents to Romanian citizens who have been victims of human trafficking, within a reasonable time, without undue delay.
- Ensures the dissemination to those interested, through diplomatic missions and consular offices of Romania abroad, of information materials on the rights of persons, victims of human trafficking, according to the Romanian legislation and the state of residence.

Diplomatic missions and consular offices of Romania abroad[122]

- Romanian citizens on the territory of other countries, victims of human trafficking, are provided, upon request, with assistance by the diplomatic missions and consular offices of Romania in those countries.
- Ensures the information of the foreign judicial bodies on the Romanian regulations in the field.

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[119] Chap. II, Art. 31 of the Government Decision no. 299/2003.

[120] Chap. V, Art. 27-1 of Law no. 678/2001.

[121] DECISION no. 88 of 31 January 2023 for the approval of the National Mechanism for the Identification and Referral of Victims of Trafficking in Human Beings; Art. 28, para. 2, Art. 29, Art. 30, para. 1 Cap. V of Law nr. 678/2001.

[122] Art. 28, para. 1, Art. 30, para. 2, 3 and 4, Chapter V of Law no. 678/2001; Art. 22, para. 3, Cap. II of the Government Decision no. 299/2003.

- Publishes, by its own electronic means, information on the national and foreign state legislation in the field, the contact details of the National Agency against Trafficking in Persons and its regional centers.
- Ensures the publication, including by its own electronic means, of information regarding the national legislation and of the foreign state in the field, as well as of the addresses of the centers for assistance and protection of victims of trafficking in human beings or assimilated to them.
- The heads of the diplomatic missions and consular offices of Romania abroad shall designate a diplomat within them as responsible for applying the methodology of repatriation of Romanian citizens, victims of human trafficking, within the meaning of this law.

The National Agency Against Trafficking in Persons (ANITP) [123] has the following roles:

- In cooperation with interested institutions, as well as with non-governmental organizations, international organizations and representatives of civil society engaged in the protection and assistance of victims of trafficking in persons, provide them with the psychological support and assistance necessary for social integration.
- Monitors the assistance provided to the victim of trafficking in human beings and facilitates his/her participation in the activity of criminal prosecution and trial, carrying out activities aimed at facilitating the act of justice.
- Manages the anti-trafficking assistance line - Tel Verde.
- Central notification point within the Identification and Referral Mechanism: receives notifications regarding all potential / presumed / identified victims detected / identified both in Romania and transnationally; victims of Romanian citizens and victims of foreign citizens, adult victims and minor victims;
- Contributes to the detection/ identification of potential victims through community awareness-raising activities and through the Green Line;
- Carries out/contributes to the initial assessment of needs and risks;
- Inform victims about their rights;
- Refers victims to public or private providers of specialized services;
- Supports the participation of victims in the criminal trial;
- Contribute to the preparation of the assisted repatriation of victims and to the implementation of the measures established in this regard;
- Monitors the protection and assistance measures provided to victims;

[123] DECISION No. 88 of 31 January 2023; Art. 27, para. 2 and Art. 27, para. 3, Cap. V of Law nr. 678/2001.

- Implements, with the informed consent of the victim, in simev - Integrated System for Monitoring and Evaluation of Victims, personal data and information on the traffic situation.

National Authority for the Protection of the Rights of the Child and Adoption (ANPDCA)

- Ensures the coordination and carrying out of activities regarding the repatriation of Romanian minors identified unaccompanied or in difficulty on the territory of other states[124].
- Ensures the coordination of activities regarding the adequate support of the best interests of foreign children seeking asylum or unaccompanied by their parents or another legal representative, identified on the territory of Romania, and collaborates with the authorities and institutions with attributions in the field, at central or local level[125].
- According to the MNIR[126], the ANPDCA also has the following roles:
  - It receives requests for the repatriation of minors to Romania, through the Ministry of Foreign Affairs or other national authorities with responsibilities in the field, in cases of minors, Romanian citizens, possible victims of human trafficking, identified on the territory of other states.
  - It asks the DGASPC to conduct social surveys of extended family members in the country and to draw up an individual plan on the preparation of the child's social reintegration.
  - Informs the DGASPC about the existence of a presumption of trafficking in minors, following the notification received from foreign or national authorities (ANITP).

The Directorate for Combating Organized Crime (DCCO)[127], including subordinated structures (BCCO/SCCO), according to the MNIR, has the following roles:

- Contributes to the identification of victims of human trafficking;
- Notifies ANITP about the victims of human trafficking;
- Contributes to the assessment of risks to the physical security of victims;
- Supports ANITP/NGO and DGASPC for the implementation of special measures for assistance and protection of victims in the criminal trial;
- Informs victims about their rights;

[124] In accordance with the provisions of H.G. nr. 1.443/2004 on the methodology of repatriation of unaccompanied Romanian children and ensuring special protection measures in their favor.
[125] In compliance with the provisions of Law nr. 272/2004.
[126] DECISION no. 88 of 31 January 2023.
[127] DECISION no. 88 of 31 January 2023.

- Ensure that the right of the victim of trafficking in human beings to the period of recovery and reflection is respected.

The Directorate for Investigating Organized Crime and Terrorism (DIICOT)[128], according to the MNIR, has the following roles:

- Contributes to the identification of victims of human trafficking;
- Notifies ANITP about victims of human trafficking;
- Contributes to the assessment of risks to the physical security of victims and imposes specific security measures;
- Requests the support of ANITP within the national programme for the coordination of victims in criminal proceedings;
- Informs victims about their rights;
- Ensures that the right of the victim of trafficking in human beings to the period of recovery and reflection is respected.

General Inspectorate of Border Police[129]

- Provides, through its specialized structures, at all border crossing points of Romania, specially trained personnel to identify and take over the victims, in order to guide them to specialized institutions.
- Has responsibilities in identifying and referencing victims of human trafficking.
- Communicates the data on the victims of human trafficking received to the border post where the victim is to arrive, in order for the victim to be taken over by the specially designated officers, as well as to the police unit in whose area the assistance and counselling centre where the victim has requested to be accommodated operates, in order to take over the victim from the border post and to ensure his/her physical protection until he/she is accommodated in the centre.
- Specially designated officers will immediately inform the victims that they have the right to file a complaint against the persons who trafficked them, as well as to be an injured party and a civil party to the criminal proceedings, drawing up a report signed by the victim and the person who drew it up. If the person does not know the language of the Romanian, an interpreter will be made available to him or her free of charge.

General Inspectorate for Immigration[130]

[128] DECISION no. 88 of 31 January 2023.

[129] Art. 31, Chapter V of Law no. 678/2001; Chapter XIV, letter A, paragraph 3 of the DECISION no. 861 of 31 October 2018; Art.42, 45 and 46 Chapter IV of the Government Decision no. 299/2003.

[130] According to the Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania, republished, with subsequent additions; Art. 38, para. 1, 2 and 3, Art. 38^1, Art. 39^1 para. 1, 2 and

- They accommodate in the specially arranged centers the foreigners who are victims of human trafficking, without the need to detain them.
- The administration of the centers arranges special spaces, separate from those intended for the accommodation of foreigners detained.
- Accommodates in the specially arranged centers the foreign victims of human trafficking, applicants of a form of protection in Romania[131].
- Victims of trafficking in human beings, who are foreign citizens, are informed in their accommodation, in a language they understand, of the judicial and administrative procedures applied.
- People accommodated in dedicated centers can benefit from mental and psychological counseling, as well as medical and social assistance, in a language they understand.
- Approves[132] the accommodation of aliens who are victims of trafficking in human beings, at the written request of the competent authorities.
- Ensures that the provisions relating to victims of trafficking in human beings who are Romanian citizens also apply to victims of trafficking in human beings who are citizens of a Member State of the European Union or of the European Economic Area.
- Grants the toleration of remaining on the territory of Romania for foreigners who have serious reasons to consider themselves victims of human trafficking and benefit from a recovery and reflection period of up to 90 days, in order to recover, get out of the influence of the perpetrators and make an informed decision on cooperation with the competent authorities, at the request of the public prosecutor or the court.
- Ensures that during the recovery and reflection period, foreigners benefit from the rights provided by law.
- During or at the end of the cooling-off period, foreign victims of trafficking in human beings may be granted, upon request, a[133]temporary residence permit.
- Acts according to the rules and regulations if the cooling-off period ceases.
- Applies to minors who are foreign citizens who accompany victims of human trafficking or who are themselves victims of the provisions regarding the regime of foreigners in Romania.
- Disseminates to the competent structures in the field of combating trafficking in human beings the data and information obtained in the current specific activity.

3, Art. 41, Chapter V of Law nr. 678/2001; Art. 56, paragraphs 2 and 3, Chapter IV of the Government Decision no. 299/2003; Chapter XIV, letter A, paragraph 4 of decision no. 861 of 31 October 2018.

[131] According to Law nr. 122/2006 on asylum in Romania, with subsequent amendments.

[132] Through the General Director of the Romanian Office for Immigration.

[133] Under the conditions stipulated by the Government Emergency Ordinance no. 194/2002 , republished, with subsequent amendments.

County employment agencies[134]

- Organizes, free of charge, under the law, special short-term programs for the professional training of the accommodated victims.
- Provides, free of charge, as a matter of priority, to victims of trafficking in human beings, work counselling and mediation services in order to identify a job.
- Offers free of charge, with priority, services to people at high risk of being trafficked and victims of human trafficking, who have the right to work in Romania, according to the legal norms regarding the unemployment insurance system and the stimulation of employment.
- Victims of trafficking and persons entitled to the guaranteed minimum income in disadvantaged areas, as well as other persons at high risk of being trafficked, are included as a "target group" in the National Employment Programme and the National Annual Vocational Training Programme.
- Special short-term programs for the initiation or professional training of persons accommodated in centers for the assistance and protection of victims of trafficking in persons are drawn up by the county employment agencies in whose radius the centers operate, are approved by the National Agency for Employment and are included in the National Employment Program and in the National Annual Vocational Training Program.

The County Council, respectively the General Council of Bucharest Municipality[135]

- Ensures the financing of current and capital expenditures for the centers as well as for the protected dwellings in the territory through the local budgets of the counties in whose administrative-territorial radius they operate.
- Covers the costs related to the accommodation, assistance and protection of the victims of human trafficking, as well as to their transport between the administrative-territorial units where they were identified and those where the center or the protected dwelling where they are to be accommodated / assisted is located, is supported from the local budget of the county in whose administrative-territorial radius the center or the protected dwelling operates.

[134] Law nr. 678/2001.

[135] Art. 32, para. 9, 10 and 11, Art. 33, para. 3, Art. 34, para. 1, Chapter V, of Law nr. 678/2001.

- Can also set up other centers or sheltered dwellings, depending on the evolution of the phenomenon of human trafficking in Romania.
- Approves the Regulations for the organization and functioning of protected centers and dwellings, as well as their organizational structure, in consultation with the National Agency against Trafficking in Persons.
- Covers the amounts necessary for the payment of contributions to the social insurance systems for the victims of human trafficking, which are allocated, annually, in full, through the state budget law from some revenues of the state budget, by distinctly including it in the budget of the Ministry of Labor, Family and Social Protection.

The General Directorate of Social Assistance and Child Protection (DGASPC)[136] subordinated to the county councils, respectively subordinated to the local councils at the level of sectors in Bucharest, offers the following services:

- Centers, or sheltered housing for victims of human trafficking established by Law no. 678/2001 [137] subordinated to, are organised and operate within the Directorates-General for Social Assistance and Child Protection. Arad, Botoşani, Galaţi, Giurgiu, Iaşi, Ilfov, Mehedinţi, Satu Mare and Timiş County Councils [138]
- Residential care and assistance centers for child victims of human trafficking;
- Counseling centers for child victims of trafficking;
- The unique national number 119 for reporting all situations of violence against the child (trafficking in minors being such a situation of violence against the child);
- Mobile intervention team in situations of violence against the child – emergency situations / crisis[139];
- Emergency reception centers for the abused, neglected and exploited child, with activity for all forms of violence against the child;
- Counseling centers for the abused, neglected and exploited child, with activity for all forms of violence against the child.
- The social services developed by the DGASPC to which the victims of human trafficking can be referred are:

[136] DECISION no. Order of the Minister of Public Health no. 49 of 19 January 2011 for the approval of the Framework Methodology on prevention and multidisciplinary and networked team intervention in situations of violence against children and domestic violence and of the Methodology of multidisciplinary and inter-institutional intervention on children exploited and at risk of exploitation through work, child victims of trafficking in human beings, as well as Romanian migrant children who are victims of other forms of violence on the territory of other states

[137] Chap. V, Art. 32, para. 2 of Law no. 678/2001.

[138] Chap. V, Art. 32, para. 4 of Law nr. 678/2001.

[139] Defined by DECISION no. 49 of 19 January 2011.

- services for victims of human trafficking, according to the Nomenclature of social services, approved by H.G. nr. 867/2015, with subsequent amendments;
- Service for The Support of Victims of Crime;
- other social services that can provide support and assistance to victims of children, families, singles, elderly people, people in need, abused, marginalised or disabled;
- information and counseling to benefit from the facilities provided by law to socially marginalized people[140].

- Victims of human trafficking benefit from social services provided to facilitate their reintegration / social reintegration. The social services provided to victims of trafficking in human beings are provided in an integrated system with other protection measures provided for by the special legislation and are free of charge.
- Social services for victims of human trafficking can be: a) residential centers with fixed-term accommodation that provide assistance, care and protection; b) day care centers that provide mainly information, counseling, emotional and social support for the purpose of rehabilitation and social reintegration; c) services provided in the community consisting of social assistance services, emotional support, psychological counseling, legal counseling, professional orientation, social reintegration, etc.[141]

The local council[142] **from the locality of residence of the victim of trafficking in persons**

- Can grant, with priority, to the victim of human trafficking in the locality of residence, a Romanian citizen, a social housing.

Public or private providers of social services/specialized protection [143]and assistance services for victims of trafficking in human beings have the following roles:

- In order to improve the access of victims of trafficking in persons to assistance and protection services, institutions and nongovernmental organizations with attributions in the field cooperate in order to apply the National Mechanism for identification and referral of victims of trafficking in persons.
- Contribute to the identification of victims of human trafficking;
- Notify ANITP of each potential, presumed, identified victim giving consent. In case of notification of a minor victim, the consent of the parent / legal

[140] Chap. V, Art. 33, para. 1 of Law nr. 678/2001.
[141] Law 292, art. 63.
[142] Chap. V, Art. 36 of Law nr. 678/2001.
[143] Chapter V of DECISION No 88 of 31 January 2023; Chap. V, Art. 27-2, para. 1 of Law nr. 678/2001.

representative will be requested only if the notification is made for the purpose of monitoring the case;
- Contribute to assisting the victim in repatriation;
- Contribute to the assessment of risks and special needs;
- Inform victims about their rights;
- Assist and protects victims in crisis situations;
- Assist victims in (re)integration programs;
- Contribute to the implementation of the National Program for coordination of victims in criminal proceedings.

Organisations and foundations accredited as social service providers[144] providing licensed support services to victims of crime or to victims of trafficking in human beings, adults and/or minors:

- Associations and foundations that prove that they carry out social assistance programs for victims of trafficking in persons, such as: accommodation, food, mental, psychological and legal counseling, medical assistance, can benefit from subsidies from the state budget or, as the case may be, from local budgets.
- Victims of human trafficking benefit from social services provided to facilitate their reintegration / social reintegration. The social services provided to victims of trafficking in human beings are provided in an integrated system with other protection measures provided for by the special legislation and are free of charge.

The International Organization for Migration, Office in Romania (IOM Romania), according to the MNIR[145], has the following roles:

- Organizes assisted repatriation for victims, Romanian citizens, trafficked to another country and for victims foreign citizens trafficked to Romania;
- Contributes to the identification of victims of human trafficking;
- Contributes to the risk assessment of victims benefiting from assisted repatriation; Based on the victim's consent to notify the authorities, the IOM:
- Notifies ANITP of the potential, presumed, identified victim giving his or her consent;
- Notifies the Consular Section of the MfA about the repatriation of the victim who is a Romanian citizen;
- Notifies the GII about the repatriation of the victim, a foreign national;
- Refers the victim to specialized services based on collaboration protocols;

[144] Chap. V, Art. 42 of Law nr. 678/2001; Art. 62 of the Law no.292/2011.
[145] DECISION no. 88 of 31 January 2023.

- In the case of minors, they notify the DGASPC before completing the return to the country.

C. OTHER PROVISIONS

- The mechanism for monitoring child victims of trafficking and of Romanian migrant children who are victims of other forms of violence on the territory of other states (MTM). MTM is essentially based on the provisions of the National Mechanism for the Identification and Referral of Victims of Trafficking in Human Beings (MNIR), and of the Methodology for the repatriation of unaccompanied Romanian children[146], and includes two stages:

  a) the case management for child victims of trafficking and Romanian migrant children victims of other forms of violence on the territory of other states repatriated as unaccompanied minors or returned together with their families (chapter. III); and

  b) the information management. [147]

- Romania facilitates foreign citizens, victims of human trafficking, to return to their country of origin without any undue delay and ensures their transport in full security to the border of the Romanian state, unless otherwise provided in the bilateral agreements. [148]

- Romanian citizens who have good reason to consider themselves victims of human trafficking benefit from a recovery and reflection period of up to 90 days, either to allow them to recover, to avoid the influence of traffickers, or to make an informed decision on cooperation with the competent authorities. During the recovery and reflection period, Romanian citizens benefit from psychological counseling, medical and social assistance, medicines and food, as well as accommodation, upon request, in sheltered centers or dwellings and are informed about the applicable judicial and administrative procedures. [149]

  The reflection period shall cease in any of the following cases:
  a) it is found that victims of trafficking in human beings re-establish, on their own initiative, contact with criminals;
  b) there is a danger to public policy and national security;
  c) the status of victim has been unduly invoked.

[146] Approved by Government Decision nr. 1.443/2004.
[147] DECISION no. 49 of 19 January 2011.
[148] Law nr. 678/2001.
[149] Law nr. 678/2001.

Chapter II. Assessing the extent of the phenomenon of trafficking in minors in Romania

II.1 The official dimension of trafficking in minors in Romania

In Romania, the main institution that collects data on the size of child trafficking is the National Agency Against Trafficking in Persons.

According to the data provided by ANITP[150] in the period 2020-2022 **, the total number** of identified child victims of trafficking was 255 (2020), 282 (2021) and 234 (2022) respectively. 1 minor victim of trafficking, a foreign national, a third-country national, was identified. No child victims citizens of a Member State of the European Union, foreign citizens who are beneficiaries of Art. 50 of the Treaty on European Union or stateless persons have been identified.

The main **types of exploitation** during the analyzed period were:

- forced prostitution, forced production of pornographic materials or other forms of sexual exploitation (215 children in 2020, 230 in 2021 and 168 in 2022);
- forced begging (13 children in 2020, 18 in 2021 and 33 in 2022);
- subjecting to work or forcibly performing services (13 children in 2020, 4 in 2021 and 16 in 2022).

During the same period, several cases of **attempted exploitation** of any kind were recorded: 14 children in 2020, 30 in 2021 (of which 1 minor was sold for marriage) and 17 in 2022.

From a gender perspective, in 2020, 206 minor female and 49 male victims were identified, in 2021 – 255 female and 27 male victims, and in 2022 – 195 female and 39 male victims.

The background of the child victims registered by ANITP is mainly rural (approximately 55-60% of the minor victims, every year of the reference period).

The majority of minor victims of human trafficking are trafficked internally (about 90% of them, every year).

From the perspective of the exploitation area:

- at national level, the main **counties of exploitation of** child victims of human trafficking were:
  - in 2020: Bacău, Dolj (20 victims), Bucharest (19), Timiș (16), Mureş, Argeş (15), Sibiu (13), Iași, Olt (12), Ilfov, Constanța, Galaţi (8), Botoşani, Alba (6), Prahova, Maramureş, Bihor, Brașov (5), Dâmboviţa, Călăraşi

[150] Answer no. 456211/S1/ANITP/NP from 14.03.2023 at the request of the Alternative Sociale Association dated February 28, 2022.

(4), Brăila (3), Vaslui, Buzău, Vâlcea, Suceava, Arad, Neamţ (2), Giurgiu, Ialomiţa, Vrancea, Gorj, Caraş-Severin, Mehedinţi, Cluj, Bistriţa-Năsăud (1).

- in 2021: Braşov (28), Dolj (24), Bacău (23); Sibiu (19); Bucharest (17); Caras-Severin (16); Galati, Mureş (11); Constanta, Alba (10); Bistriţa-Năsăud (9); Giurgiu, Ilfov, Maramureş (7); Timiș, Iasi, Brăila (6); Satu-Mare, Hunedoara (5); Arad, Mehedinţi, Botoşani, Neamţ, Bihor (4); Valcea, Vaslui, Olt, Gorj)3); Suceava, Teleorman (2); Buzau (1);
- in 2022: Constanta, Dolj (22); Timis (21); Bucharest (20); Bacău (17); Sibiu (15); Alba (13); Braşov (12); Arges (10); Ilfov (8); Suceava, Bihor (6); Tulcea, Braila (4); Hunedoara, cowards, Mehedinţi, Prahova (3); Bistriţa-Năsăud, Cluj, Mureş, Maramureş, Vâlcea, Vrancea, Galaţi, Teleorman, Arad (2);

- at international level (external traffic) the main states of exploitation of Romanian children were:
  - 2020 (32 minors): Italy (9 minors), Great Britain (7), Austria, Belgium (3), Spain, Germany, France (2), Norway, Netherlands, Switzerland, Syria (1);
  - 2021 (30 minors): Germany (7 minors), Italy (5), Sweden, France, Spain (3), Switzerland, Austria, Denmark (1), and in the case of 5 minors the state where they were exploited is not known;
  - 2022 (23 minors): Italy (5), Great Britain (4), Germany, Spain (3), Sweden (2), Poland, Ireland, Hungary, France, Austria, Belgium (1), and in the case of 8 minors, the state where they were exploited is not known;

From **the perspective of the age** of the minor victims of trafficking in human beings registered by ANITP were:

- in 2020, 8 minors under the age of 7, 9 minors aged between 7 and 9 years, 50 minors aged between 10 and 13 years were identified; 188 minors aged between 14 and 17 years;
- in 2021, the following were identified: 14 minors under the age of 7, 3 minors aged between 7 and 9 years, 62 minors aged between 10 and 13 years and 203 minors aged between 14 and 17 years;
- in 2023, the following were identified: 12 minors under the age of 7, 17 minors aged between 7 and 9 years, 61 minors aged between 10 and 13 years and 144 minors aged between 14 and 17 years.

Another institution that processes data on the number of victims of trafficking in minors is the Directorate for Investigating Organized Crime and Terrorism (DIICOT).

From the data provided for the carrying out of this study by **DIICOT**[151] as well as from the annual reports of the institution it appears that:

- In 2020, the cases of trafficking in minors (art. 211 of the Criminal Code) investigated concerned a number of 171 minors; this year DIICOT identified 31 minor victims of trafficking[152].
- In 2021, DIICOT, the cases of trafficking in minors investigated (art. 211 of the Criminal Code) concerned a number of 142 minors. During the same period, DIICOT identified 7 minor victims of trafficking[153].
- In 2022, DIICOT investigated cases of trafficking in minors (art. 211 of the Criminal Code) that targeted 136 minor victims. No data are available on the number of new minor victims identified this year.

The Public Prosecutor's Office[154] publishes in its activity reports slightly different figures, which also show that the number of child victims has continuously decreased during the reference period. Thus, in 2020, files with 167 victims of trafficking in minors were investigated, in 2021 files with 138 victims of the same crime were investigated, and in 2022 cases with 132 minor victims were investigated[155].

According to the data provided by the **Ministry of Foreign Affairs**[156]:

- in 2020, 20 children were repatriated from the UK (20 aged 11-18 years, 16 female and 4 male) – referred by the local authorities in the area of residence;
- in 2021, 7 children were repatriated from the UK (1 aged 0-3 years, 2 aged 6-11 years, 13 aged 11-18 years, 9 female and 7 male) and another 2 children from Spain (aged 11-18 years, 2 female);
- in 2022, 13 children were repatriated from France (4 aged 0-3 years, 5 aged 3-6 years, 2 aged 6-11 years, 2 aged 11-18 years, 8 female and 5 male), another 10 children from the UK (2 aged 0-3 years, 1 aged 6-11 years, 9 aged 11-18 years, 10 female and 2 male) and 1 child from Germany (aged 11-18 years, 1 female).

[151] DIICOT's response dated March 13, 2023 to the Request of Alternative Sociale Association no. 33 dated February 27, 2022.
[152] https://www.diicot.ro/images/documents/rapoarte_activitate/raport2021.pdf
[153] https://www.diicot.ro/images/documents/rapoarte_activitate/raport2021.pdf
[154] https://www.mpublic.ro/sites/default/files/PDF/raport_activitate_2022.pdf
[155] https://www.mpublic.ro/sites/default/files/PDF/raport_activitate_2022.pdf.
[156] Ministry of Foreign Affairs, Answer M2-1/17125/13.03.2023 to the Request of Alternative Sociale Association nr. 38/27.02.2023.

"The difference in data, according to ANITP's explanation, is justified by the perspective from which the identification of a victim of trafficking is made. If there are indications of a person who may be a victim of trafficking in human beings, the location where he or she was found, age, gender, etc., he or she is considered a victim of trafficking and quantified. Not all victims of trafficking end up in DIICOT as an injured party in a file (hence the difference in statistical data)"[157].

II.2 Perspectives on the dimension of the phenomenon of trafficking in minors in Romania

II.2.1 Independent reports

If in the case of adult victims there are sources of information indicating a significantly different situation of the number of victims of trafficking in human beings in general from the figures reported at national level, in the case of minor victims, the alternative analyzed reports (of the various structures and working groups within the European Commission, the Council of Europe, the US Department of State, etc.) mention figures similar to those reported by ANITP, these point out that the statistics most likely represent only a fraction of the actual number of minor victims of trafficking.

An important reference of information on the situation of trafficking in human beings is the "Trafficking in Persons Report" (TIP Report) of the U.S. Department of State, published annually. Citing the statistical data provided by ANITP, TIP Report, however, highlights shortcomings in identifying victims of trafficking in human beings in general and trafficking in minors in particular. TIP Report notes that "the authorities have not adequately followed the indications of trafficking in human beings or have not identified victims among vulnerable populations, such as asylum seekers, sex workers or children from state institutions" in their reports on 2020 and 2021[158].

A report published by the Council of Europe's Anti-Trafficking Expert Group (GRETA) in 2019 had similarly concluded that there were significant shortcomings in identifying victims of trafficking, in particular for the purpose of labour exploitation and among migrants and asylum seekers.

[157] Report of the Parliamentary Committee of Inquiry on the situation of missing children cases, 2020.
[158] Trafficking in Persons Report (2021), Trafficking in Persons Report (2022).

II.2.2 The specialists' opinion

The ANITP representative admits that the official statistics may not include all cases of child victims of trafficking in minors and that some of these children may remain unidentified.

The ANPDCA representative cannot express an opinion on the accuracy of the official statistics on the number of victims of trafficking in minors, based on a lack of studies confirming or refuting the correctness of the data published by ANITP.

However, a majority of respondents from RC of ANITP consider that the statistics on the number of child victims of trafficking in persons do not reflect their actual number. In support of this opinion, they mention aspects related to the field experience: the existence of closed communities, where information about the trafficking of minors does not arrive and from where the authorities cannot be notified. There people do not observe the activity of other members of the community. Also, the overloading of specialists, especially of social workers, makes them not always able to notice signs and indicators of the trafficking of minors in the communities in which they operate.

The representatives of the DGASPC participating in the research also consider that the statistics do not represent the real situation as a result of some limitations identified in practice: not all minor victims are identified, including by specialists, who do not know the forms of trafficking and/or consider certain situations normal.

The opinion is shared by the representative of the General Inspectorate of Border Police who also considers that the statistics do not render exactly the size of the phenomenon, indicating that in some situations, in which the authorities of the state of exploitation fail to determine a clear status of a person from the point of view of human trafficking, that person will not appear in the statistics.

The non-governmental organizations participating in the study state that the statistics on the child victims of trafficking do not reflect the true extent of the phenomenon, with the majority of cases not identified. One of the respondents mentions a report[159] that shows that the majority of victims of trafficking self-identify, which is less likely in the case of children. Also, the practice is non-unitary in terms of identifying and legally framing the criminal acts produced in the online environment.

[159] https://news.un.org/en/story/2023/01/1132767.

II.3 Data collected by actors in the field of assistance to minor victims of trafficking

An important role of ANITP is the collection of information on child victims of trafficking in minors. The ANITP representative mentions that the obligation to report cases of trafficking in minors to the DGASPC does not apply to ANITP. The above-mentioned information is actively collected from other institutions (through the notification form on the potential victim of trafficking in human beings), through field visits, participation in hearings, through the TELVERDE number[160] (0800.800.678). ANITP regional centers (RC of ANITP) collect personal identification data (when there is the consent of the victim or of his/her legal representative; in the absence of consent the information is recorded anonymously), data on personal history (family, school, social, educational, professional situation), trafficking history (when it started, when it ended, how recruitment was done, how the exploitation was done, the exit from trafficking), on the impact of the trafficking experience, the participation in the criminal case, the needs for assistance, the types of assistance accepted by the victim, the institutions to which the person was referred. The information, collected for potential victims, presumed and identified victims is then entered in the SIMEV database[161]. Access to this database is also granted to specialists from the structures for combating organized crime specialized in trafficking in human beings. For identified children, Romanian minors victims of trafficking identified on the territory of other states, the notifications come from diplomatic missions on the territory of the states where the children were exploited, from government organizations or from the IOM Office in Romania. Through the criminal proceedings coordination program, in the case of victims who decide to be a civil party, the Regional Centers maintain contact with the victim and include such information in the SIMEV database. The main obstacles in the way of collecting data observed by ANITP relate to the different interpretation of concepts and the lack of support services specialized in the field of trafficking in persons. ANITP is considering reviewing the identifiers it registers in SIMEV to include data on victims who have not received assistance (given that around half of the minor victims do not want to benefit from the recovery and reflection period[162]) and to see what are the causes for this situation.

The ANPDCA centralizes biannually information about victims of trafficking in human beings from the county general directorates of social assistance and child protection (DGASPC), including categories of information in addition to those collected by ANITP (protection measures established for the child victim,

[160] Information provided by the representatives of cr ANITP participating in the interviews requested by Alternative Sociale Association for the realization of this study.

[161] The data collected is recorded in the Integrated Monitoring and Evaluation System for Victims (SIEV).

[162] Answer no. 456211/S1/ANITP/NP from 14.03.2023 at the request of Alternative Sociale Association dated February 28, 2022.

the services he/she benefits from etc.), data on the trafficking prevention activities carried out by the local cross-sectoral teams. The collection of this data is carried out manually, by people who do not specialize in the topics on which they collect data, which makes it difficult to capitalize on and share it.

The ANPDCA also centralizes information on some categories of children at risk of trafficking in minors. For example, in the context of the refugee crisis in Ukraine, the ANPDCA has extended its monitoring activity to children accompanied by parents or unaccompanied from Ukraine, through the PRIMERO platform[163], which includes indicators on trafficking risk. However, the participants to the study could not explain how this data can be used to improve the actual detection of cases of trafficking.

ANITP uses the data collected to facilitate and monitor the assistance and protection of child victims of trafficking.

According to the statements of the ANPDCA representative participating in this study, the non-public information collected by the authority regarding the child victims is shared with ANITP, but also with other institutions relevant for the assistance and protection of these children.[164]

The DGASCP representatives participating in the study also mention that the data collected by this institution during the provision of services for victims of trafficking in minors are shared with ANITP. However, some of the participants in the interview also mention other institutions to which data are sent – especially to the criminal investigation bodies, courts of law, the victims' home mayoralties, the ANPDCA, the Ombudsman, the school inspectorates and other public and private institutions with which they collaborate[165].

The representatives of the non-governmental organizations participating in the study mention that the information collected on the minor victims of trafficking in human beings is used to provide services, to improve the services they offer, to improve approaches / programs aimed at increasing the resilience of young people (e.g. educational curricula) or to design prevention campaigns. A particular attention is paid to the GDPR rules regarding the collection, handling and storage of personal data. The data collected is shared with ANITP and with

[163] Primero is an open source software, currently used in more than 40 countries around the world to support field professionals with the identification, registration and referral of refugee children to specialized services as needed. In Romania, Primero is used under the coordination of the ANPDCA, by all the General Directorates of Social Assistance and Child Protection (DGASPC) in the country, to identify, record and quickly monitor children arriving from Ukraine in the context of the war, while they are on the move, transiting Romania, or during their temporary stay. Primero is also used to early identify potential situations of abuse, neglect or trafficking, as well as to implement all necessary measures to ensure and protect the rights of the child (Unicef.org).

[164] Information provided by the ANPDCA representative during the interview requested by Alternative Sociale Association for the realization of this study.

[165] Information provided by the DGASPC representatives participating in the interviews requested by Alternative Sociale Association for the purpose of this study.

the criminal investigation bodies (prosecutor's office, police, BCCO), courts, or with other specialists in the field of assistance/rehabilitation of minor victims of trafficking (DGASPC, provider of services subcontracted e.g. psychotherapy). Statistical data is also shared with government working groups or platforms dedicated to the issue of human trafficking.

Most of the specialists participating in the research consider that the collected data provides an image of the identified cases and not of the size of the phenomenon of trafficking in minors.

Chapter III. Perspectives on the provision of protection and support services to child victims of trafficking at national level in Romania

The assistance of child victims of trafficking involves a close collaboration between specialized state institutions and private organizations. According to the applicable legislation, the central role in the provision of social services for ensuring the protection and promotion of the rights of the child is held by the general directorate of social assistance and child protection in the area of each county. However, most of the specialists interviewed during the present research share the opinion that the DGASPC is generally not effective in ensuring the necessary protection of the child victim of trafficking as a result of the lack of specialized services, specialized personnel or the lack of a proactive attitude (DGASPC waiting for the ANITP initiative). At the same time, where there is a real concern for solving the needs of child victims of trafficking, models of good practice are also identified (e.g. the activity of DGASPC Cluj).

III.1 The identification of child victims

ANITP data shows that the main sources of referral are public institutions (in 2020 – 253 out of 255 victims, in 2021 – 280 out of 282 victims and in 2022 – 233 out of 234 victims). Exceptionally, victims are also referred by embassies or consulates, NGOs or intergovernmental organizations (IOM) – 1 or 2 cases[166].

The ANITP representative mentions that, although the institution has attributions in this regard, being among the institutions and actors that can come into contact with victims of trafficking in minors, and the agency conducts periodic training sessions on human trafficking indicators, the cases notified by the border police and the General Inspectorate for Immigration are rare. The representatives of the ANITP RC mention that the information with regards to new cases of child victims of trafficking comes in particular from BCCO/DIICOT and DGPASPC; in some cases they are notified about trafficking cases by teachers and specialists from school safety structures, NGOs, the central structure of ANITP or other regional centers of the latter, IOM, consulates. ANITP's dedicated hotline number is mentioned by a single representative of RC of ANITP as a way of identifying cases of trafficking in minors, other specialists stating that this number is rarely used to report cases of child victims.

The ANPDCA is one of the central institutions involved in the repatriation of Romanian children, victims of human trafficking, identified on the territory of other countries[167].

[166] Answer no. 456211/S1/ANITP/NP from 14.03.2023 at the request of Alternative Sociale Association dated February 28, 2022.
[167] ANPDCA representative interview.

The DGASPC representatives receive the complaints regarding the situation of the child victims of human trafficking through ANITP, the criminal investigation bodies (DIICOT, BCCO, police), ANPDCA, non-governmental organizations or through complaints received directly from the community. The complaints received by phone through the hotline 119[168], those received from the employees of the residential services or as a result of the participation of the DGASPC staff in the hearings of the victims were also specified as sources of identification.

Non-governmental organizations specify as ways of identifying child victims of trafficking in human beings the references received from ANITP, DGASPC, from other non-governmental organizations (Reaching Out, People to People) or international organizations (IOM), self-referrals (parents who address directly to the organization) but also referrals from criminal investigation entities (DIICOT, BCCO).

Another institution that can facilitate the identification of cases of child victims of trafficking is the Labor Inspection. In 2020, 44 cases were communicated to the criminal investigation bodies regarding the non-compliance with the conditions of employment of minors, 31 cases in 2021 and 44 in 2022. The point of view of the institution is that, as it does not have investigative powers, it does not verify the possibility of trafficking in minors, any suspicion being notified to the Directorate for Combating Organized Crime – The Service for Combating Trafficking in Persons within the Ministry of Internal Affairs[169].

Through diplomatic missions / consular offices in the countries of residence, the Ministry of Foreign Affairs is in permanent contact with the local authorities "in order to report cases / provide consular assistance to Romanian citizens victims of human trafficking. In this respect, in the event of an alert, preliminary information shall be collected in order to provide consular assistance within the limits of its legal competences. In the case of victims of trafficking in human beings, the diplomatic missions and consular offices shall make arrangements with the authorities of the state of residence to inform themselves of the victim's situation; ensure that the rights are respected and take formal steps in this regard; help the victim to get in touch with the family, if desired; provide expert advice and consular assistance in cases of abduction, disappearance or death; put the victim in contact with specialists who can help (lawyer, interpreter, doctor, etc.)".[170]

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[168] National hotline for reporting cases of abuse, neglect, exploitation and any other form of violence against the child.

[169] Answer no. 38i/4473/15.03.2023 from the Labour Inspection at the request for information of public interest of the Alternative Sociale Association.

[170] Ministry of Foreign Affairs, Answer M2-1/17125/13.03.2023 to the Request of Alternative Sociale Association no. 38/27.02.2023.

The competences of the representatives of the diplomatic missions and consular offices in order to ensure the consular assistance and protection requested by Romanian citizens who choose to work and live abroad are limited in the case of minor victims of human trafficking. The staff of the diplomatic mission/consular office notifies the National Authority for the Protection of the Rights of the Child and Adoption/ANPDCA and the representative of the General Directorate for Social Assistance and Child Protection/DGASPC or that of the specialized service for the child victim of abuse, neglect and trafficking in persons for taking a special protection measure. The representative of the diplomatic mission ensures the referral of the case to a specialized center for the assistance of child victims of abuse, neglect and trafficking in human beings, providing support and assistance to the victim. Where necessary, the repatriation of the victim of trafficking in human beings is ensured.

"Within the diplomatic missions of Romania abroad, in the field of police cooperation with the state of residence, at the level of the office of the attaché of internal affairs of the embassy, cases of citizens, victims of human trafficking are reported and managed who in certain states do not reach the attention of the consular sections. For example, taking into account the highly sensitive issue on the subject under discussion, in order to protect the personal data of victims of trafficking in human beings, the Italian authorities do not communicate this type of information to third institutions, transmitting it exclusively through channels of police cooperation'[171].

Some of the participants in the study describe very good collaborations with BCCO, while acknowledging that representatives of criminal investigation bodies will not identify child victims in the absence of a specialization on trafficking in minors. The participants mention various experiences in dealing with representatives of criminal investigation institutions, from one region to another. In some situations, professionals described situations in which police refused to respond to complaints about suspected trafficking in human beings (e.g. in the case of older minors, police expected the victim to file a complaint before initiating a criminal prosecution).

National and international legislation highlights the increased vulnerability of girls and women. Some specialists participating in the study consider that this general approach to gender vulnerability is not constructive because it can have negative effects on efforts to prevent and identify male victims (they are less visible, fewer efforts are made in preventing and combating the forms of exploitation that boys are the majority, the victims do not self-identify because of shame associated to gender). They state that gender vulnerability analysis should

[171] Ministry of Foreign Affairs, Answer M2-1/17125/13.03.2023 to the Request of Alternative Sociale Association no. 38/27.02.2023.

take into account the type of exploitation (it is known that in the case of sexual exploitation, according to statistics, women/girls are more vulnerable, but in the case of labour or begging, 70% of the victims are men).

The number of child victims seeking anonymization of the data recorded in the SIMEV is increasing (from 12% and 7% in 2020 and 2021, to over 20% in 2022). In the opinion of specialists this fact can affect the accuracy of statistics related to the number of child victims (in the case of re-trafficking the same child can be recorded several times). From an assistance perspective, this trend has no effect.

III.1.1 Opinion of specialists on factors that affect the identification of child victims of trafficking in minors.

The ANITP representative admits the possibility that not all cases are registered in the SIMEV database. In some situations there is a reluctance on the part of victims to grant permission for data related to cases to be recorded in this database, despite efforts to explain that data collected can be anonymised. This resistance can also be explained by the fact that, "somehow the notification of ANITP was confused with the person's acceptance to cooperate with the criminal investigation bodies". The concepts of referral (addressed to the criminal investigation bodies) and notification (addressed to the institutions with a role in protection and assistance – DGASPC, ANITP) are confused. "The concept of referral has to do with the investigation of the crime, and the notification with the access to assistance and protection. The victim's consent is required for the notification."[172]

The opinion of the majority of the representatives of ANITP RC is that there are children who are not identified because the methodologies of data collection are not perfect (the statistics on victims of crime are inaccurate in general). They also mention concrete causes of sub reporting – the attitude of society, of the families where the victims come from or of the institutions that not to get involved and/or not to ask for support. In certain communities (called "closed communities" by respondents), information about the trafficking of minors does not circulate. Also relevant are the stereotypes about certain ethnic groups; exploitation is regarded as "normal" by professionals when associated with certain traditional practices. As a result, suspicions of trafficking in minors are not brought to the attention of persons who could identify them.

The lack of knowledge of the constituent elements of the crime of trafficking in minors is also mentioned; in some cases the child victim of the trafficking of minors is improperly classified. "You see, begging can be present in 3 forms that are regulated under the criminal code. Not always those who come

[172] ANITP representative participating in the study.

into contact with such people who practice begging also know (about trafficking). It can be trafficking, it can be exploitation by begging or it can be using a minor."[173]

From the reporting perspective, the lack of knowledge of the phenomenon of trafficking in human beings is also relevant with regard to the victims themselves (who "do not know the methods of recruitment, which are not necessarily violent, they do not know that they are victims") and their family members. In some situations, family members do not accept the fact that their child may be a victim of trafficking and do not want to notify the authorities. Moreover – "I noticed that when the family is involved directly, the child reaches us much, much harder" (representative of ANITP RC).

Referring to specialists, the participants in the study on behalf of the ANITP RC also highlight the fact that community social workers are overloaded, which affects their ability to detect cases of trafficking in minors.

The DGASPC representatives who participated in the research consider that the main obstacles to identifying child victims of trafficking are the lack of involvement of communities and institutions that come into contact with minors, including individuals who do not notify the authorities. In many situations, parents do not file complaints of shame, embarrassment or lack of education. Another obstacle is that the victims themselves are afraid to file complaints. Respondents also mention the insufficient personnel of institutions, the lack of training with regards to recognizing forms of trafficking, the limited resources.

- Factors that negatively influence the identification of child victims of trafficking, highlighted by research participants:
    - factors related to professionals: attitudes towards certain categories of children (e.g. children already in the care of the state – who are sometimes not identified as victims of trafficking in minors, or who are considered to be assisted), or towards certain groups / communities ("if they are Roma this is their lifestyle, leave it that way, let them get married from the age of 9 although it is about sexual exploitation and a sale of a child, which is child abuse"[174]), the non-unitary practice in terms of identifying and legally framing the criminal acts, especially those produced in the online environment, or in the case of child pornography; lack of specific training in traffic signs and indicators, on working with victims (for specialists in the field of criminal investigation, those who provide assistance), overloading specialists, especially community social workers, DGASPC staff;
    - factors related to institutions: their lack of proactivity (especially of the criminal investigation bodies);

[173] Representative of ANITP RC participating in the study.
[174] NGO representative participating in the study.

- community-related factors: reduced community involvement (which either knows the cases but tolerates them, or does not have the capacity to identify and report); the existence of closed communities, where no information about the trafficking of minors arrives, where people do not know the activity of the other members of the community;
- family-related factors: parents who try to cover up, do not want to report cases (fear of stigmatization, prejudices), lack of trust in the authorities;
- factors related to child victims: multiple internal barriers of victims, from fear (threats, blackmail), to manipulation (the "*loverboy*" method), fear of criminal proceedings (criminal proceedings are cumbersome for anyone, especially for a child; fear of repercussions – "many of the children are also forced to commit crimes during the exploitation period and do not know that they are not punishable"), the addictions created (on psychotropic substances, emotional dependence, financial dependence), the inability to self-identify (most victims do not identify themselves as a victim, do not realize that certain rights are violated – "children who may already have a history of abuse and to whom it does not seem an out of the ordinary thing that this guy beats him or her, that this guy is abusing her, because there is already a very low threshold of self-esteem and understanding of a healthy life, healthy relationship (...) there is a normalization of abuses that causes victims not to identify themselves as a victim and to find it normal for them what happens to them and not to know that they can receive or ask for help in these situations"[175]), the belief of the child victims that they will be blamed; studies show that the majority of victims of trafficking self-refer, which is less likely in the case of children.
- other factors: legislative limitations (e.g. those regulating investigations and measures that can be taken against internet providers); lack of IT tools to identify victims.

III.1.2 Categories of child victims of trafficking that are difficult to identify

In the opinion of ANITP representatives, the children that are difficult to identify are those "who do not have meaningful relationships, support from parents or other adults that would pay attention to them, notice that they are missing, that something is wrong with them, to have the availability to see them and to listen to them and to support them (..) The educator, anyone, in this circle of adults who are part of a child's life at some point, anyone can be, maybe also a neighbor."

[175] NGO representative participating in the study.

In the opinion of the representatives of ANITP RC, the children who are not identified are children from closed communities (the Roma community), children exploited by the family, especially those exploited abroad, children recruited through the "*loverboy" method*, children from disorganized families, children from low-educated backgrounds.

DGASPC representatives consider that most of the children who are not identified come from several categories: those from disorganized backgrounds, those who come from rural areas ("it is more important for the family not to be frowned upon by the community than to solve the child's situation"[176]; there's less access there to information and ways to notify cases or suspicions), from closed or informal communities (Roma community, nomadic communities, where children do not have identity documents, "so they practically don't exist"[177]), children who are trafficked by the family, children who do not know the signs and indicators of trafficking and do not realize that they are trafficked, missing children.

Representatives of non-governmental organizations consider that the main categories of children who are not detected are children in protection systems, those forced to commit crimes or who are forced to beg, children from vulnerable communities ("in which 2-3% of the community members are employed, those who lead a subsistence life, where services are lacking", Roma communities), children exploited online, those who do not self-identify, those who do not know that their rights have been violated, who do not know how to ask for help or who believe that there is no one to ask for help, who do not have support, those with a criminal record and are afraid of the interaction with the authorities.

In the opinion of the representative of the General Inspectorate of Border Police participating in the study, children who are not identified are most likely children who are exploited by family members (e.g. minors over 16 years of age who work with their parents or other family members; they do not realize that they are being exploited), Roma children, those who leave the country under a notary agreement, those exploited abroad, young women recruited through the "*loverboy" method*.

III.1.3 The opinion of specialists on effective ways to optimize the identification of child victims of trafficking in minors

The ANITP representative considers that in order to optimize the detection/identification of child victims, of importance would be: to understand the existing tools, the assessment of the needs and the training of specialists, the integration of the identification tools into those already used by the various

[176] DGASPC representative participating in the study.
[177] DGASPC representative participating in the study.

institutions involved (ANITP, DGASPC, Labour Inspection), to maintain a closer collaborative relationship, to understand and apply the MNIR and GD 49/2011, to standardize at national level the organization of services for children victims of trafficking within the DGASPC, to optimize the collaboration with the DGASPC (by appointing the same specialists to work on cases, providing data for monitoring, raising awareness among DGASPC specialists about the fact that the child victims of trafficking also enter their area of competence, even when DGASPC does not have specialized services). Prevention activities among young people also prove to be an effective way of identification, as children can self-identify or signal colleagues who are in a situation of exploitation.

The ANPDCA representative specifies the knowledge and appropriation of the MNIR by the institutions involved, as a factor that can lead to increasing the efficiency of the process of identifying the victims of trafficking.

The representatives of the ANITP RC mentioned several types of actions as being most effective in increasing the identification of cases of minors of trafficking: explaining and providing information about the signs and indicators of trafficking in persons to children, families and professionals from the educational system, as well as improving communication between school counselors and children. At the community level, they indicated that a quick and efficient identification of cases of trafficking in minors takes place in communities where traffic signs are known, the attitude towards victims is one of support and local social actors are motivated and involved in solving the problems faced by community members. The knowledge that the complaints made can be anonymous has also been clarified as facilitating the identification of children victims of trafficking.

The effective identification of the minor victims of trafficking, from the point of view of the DGASPC representatives[178], is conditioned by the knowledge and application of the legislation specific to the field (which requires optimization in terms of detailing the roles and responsibilities of each actor). They also mentioned the knowledge of the compulsory notification of the identified traffic cases, the change of the intervention procedure in the cases of human trafficking and the creation of residential centers at the level of each ANITP regional structure. Knowing the specifics of the community – through social diagnoses at community level and recording information on families at risk – would lead to a better identification, along with increasing the involvement and training of specialists (including at the level of the criminal investigation bodies within the police inspectorates) and creating community resources based on identified needs (e.g. creating family-type homes, the establishment/re-establishment of

[178] DGASPC representative participating in the study.

services dedicated to child victims of trafficking at the level of the DGASPC and NGOs).

NGO representatives focus on actions designed to improve the cohesiveness of communities, where risk situations are quickly identified and the intervention is supported by all relevant actors. In this respect, community advisory councils have been mentioned, with the help of which local intervention plans can be carried out to ensure a proactive monitoring ("outreach") but also to ensure the reintegration of victims. The institutions from the educational system have an important role in monitoring and reporting the cases of child victims of trafficking. The training of specialists from local institutions was also specified by NGO representatives as an efficient method of identifying situations of vulnerability to trafficking, targeting public order bodies, social assistance institutions, education specialists, emergency response teams, priests and other professional categories that can come into contact with vulnerable people.

The representative of the General Inspectorate of the Border Police emphasizes the importance of ensuring specialized human resources at DGASPC level, as well as ensuring the financial support of the specialized services to be provided on the basis of very clear procedures, which specify the attributions of each actor, on each stage of intervention.

III.2 Needs assessment and provision of services to child victims of trafficking in minors

III.2.1 Conditions for providing assistance services to child victims of trafficking in minors

ANITP representatives mention that specialized services should not be conditioned by the status of victim of trafficking in human beings and on the acceptance of collaboration with the criminal investigation bodies during the criminal trial. Assistance services based on the needs of victims (accommodation, food access to education, medical care, etc.) should be provided as long as the protection and assistance needs exist, but there are situations in which the interpretation of the provisions of Law 678/2001 conditions the receipt of these services in terms of the duration of the participation of the victim in the criminal proceedings as an injured party. However, the ANITP representative expresses confidence that in fact the protection of minors who are victims of trafficking in human beings is granted regardless of their desire to collaborate with the criminal investigation bodies.

From the ANPDCA's perspective, the conditions for providing assistance services are clear, being those specified in GD 49/2011, including from the point

of view of the duration. Services are provided throughout the criminal process, plus 6 months after (...) regardless of the (self)attribution of the victim statute.

III.2.2 The child's journey. Services provided to children. Other activities carried out to assist child victims

ANITP representatives specify that the specialists from the institutions for the protection of children's rights apply the provisions of GD 49/2011, which details the stages of providing services, the necessary interventions according to the different types of violence exercised against the child (including trafficking in human beings).

The victim detection stage is one in which ANITP has an important role to play, the representatives of the regional centers stating that the MNIR clearly specifies which specialists are involved. Thus, the person (including professionals from institutions not specialized in trafficking) who identifies a potential minor victim of child trafficking must notify the criminal investigation bodies, the case then being referred to BCCO / DIICOT. BCCO / DIICOT will then transmit the information to ANITP, which will carry out the assessment of the person, together with representatives of the DGASPC, the legal representatives / parents of the minor (if there are no suspicions that legal representatives / parents are the perpetrators), in order to ascertain whether or not it is a human trafficking case. These assessments are an opportunity to exchange opinions, information and knowledge between the specialists involved.

If it is found that the minor is a victim of trafficking, the child (together with the legal representatives / parents) is informed about his/her rights and is referred to specialized service providers who will carry out a detailed assessment and will start providing specialized services according to the identified needs; the service provider keeps in touch with the ANITP RC, which monitors the case.

The assistance provided by the DGASPC is carried out in compliance with the stages of case management: opening the case, assessing the needs, (if necessary) imposing a protection measure, providing the necessary services for the stabilization and reintegration of the minor. The DGASPC representatives specified that the specialized assistance is carried out only after consultation with the legal representatives / parents of the child (when it is not necessary to establish a protection measure) and after obtaining their consent. The child shall be informed of the services provided, taking into account the age and degree of understanding. If the refusal to provide services occurs, the child and his/her legal representatives benefit from a reflection period of 15 days, during which they can revert to the decision.

The specialized services mentioned by the DGASPC representatives: multidisciplinary assessment of the minor's situation, psychological counseling (2-5 sessions with a period of monitoring at home after their completion), medical and social assistance, legal assistance – depending on the needs identified. Child victims under the age of 7 who require the establishment of a protection measure enter directly into foster care. In the case of minors over the age of 14, their written consent to the implementation of the personalized service plan is required. Special attention is paid to the educational (re)integration of the child and the assistance services are provided by maintaining a collaboration with the other specialists involved (doctor, teachers, social workers from the city halls, etc.).

For unaccompanied minors, identified as victims of trafficking, the measure of emergency placement in a specialized center is required. These children shall be heard under the same conditions and shall receive the same services as the other children. All steps are carried out with the support and monitoring of ANITP.

The representatives of the NGOs usually appoint a case manager who will carry out the detailed assessment and will elaborate an intervention plan that will be reviewed whenever necessary. In the detailed evaluation and elaboration of the personalized service plan[179] the focus is on the child's background, the evaluation of the possibility of family reintegration, so as to avoid the re-trafficking of the child victim. As in the case of DGASPC, needs assessment, development and implementation of the personalized service plan is carried out only with the information, consultation and consent of the parents / legal representative of the minor. Post-service monitoring is granted for a period of at least 6 months.

The services offered are conditioned by the existing resources at the level of the organization, collaborating in order to cover all the needs with representatives of other institutions (doctors, teachers, other NGOs). Emphasis is placed on the healthcare part (health assessment and, where appropriate, follow-up to treatment) and material support to cover basic needs (food, clothing, accommodation).

In the case of unaccompanied minors, they benefit from the same services, but any protection and assistance will be carried out with the prior

[179] Some NGO representatives specify the use of *the trauma informed approach*, which is „a program, organization, or system that uses this directory realizes the widespread impact of trauma and understands the potential pathways of recovery; recognizes the signs and symptoms of trauma in clients, families, specialists, and other people involved; and responds by fully integrating knowledge about trauma into policies, procedures, and practices, and seeks to actively prevent re-traumatization".
(Substance Abuse and Mental Health Services Administration. SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach. HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014).

notification of the DGASPC representatives through which the special protection measure is established.

Services offered. Activities carried out

Within the ANPDCA the relevant to child support are the Strategies, Policies, International Cooperation Service and the unit specialized on child labor. The institution carries out the methodological coordination of the specialists from the county DGASPC involved in the assistance of the victim children or part of the local cross-sectoral teams for the prevention and combating all forms of violence against children[180]. Also, the ANPDCA has a central role in the repatriation of children identified as unaccompanied, potential victims of trafficking and of those referred to the institution either through ANITP or through the Ministry of Interior or through international bodies. In this regard, the ANPDCA takes the necessary steps, in cooperation with the structures of the Ministry of Interior, to identify the parents and relatives that the DGASPC specialists will be guided towards to carry out social assessments and other evaluations necessary for the reintegration of these children.

The DGASPC carries out the assessment of the situation of beneficiaries and provides services accordingly. The participants to the research indicate that the services that are most frequently provided are: accommodation services, legal assistance and assistance during the hearings, medical services, psychological counseling, assistance in obtaining identity documents, school reintegration, vocational counseling are. The goal of the intervention is usually the reintegration into the family, when possible.

The assistance contract is signed for 3 months, after 3 which each specialist evaluates the case. If necessary, services are still provided, based on an addendum to the contract (which is extended by another 3 months). Social, psychological and legal assistance services are also provided with the support of non-governmental organizations.

The representatives of the non-governmental organizations that took part in the present research mentioned the following types of services and activities carried out: mediation in the relationship with the state institutions; healthcare; individual and family psychotherapy; legal representation; school reintegration; professional qualification courses; material and financial assistance; short-, medium- and long-term accommodation; recreation and personal development activities. These services are provided according to the resources existing at the level of the organization and for services that cannot be provided from an internal

[180] ANPDCA representative interview.

source, subcontracting or concluding partnerships with other institutional partners (public or private) are resorted to.

All NGO representatives specified that assistance services are provided according to the identified needs of each victim (based on a personalized service plan) and are based on a multidisciplinary/multi-institutional approach.

Research participants in support providers mention that many children give up assistance after just a few meetings (2-5 sessions), citing mainly financial difficulties (impossibility to cover a number of expenses associated with assistance – e.g. transport from home to the location of the provision of services).

III.2.3 Termination of assistance. Post-support monitoring

The representatives of the DGASPC and of the private providers of social services mention that the assistance ceases when the objectives of the assistance plan have been met (the child is in a secure environment, has a stable situation from a psycho-socio-emotional point of view or when the cessation of the provision of services is expressly requested by the beneficiary or his family). After the end of the provision of services, a period of monitoring of the child's situation follows. The interviewed professionals from the DGASPC mention that this monitoring period lasts at least 6 months, it can be extended up to a year or even longer. In fact, the monitoring of each case depends on the "severity of the situation and the family situation". For monitoring, DGASPC collaborates with the mayor's office at the child's domicile. When reintegration into the family is not possible, the child remains in the care of the DGASPC for as long as necessary. In the case of unaccompanied minors, an emergency placement measure is established, the children benefiting from the same services as those in the family.

Post-assistance monitoring is provided for 6 months or even longer, and, depending on the evolution, assistance can be resumed by reopening the case. In the case of unaccompanied minors, as the intervention plan is carried out with the consent and monitoring of the DGASPC (after the establishment of the special protection measure by the court), the assistance ceases upon reaching the age of 18, by the effect of the law. Assistance services provided by NGOs can continue to be provided and there is no conditionality. If the child follows a form of education after reaching the age of 18, the protection measure in the public assistance system continues, but it is subject to the approval of the child protection commission.

III.4 Main challenges related to the assistance of child victims of trafficking in minors

ANITP specifies that one of the challenges encountered in assisting minors who are victims of trafficking is that in some cases the DGASPC, as institutions specialized in child protection, do not assume a more important role in protecting and assisting these children. The needs of victims of trafficking are of high complexity and their assistance requires intervention based on complementarity and multidisciplinary cooperation. The DGASPC, which has as its main role the assistance of socially marginalized people, does not have sufficiently well-trained staff to work effectively with the victims of trafficking.

On the other hand, it is emphasized that, after identifying and referring the cases of minor victims of trafficking to the DGASPC, the assistance is hampered by the difficult collaboration with the parents / legal representatives of the children or by the lack of services in the proximity of the locality of residence, which involves an effort, including financially, for the movement of beneficiaries to the location where assistance is provided.

Another challenge related to the collaboration with the DGASPC is given by the fact that the minors victims of human trafficking are accommodated in common spaces, which do not take into account their age. Thus, adolescents can have a negative influence on children of younger ages.

From the DGASPC perspective, the main challenges related to assisting child victims of trafficking in minors are: the collaboration with the family (when the family does not want to collaborate for needs assessment and provision of services or when it refuses to integrate the minor back into the family), the logistics (e.g. when the child lives very far away from the location of services), the victims' refusal to collaborate (when they do not accept that they need help, or when they arrive late to the service providers and no longer want to relive traumatic events, or as a result of addiction to the aggressor), the age of the child victim, the lack of specialists, the lack of services at the domicile of the child (day care centers), the cultural models that favor re-trafficking.

Specialists from NGOs are confronted with the negative impact of prejudice, wrong mentalities, the attitude of carelessness ("girls stay there because they want to stay there") – of ordinary people and professionals. In the direct interaction with the beneficiaries, the challenge consists in changing the mentality of both the parents and the children victims – most of the times they are not aware of the seriousness of the situation they are in and tend to return to the same circumstances that favored trafficking in the first place. On the other hand, there is the stigma and shame that also negatively influences the collaboration during assistance.

Another challenge encountered by NGO representatives is the lack of resources needed for providing specialized assistance, particularly since victims often require long-term support.

The lack of specialised services for the victim assistance part is another aspect indicated by NGOs. The lack of specialized staff in public institutions, together with the fluctuation, insufficiency or overloading of the staff, as well as the lack of a unitary procedure of assistance, lead to the difficulty of the inter-institutional collaboration.

NGO representatives also note the lack of IT tools to prevent human trafficking in the online environment and to identify victims, in the context of the increasing phenomenon of child pornography.

As recommendations on optimizing the assistance of child victims of trafficking in minors, the specialists who took part in this research propose a series of solutions:

- **from an institutional point of view**: eliminating the principle of territoriality in the provision of assistance to victims by public institutions; establishing and supporting several different types of services for children victims of trafficking; involving local institutions in monitoring and assessing the needs of the respective communities; creating coherent training programs for specialists in working with victims of trafficking; creating mechanisms for evaluating the performance of professionals assisting child victims of trafficking;
- **from a legislative point of view**: more specific legal provisions to support the clear differentiation between trafficking in human beings and other crimes; tightening the penalties provided for by the legislation; creating a special identification and referral mechanism for child victims of trafficking;
- **from the point of view of social policies**: free medical screening for all sexually exploited children; financial support for assistance programmes for victims of trafficking (e.g. creation of the fund to support assistance to victims of crime through ANABI).

III.5 Quality of support and protection services. Perception of specialists

III.5.1 Minimum standards in assisting child victims of trafficking in minors

In Romania, only 12 services for victims of trafficking in human beings are licensed (4 provided by private providers and 8 by public providers). Of these, 5 are aimed at assisting child victims of trafficking in minors - 4 are public[181] and 1

[181] Pilot Center for Child Protection Victim of Trafficking in Human Beings "Gavroche" of DGASPC Sector 2, Emergency Reception Center in case of abuse, neglect, exploitation, traffic and migration Miercurea Ciuc of

are private[182]. For the child victim of trafficking in human beings there is no specific standard of organization of a social service as a day care center, but only as a residential center (unlike adult services). Children benefit from social services in licensed services aimed at adult victims of trafficking in human beings or targeting other categories of children in difficulty.

Research participants consider that both services organized in the form of residential centers and day care centers are necessary. They are of the opinion that the existence of several types of services (residential or daytime) can contribute to a better prevention, identification and assistance of child victims of trafficking.

III.5.2 Perceived causes for the low number of specialised services to assist child victims of trafficking in minors

The specialists participating in the study identify a number of causes for the small number of licensed services designed to assist child victims of human trafficking. The ANITP representative mentions as the main reason the low number of child victims identified (including by comparison with the number of beneficiaries of other types of services), suggesting alternative forms of organization (specialized compartment in an existing service, or a network of specialists, a specialized team that meets when appropriate).

The ANPDCA representative mentions that the existing minimum standard corresponds to a residential service and not to a day service. Or "the vast majority of child victims do not need accommodation, the vast majority return to the family. They need counselling or accompanying services." Another explanation may also be that the standard for social services with accommodation, organized as residential care and assistance centers for child victims of trafficking in human beings is relatively new (as of August 2020) and those who already have a licensed service are waiting for the existing license to expire. Also, some of the licensed services for victims of human trafficking although they are for adults also receive children (so children do receive some support). The respondent's opinion is that the lack of a dedicated service can be compensated by the existing services for other categories of children victims (e.g. services for children who are victims of violence, emergency reception centers), offered within the DGASPC.

DGASPC Harghita, Center for Assistance and Intervention of Victims of Trafficking in Persons, Abuse, Neglect and Exploitation "Andrei" of DGASPC Satu Mare, The center for emergency reception of abused, neglected, exploited, repatriated, subject to trafficking or migration of DGASPC Vrancea.

[182] The residential social center with accommodation for children victims of human trafficking of the Reaching Out Association.

DGASPC representatives also mention the low number of cases as making the investment in a dedicated service unjustified, along with cumbersome procedures and legislation and the lack of specialized personnel.

Representatives of non-governmental organizations mention as the first reason for the fact that there are no more services dedicated to the child victim of trafficking in minors the licensing conditions (the existing standards are not adapted to the specifics of working with this category of beneficiaries), which involve significant costs, difficult to bear and sustain after obtaining the license, the insufficient number of victims to justify the costs of maintaining a licensed service, rigidity in assessing the fulfilment of licensing conditions (inspectors are not familiar with the specifics of the services they assess and require certain requirements to be met only in a certain way; they are not focused on ensuring needs but on the rigid fulfilment of textual obligations expressed in the standard), difficulties in securing staff specialized to work with this category of children ("these children are children with trauma, trauma affects behavior, as we know, and they are afraid, they can be violent, verbally aggressive, physically, and we do not have specialists to work with these children. (...) Go to any DGASPC in the country and you will see supervisors beaten by 15-year-olds, 13-year-olds, who are afraid to go to work[183]").

III.5.3 Recommendations on improving the assistance of child victims of trafficking in minors proposed by the specialists participating in the study

The ANITP representative mentions a number of positive examples: the ability to adapt of ANITP RC staff to the pandemic restrictions, when they carried out online counseling activities and the participation of ANITP RC representatives in the hearings, which contributed both to providing emotional support to the child victims and to support the assessment carried out by the DGASPC (because, in the absence of specialization in the field, they might miss certain indicators, indications of vulnerability, or rush to make a decision to integrate the child into the family), or providing support to investigators and ensuring that the interests of the child are respected during the proceedings).

The ANPDCA representative mentions as good practice the activity *reaching Out* (the only service specifically licensed for the assistance of child victims of trafficking), and the activity of DGASPC Cluj.

The representatives of the ANITP RC and of the non-governmental organizations mention a number of factors that have contributed to the success in assisting the child victims which they identified in practice: the establishment of personal collaboration relations, the specialization of lawyers on the issue of trafficking in human beings, the extrajudicial psychological expertise that can be

[183] NGO representative participating in the study.

used in the criminal case, the interinstitutional and integrated teamwork with the whole family, the implementation of different assistance programmes depending on the method of recruitment and the type of exploitation; integrated services and accommodation or shelter services.

In order to improve the assistance of child victims of trafficking in minors, the participants in the study consider that the following are necessary:

- ensuring human resources at the level of DGASPC;
- training of professionals, based on standardized training programmes – policemen, social workers, lawyers, bailiffs (on the subject of trafficking in human beings, on working with juvenile victims), judges (including on the application of the legislation on the damages that victims of trafficking may receive); training of other formal and informal actors (priests, medical staff, medical students, with those who work in the emergency rooms, staff from these mobile teams who intervene in cases of emergency etc.), different other professional categories that come into contact with children at risk or children victims;
- the abolition of the principle of territoriality in the provision of assistance;
- the creation of regional residential centers for the child victim of trafficking (based on the organization of ANITP);
- creation of day care centers for the rehabilitation of child victims of human trafficking;
- activation of the community advisory councils (to get involved in solving concrete cases, to work on identifying social problems, to prioritize, to establish ways of intervention, etc.);
- information campaigns at the level of communities and actions carried out in the multidisciplinary team.
- developing very clear procedures, with the distribution of tasks of each actor, on different stages;
- methodologies for identifying victims of trafficking in human beings at border crossing points;
- proactive monitoring of children at risk;
- ensuring the financing of assistance services (public and private);
- the creation of a fund for victims of crime;
- legislative changes to clearly differentiate between trafficking in human beings and other crimes;
- free of charge testing for STDs for children who have been exploited in the sex industry;
- phone app;

- inclusion of the minor's opinion in decisions concerning him or her, in the course of his or her assistance;
- a better knowledge of the institutional roles provided for in the MNIR;
- Inclusion of the minor's opinion in the decisions concerning him/ her, during the course of his/her assistance;
- Implementation of the ”Collaboration protocol on victim coordination in criminal proceedings”;
- Information campaigns at the level of communities and actions carried out in the multidisciplinary team.

III.5.4 The inter-institutional collaboration for the assistance of child victims of trafficking in minors

For the assistance of child victims of trafficking, ANITP collaborates with the ANPDC (working groups on the elaboration of draft strategies, elaboration of country reports on the implementation of conventions, recommendations in the field, for repatriations), ANITP RC, non-governmental organizations, DGASPC.

The ANPDCA collaborates with many other Romanian[184] and foreign organizations for repatriation, assistance, prevention, training, etc. It considers that non-governmental organizations have a very important role at county level - the traffic team and the local intersectional team, because they bring expertise, represent a resource for training and prevention actions. For aspects related to the assistance of the victims, ANPDCA also collaborates with other central and local institutions and structures, which are not service providers (Ministry of Foreign Affairs, with the Ministry of Interior, ANITP, Ministry of Education, with school inspectorates, local cross-sectoral teams, etc.). The ANPDCA considers that in general the collaboration is very good with all the actors involved in assisting the victims of human trafficking.

The DGASPC representatives mention that for the assistance of the child victims of trafficking they collaborate both with NGOs[185] and with public institutions (including other DGASPC's). The collaboration aims at facilitating the access of children victims to specialized services (shelter, psychological counseling for victims of violence or specific for victims of human trafficking, etc.). The vast majority of respondents representing the DGASPC appreciated the quality of collaboration and services offered by institutions / organizations providing social services as a very good one. They mention they collaborate that less well with the SPAS and the DAS, with whom they have a poor communication

[184] The ANITP representative mentions the save the children organizations, the eLiberare Association.

[185] The research participants from the DGASPC mention the collaboration with the "Familia" Foundation, the Blue Cross (toxico-dependent people); Luthelo Association (victims of domestic violence); Estera Association (victims of domestic violence); Bethany Association (for the victim's accommodation in the center); People to People Foundation (provides services to victims of human trafficking), Bucovina Institute Association.

due to the fact that they feel the pressure of receiving new cases, in addition to existing casework. In order to assist the children victims, DGASPC also collaborates with the Regional Centers for the Prevention, Evaluation and Counseling of Drug Users (CePECA), emergency hospitals, the forensic medicine institutes, the county public health departments, psychiatric hospitals, mental health centers for children; county school inspectorates; the county employment agencies, the county centers for educational resources and assistance and the ANPDCA. DGASPC also collaborates with BCCO, ANITP, DIICOT, DCCO and the county gendarmerie inspectorate. In general, the DGASPC representatives appreciate the collaboration with other institutions with a role in the protection and assistance of child victims of human trafficking as being good, at the same time a part of them mentioning the fact that it can always be better.

Specialists from the ANITP RC mention the DGASPC as the main institution with which they collaborate for the assistance of child victims of trafficking, along with NGOs[186]. The collaboration consists of active involvement in various stages of the case management (identification, assistance and monitoring and post-assistance), for the monitoring of the intervention plans. The main institutions that provide complementary services relevant for the assistance of the minor victims of trafficking with which the ANITP RC collaborates are the centers for drug prevention, evaluation and counseling (CePECA), the county employment agencies ("minors who are to be adults and finish school, and are victims of human trafficking, they must be helped to fit into society, on the labour market"), the public county health insurance departments. ANITP RC also collaborates with the border police (for identification), and for prevention activities with the county gendarmerie inspectorates (prevention activities in schools and high schools), school inspectorates, prefectures, the Archdiocese of Suceava and Radauti. ANITP representatives appreciate the collaboration with the institutions in the field of assistance to victims of trafficking in human beings as good. They mention that the collaboration works less well with some of the DGASPC - as a result of staff instability, collaboration protocols that are not followed, or the tendency to pass on the responsibility of assisting victims to other institutions.

Non-governmental organizations collaborate with other similar entities[187], DGASPC, social assistance departments, private psychotherapy offices, legal assistance (for case management, employment services, accommodation, specialized assistance, etc.). Non-governmental organisations appreciate the collaboration with other similar organisations as a good one. In terms of

[186] Asociația Micu Bogdan, International Justice Mission, Justice and Care, Fundația World Vision, Asociația ROR, ADPARE, People to People.

[187] The participants from the DGASPC mention the organizations Hope and Home for Children, Save the Children, Protect Platform, Young Generation Association, Logos Mission Association.

collaboration with public institutions, the experiences are diverse, but in general they consider that "people make the world go round" (it works when you find the right people). They declare they have examples of excellent collaboration, but only with certain people in the public institutions.

In addition to the institutions providing social and psychological assistance services, non-governmental organizations also collaborate with educational institutions and school inspectorates (for school integration / keeping children in school), AJOFM, county police inspectorates, DIICOT, with the Border Police, ISU, BCCO, public health departments, church, Labor Inspection, ANPDCA, National Antidrug Agency. The respondents describe in positive words the collaboration with the mentioned institutions (which is the result of the supportive legal framework or common institutional interests).

The General Inspectorate of the Border Police collaborates with DGASPC, non-governmental organizations[188]. It does not collaborate with institutions that provide complementary services to those for victims of trafficking in minors (domestic violence, drug use, etc.) because they refer cases to ANITP (which does the case management). The IGPF considers that, in general, the inter-institutional collaboration is a good one, noting, however, that at certain times, some DGASPC do not respond promptly enough to requests for support for the assistance of minors in risk situations. IGPF also collaborates with the General Inspectorate for Immigration (in the context of working with minor citizens from third countries), with prefectures, the experiences being diverse. Difficulties were identified in the context of the need to allocate sums for the accommodation of vulnerable migrant persons, which were eventually solved.

Some of the participants in the study describe very good collaborations with the BCCO, while considering that representatives of other structures within the police will not identify child victims in the absence of a specialized training. The participants mention various experiences in dealing with representatives of criminal investigation bodies, from one region to another. In some situations they are late in responding to complaints of suspected trafficking in human beings (e.g. in the case of older minors, a complaint is expected to be lodged in order for criminal prosecution to be initiated).

III.5.5 Knowledge and skills required by specialists working with child victims of trafficking. Opinion of study participants

From the point of view of ANITP professionals who provide support services for child victims must have knowledge and skills in the field of communication, developmental psychology, elements of trauma psychology. In

[188] Romanian National Council for Refugees Foundation (CNRR), ADPARE, AIDRom, CARITAS, Necuvinte Association.

general, specialists (including from the DGASPC) do not have the necessary knowledge of victimology. In the field of social services there are several non-governmental organizations that have specialized services for victims and they have specialized and experienced staff.

ANITP RC representatives mention knowledge and skills that investigators working with child victims of trafficking in minors must have, including: elements of psychology (victimology, trauma psychology, developmental stages of the child, knowledge of elements of minimal knowledge in victimology in order to avoid secondary victimization), skills and techniques for conducting hearings involving children (active listening, empathy, etc.). ANITP representatives have different experiences when considering the knowledge and the skills of the investigators with whom they collaborate. Some mention that these professionals "have minimal abilities of empathy and patience, very little of the psychology of trauma and less of the developmental psychology, and no active listening skills at all" and have no training, others declare themselves satisfied with the skills and knowledge that the investigators possess.

Referring to the knowledge and skills that the specialists who provide assistance services for child victims of trafficking must have, the representatives of ANITP RC mention the specialization on the work of the child victims of trafficking (including a continuous update on the new methods of recruitment), communication skills, ensuring the emotional security of the children victims, knowledge and skills to adapt to the specific needs based on the child's development stage. Professionals working in the field of victim assistance have the necessary skills, ANITP RC representatives believe.

The representative of the General Inspectorate of the Border Police (IGPF) mentioned that professionals working with child victims of trafficking in minors must show a high degree of empathy; they must have specific knowledge of the phenomenon of trafficking in minors and its impact on victims. It is also important to develop skills that facilitate the avoidance of re-traumatization of victims, and information and skills to work with professionals with various roles, knowledge related to the psychology of the victim. With regards to whether specialists possess the proper knowledge and skills, the representative of the IGPF said that professionals from the social field own these skills. However, although the personnel from bodies involved in the criminal investigation of cases of trafficking in minors (BCCO, DCCO) and even border police have occasionally participated in activities organized by ANITP, one dimension that remained uncovered is that of collaboration between law enforcement institutions and those that provide assistance (for which joint meetings and trainings are required).

A report of the Parliamentary Committee of Inquiry on the Situation of Cases of Missing Children (category of children to which children victims of trafficking in minors belong) highlights "the existence of a large number of employees in the system who do not have specialized studies, who have no way to analyze and intervene correctly in child therapy. Moreover, the lack of aptitude training courses for psychological counseling within the DGASPC is felt."[189]

III.5.6 The perception of specialists regarding the "National Mechanism for Identification and Referral of Victims of Trafficking in Persons (MNIR)"

The "National Mechanism for Identification and Referral of Victims of Trafficking in Persons" (MNIR) aims to establish the ways of identifying the victims of trafficking in human beings and the procedure for entrusting them to the providers of protection and assistance services[190].

The monitoring of the functioning of the MNIR is ensured by the National Agency against Trafficking in Persons[191].

The ANPDCA representative mentions that in the current version of the MNIR the assistance of the child victim is more clearly specified than previously, when it was approached together with that of adults. What is important now is that all relevant actors know these provisions. This view is also supported by the representatives of the ANITP RC who consider the MNIR to be a useful document; they also consider that MNIR should have contained more specific guidelines as well as specific working procedures. They stress that the MNIR should be better known and respected by all institutions that have joined the mechanism.

The representative of the General Inspectorate of Border Police remarks that the new MNIR does not contain much regarding the situation of third-party minors victims of human trafficking. "If they do not have a statute on the territory of Romania, if they do not want to apply for asylum or if they come from a conflict zone and do not apply for asylum, they do not benefit from any rights, they do not benefit from medical assistance, etc."

From the point of view of the DGASPC representatives MNIR is useful because it helps in clarifying certain stages, certain aspects (such as teamwork and systematization at the country level). They believe that procedurally it helps a lot in the handling of cases.

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[189] Report of the Parliamentary Committee of Inquiry on the situation of missing children cases, 2020.
[190] DECISION no. Order of the Minister of Public Health no. 88 of 31 January 2023 for the approval of the National Mechanism for the Identification and Referral of Victims of Trafficking in Human Beings.
[191] EMERGENCY ORDINANCE no. 41 of 27 April 2011 for the amendment of Law no. 678/2001 on preventing and combating trafficking in human beings.

The non-governmental organizations participating in the study consider that the MNIR is not sufficiently known and applied. In addition, they recommend creating a mechanism that focuses on the child and promoting an approach to cases of child victims of *trauma-informed care* trafficking[192].

[192] A program, organization, or system that is informed about trauma ("*trauma informed*") understands the widespread impact of trauma and potential pathways of recovery; recognises the signs and symptoms of trauma in clients, families, specialists, and other people involved; and responds by fully integrating knowledge about trauma into policies, procedures, and practices, and seeks to actively prevent re-traumatization ("Substance Abuse and Mental Health Services Administration. SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach". HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014).

3. Recommendations

Identification

Statistics on child victims of trafficking persons do not differ significantly between the different sources in the reference period (2020-2022). However, most of the experts consulted point out that the number of child victims is very likely to be much higher and cite a number of factors that affect their detection, while also indicating ways that they consider to be effective in optimising the identification and assistance of this category of vulnerable children. Specialists also identify certain categories of children that are particularly vulnerable to trafficking and from whom unidentified children most likely come.

Recommendation No. 1: We recommend increasing the efforts to identify child victims of human trafficking, especially targeted at:

- children from categories that are most difficult to identify (information, awareness-raising actions, programmes carried out in the school environment on the recruitment methods and forms of exploitation, as well as on the ways in which trafficking cases can be reported);
- specialists who come into contact with child victims (training on trafficking signs and indicators and on the channels for reporting such cases),
- rural communities and/or closed communities (on the impact of trafficking in minors on victims, on trafficking signs and indicators and on the channels for reporting these cases); further efforts should be concentrated in the counties and countries from which a large number of victims consistently come.
- parents (on the impact of trafficking on child victims).

Data on children victims identified while investigating other criminal offences associated with trafficking in minors are not recorded. In practice, the identification of child victims of trafficking as a result of the investigation of other crimes is rare.

Recommendation No. 2: Given that the crime of trafficking in persons is often associated with other crimes, specialists from criminal investigation bodies are encouraged to also check the presence of signs and indicators of trafficking in human beings, including trafficking in minors.

Increasing the capacity of specialists

The identification of child victims, the provision of support services, the protection of the rights of the child in criminal proceedings are associated with the training on specific topics of the professionals involved.

Recommendation No. 3. Development of standard programs for the initial and continuous training of specialists working with child victims of human trafficking, in collaboration with the National College of Social Workers in Romania, the College of Psychologists, the National Institute of Magistracy, the Professional Training Directorate within the General Inspectorate of the Romanian Police, the Romanian College of Physicians, etc.

Prevention and assistance

Child victims of trafficking do not get those services they need, where they need it. Currently, the quality of the services provided and the safety of the children cannot be evaluated / guaranteed, given that some of them are not licensed.

For social services intended for the child victim of trafficking in human beings there is no specific standard of organization as a day care center, but only as a residential center (unlike adult services). The participants in the study highlight that most children would need services provided in this form. The existence of several types of services (residential or daytime) is associated with better prevention, identification and assistance of child victims of trafficking.

The legislation highlights girls and women as being particularly vulnerable to trafficking in human beings. However, this attitude can have a negative effect on the way in which the boys victims are treated, who become less visible. However, the analysis of gender relevance in assessing traffic vulnerability must be done separately, by type of exploitation.

Recommendation No. 4. Organizing information/awareness-raising campaigns that take into account gender specificities corresponding to various forms of exploitation.

The main challenges in assisting victims of trafficking in minors identified by the research participants are: collaboration with the family; providing resources for the child's participation in various assistance activities; the victim's refusal to collaborate, the age of the child victim, the lack of specialists, the fluctuation of specialized staff, overloading, insufficiently trained staff, lack of specialized services within home town halls (day care centers), cultural models that favor re-trafficking.

The specialists participating in the research offer suggestions for improving the assistance of child victims of trafficking in minors: ensuring human

resources at the level of the DGASPC; ensuring the financing of assistance services (public and private); developing clear procedures, with the attributions of each actor, on different stages; training of specialists (judges, policemen, social workers, psychologists, lawyers, judicial executors etc.), specialization of investigators on human trafficking, on working with minors victims, training of formal and informal actors (priests, medical staff, medical students, others who work in emergency rooms, staff from mobile teams who intervene in cases of emergency, various professional categories that can come into contact with vulnerable children); a coherent training programme for specialists; the creation of regional residential centres for the child victim of trafficking (based on the organisation of ANITP); the creation of day care centres for the rehabilitation of child victims of trafficking in human beings; activation of community advisory councils; proactive monitoring of children at risk; creation of a fund for victims of crime; legislative changes to clearly differentiate between trafficking in human beings and other crimes, elimination of the principle of territoriality in the provision of care; free medical testing of children who have been exploited in the sex industry; realization of methodologies for identifying victims of trafficking in human beings at border crossing points; phone app (for information, identification); including the minor's opinion in the decisions that concern him or her, during his assistance; information campaigns at community level and actions carried out in the multidisciplinary team.

Examples of good practices are mentioned by respondents from the activity of providers of public and private organizations: the activity of *the Reaching Out Association*, the activity of the DGASPC Cluj from Câmpia Turzii (of assistance to the victim children); the ability to adapt of the ANITP RC staff to the restrictions imposed during the pandemic, when they carried out online assistance and monitoring activities; providing expertise related to the assistance of trafficking victims during hearings by ANITP staff, educational programs implemented in schools (eLiberare Association).

The research participants also highlight a number of factors that have contributed to the success in assisting the child victims identified in practice: the establishment of personal collaboration relationships, the specialization of lawyers on the issue of trafficking in human beings, the extrajudicial psychological expertise that can be used in the criminal case, interinstitutional and integrated teamwork with the family, assistance programs different depending on the method of recruitment and the type of exploitation; integrated services and accommodation or shelter services.

The background of the victims is mainly rural, but the percentage of those coming from urban areas is similar. The areas of exploitation, both nationally and internationally are relatively the same in the period 2020-2022.

Many victim children do not want to receive services or give up after 2-3 counseling meetings, say the interviewed specialists. Around half of child victims do not want to benefit from the recovery and reflection period, which affects access to rights.

There are positive examples, but also problems with inter-institutional collaboration for the assistance and protection of child victims. Some professionals and some victims hesitate or refuse to collaborate with professionals who provide protection and assistance to child victims.

The percentage of children forced into various forms of sexual exploitation (the main form of exploitation of this category of victims) is decreasing. So is the age of the victims. These trends do not necessarily indicate a decrease in the interest of traffickers in certain forms of exploitation, or age categories, but rather changes in their approaches that are more difficult to detect.

The identification of minors victims of trafficking in foreign citizens or stateless persons in Romania is rare (a single case in the last three years, given that in the last year more than 3.9 million refugees from Ukraine, a large part children, have transited the national territory), and migrant persons are considered to be among the categories most vulnerable to trafficking.

Recommendation No. 5. Carrying out information/awareness campaigns targeting foreign citizens about trafficking risks, reporting channels (in reception centers, migrant communities, higher education institutions where foreign citizens study, etc.).

Recommendation No. 6: Promote the fact that the notification of trafficking cases can be made anonymously, as well as the fact that data about victims can be recorded anonymously.

Recommendation No. 7. Development of minimum quality standards for social services organized as day care centers dedicated to child victims of human trafficking.

Recommendation No. 8. Providing a fund to cover the costs related to the assistance of children victims of trafficking (travel costs, medical services, including testing, etc.);

Recommendation No. 9. Creation of a programme for financing services for the assistance of children victims of trafficking to facilitate subcontracting specialised services from private providers;

Recommendation No. 10. Activating and supporting the work of community advisory councils to facilitate information and awareness among communities about the impact of child trafficking, identification and assistance to victims;

Use of data collected

The ANPDCA collects complex data on identified child victims. At the same time, this data is collected manually, by people who are not specialized in the topics on which they collect information. These data are non-public and the ANPDCA does not carry out thematic studies and analyses on the topic of trafficking in minors.

Data collection on vulnerable groups has also been extended to refugee children in Ukraine through the Primero app. Study participants could not indicate ways in which this data is used to identify child victims of human trafficking.

Recommendation No. 11. Publication of the information collected by the ANPDCA on the assistance of victims of trafficking in minors in the form of open data (www.data.gov.ro).

Recommendation No. 12. Publication by ANPDCA of periodic thematic reports on the areas on which it collects data, including the situation of children victims of trafficking.

Recommendation No. 13. Identifying practical ways in which the data collected on vulnerable groups can be used to support approaches aimed at identifying child victims, including children who are not Romanian citizens but are on / transiting the territory of Romania.

Future directions

Recommendation No. 14. Studying the causes for which a large percentage of child victims do not wish to benefit from the period of recovery and reflection, the link between that attitude and the abandonment of assistance services, and the impact of abandonment on the rehabilitation of child victims.

Recommendation No. 15. Complementing the perspective provided by this study with that of children at risk of trafficking and victims and their parents/carers.

Annex I – Definitions[193]

Trafficking in human beings

In accordance with art. 210 of the Romanian Criminal Code, the existence of the crime of trafficking in persons implies the simultaneous fulfillment of 3 categories of conditions, as follows:

Action: recruiting, transporting, transferring, housing or receiving a person, in which case one or more actions may be carried out;

Means: by coercion, kidnapping, misleading or abuse of authority, taking advantage of the impossibility of defending himself or expressing his will or the state of manifest vulnerability of that person; by offering, giving, accepting or receiving money or other benefits in exchange for the consent of the person who has authority over that person;

The goal: the exploitation of the person.

In the absence of any of those categories of conditions, the act cannot be regarded as the offence of trafficking in human beings.

Trafficking in minors

As provided by art. 211 of C. pen., trafficking in minors is the recruitment, transportation, transfer, accommodation or reception of a minor for the purpose of his exploitation.

In the case of the offence of trafficking in minors, it is not necessary to fulfil the conditions regarding the means provided for in the offence of trafficking in human beings.

Operation

In accordance with art. 182 C. pen., exploitation of a person means the performance of any of the following actions: submission to the performance of work or the performance of services, forcibly; keeping in a state of slavery or other similar processes of deprivation of liberty or enslavement; ordering the practice of prostitution, pornographic manifestations with a view to producing and disseminating pornographic material or other forms of sexual exploitation; ordering the practice of begging; the procurement of organs, tissues or cells of human origin, illegally.

Victim of human trafficking

[193] According to the DECISION no. Order of the Minister of Public Health no. 88 of 31 January 2023 for the approval of the National Mechanism for the Identification and Referral of Victims of Trafficking in Human Beings.

The passive subject of the facts referred to in art. 210, 211, 264 and 374 of the Criminal Code or of attempting to one of these acts. It does not matter whether or not the victim participates in the criminal proceedings as an injured person.

Any natural person who is known to have suffered physical or mental injury, emotional suffering, economic loss or serious injury to his or her fundamental rights by acts or inactions which infringe criminal law on preventing and combating trafficking in human beings.

The victim's consent, in relation to the offences of trafficking in human beings and trafficking in minors, is not a justifying cause.

Potential victim of trafficking in human beings - the person detected before being exploited, during exploitation or after escaping from the traffic situation and who presents clues specific to the trafficking process.

Presumed victim of trafficking in human beings - the person who is suspected of having been trafficked, the decision on his status being made on the basis of an initial identification interview.

Identified victim of human trafficking - is the presumed victim who, as a result of corroborating additional data and information, acquires the status of victim of trafficking in human beings according to the legal provisions.

Minor victim - the person under the age of 18, passive subject of the crime of trafficking in minors.

Victim foreign national - victim of trafficking in human beings who does not have citizenship Romanian, citizenship of another Member State of the European Union or of the European Economic Area or citizenship of the Swiss Confederation.

Stateless victim - the foreigner, the victim of human trafficking, who does not have the citizenship of any state.

Victim citizen of the European Union - victim of human trafficking who has the citizenship of one of the Member States of the European Union other than Romania.

Victim foreign national who is the beneficiary of Article 50 of the Treaty on European Union - victim of trafficking in human beings, a British citizen who is in Romania and continues to reside in Romania after the end of the transition period, his family members who accompany him or who join him after the end of the transition period if they were family members before its end, as well as children born or adopted after the end of the transition period.

Country of origin or residence

The country of which the victim is a national, in the case of the foreign national, or, if he has more than one nationality, each country of which he is a victim. In the

case of stateless persons, the country or countries in which they have their habitual residence.

Country of destination

The country where the person has/is/is/is to be exploited.

Victim detection

The detection of the victim of trafficking in human beings is the action that involves detecting clues suggesting a possible trafficking situation and potential victims, causing the notification of the criminal investigation bodies or the notification to ANITP / public or private providers with specialized services for victims of trafficking in human beings.

In the case of minor victims of trafficking, professionals are obliged to report the case to the DGASPC, at the unique national number 119, according to the provisions of art. 96 of Law nr. 272/2004 on the protection and promotion of the rights of the child, republished, with subsequent amendments and additions.

Identification of victims of trafficking in human beings

Identification of victims of trafficking in human beings is the process of assessing and finding that a person is a victim of trafficking in human beings. It constitutes the first stage of the identification and referral mechanism. Identifying the victim of trafficking in human beings will take into account both the legal and the victimological perspective.

Identification indices/indicators

The identification indices/indicators are signs that may indicate that, in the case of the person, components of trafficking in persons have been used: actions/means/purpose, respectively that he/she is/was in a situation of exploitation, as a result of a crime of trafficking in human beings. The analysis of indices/indicators is carried out according to Annex no. 1, which forms an integral part of this mechanism.

Risk and needs assessment

Action carried out in order to identify and assess the risks associated with the situation of the trafficked person and on the basis of which the decision on assisting and protecting the person will be taken: in the country of origin or destination; in a protected dwelling/residential or family centre or on its repatriation. The assessment of risks and needs is an ongoing process, which will be carried out from the first contact with the victim until the end of the assistance and protection program in which it is included. The assessment of risks and needs is carried out in 2 directions: personal security assessment, with the support of the police and physical, psychological and assistance health assessment, by the assistance provider, in collaboration with partners with responsibilities in the protection and assistance of victims.

Abuse of a state of vulnerability

In identifying the victim of trafficking in human beings, the personal, situational or circumstantial vulnerability, intervened prior to trafficking and which predisposed the person to this form of victimization, will be taken into account. The vulnerability of the person includes: history of abuse / neglect in the family of origin; poverty; Disability; factors related to community and social exclusion; irregular migration; provenance from an area of armed conflict. In traffic processes, the recruiter/ trafficker intentionally uses the vulnerability of the person for the purpose of his exploitation, so that the person comes to consider that giving his consent to the form of exploitation is the only real and acceptable alternative for the situation in which he finds himself. The personal characteristics of the victims and the circumstances in which they find themselves will be taken into account by the specialist involved in identifying the person, in terms of establishing the abuse of the state of vulnerability.

Secondary victimization/revictimization

- the trauma suffered by the victim, which does not appear as a direct result of the criminal act, but through the inadequate reaction to the victim of the institutions and persons with whom she comes into contact.

Referral

Entrusting the victim of trafficking in human beings to public or private providers of specialised protection and assistance services in accordance with their specific needs.

Depending on the specific needs of the victims and the availability of services, reference may also be made to support services for victims of crime or other specialised services for adults and to specialised services for child victims of violence in the case of children.

Assistance to victims of trafficking in human beings

Specialized measures, programmes and services implemented by non-governmental organizations, local authorities or through collaboration between the two, which may include, but are not limited to: residential, medical, psychological, material, educational, legal and reintegration assistance. Assistance programmes may be provided under a crisis, in the medium and long term, both in the countries of origin and destination.

Protection of victims of trafficking in human beings

The essential component of any assistance programme, both in terms of measures taken for physical safety and in order to strengthen the prospects of social (re)integration of the victim both in the country of origin and in the country of destination or in a third country.

Beneficiary of the protection and assistance program

The victim of trafficking in human beings included in a long-term programme of protection and assistance services in crisis for social reintegration, for the purpose of repatriation, organised by a private or public provider of specialised services.

Specialized service in the field of trafficking in human beings

Services specialized in assisting victims of trafficking in human beings are provided by specialists in the field and which aim to maintain, restore and develop individual capacities in order to overcome the situation of difficulty in which the victim and his family find themselves and which require a series of complex interventions that may include any combination with other specialized services in areas such as toxicodependence, domestic violence, people living with HIV/AIDS, mental health problems).

Recovery and reflection period

The right granted to victims of trafficking in human beings, Romanian or foreign citizens to have up to 90 days to stabilize themselves physically, psychologically and socially, to avoid the influence of traffickers or to make an informed decision on cooperation with the competent authorities. During the recovery and reflection period, victims of trafficking in human beings shall receive psychological counselling, medical and social assistance, medicines and food, as well as accommodation, upon request, in sheltered centres or dwellings and shall be informed of the applicable judicial and administrative procedures.

Manager/case manager

The specialist, representative of a public or private provider of social services, who coordinates and monitors the implementation of the techniques and procedures specific to the intervention of protection and specialized assistance planned to increase the physical, emotional and economic well-being of the victim, beneficiary of services.

Intercultural Mediator

A professional who functions as an intermediary between migrants, local authorities, non-governmental organizations, seeking to solve a situation of vulnerability in which the migrant finds himself, in order to facilitate his integration into the social and cultural context of the host country. The professional works respecting the principles of neutrality, professional secrecy and equidistant mediation between the institution and the beneficiary.

Assisted voluntary repatriation

The process of preparing the voluntary return to the country of origin or residence of a person trafficked to the territory of another State. It involves a series of actions and measures aimed at ensuring the safe return of the person, with specialised assistance and with the taking over of the victim(s) in the

country of origin or residence. In the case of adults, repatriation is based on their consent. In the case of Unaccompanied Romanian children on the territory of another state, consent is not required, but information is mandatory and their opinion is taken into account, depending on their age and degree of maturity.

Best interests of the child*1)

*1) UN Convention on the Rights of the Child, 1989

Principle by virtue of which the State undertakes, through specific measures, to provide the child with adequate protection and care, taking into account the rights and obligations of the parents. In determining the best interests of the child, the following shall be taken into account:

a) the needs for physical, psychological development, education and health, security and stability and family membership;

b) the child's opinion, depending on the age and degree of maturity;

c) the history of the child, taking into account, in particular, the situations of abuse, neglect, exploitation or any other form of violence against the child, as well as the potential risk situations that may occur in the future;

d) the ability of the parents or persons who are to be in charge of raising and caring for the child to meet his/her concrete needs;

e) maintaining personal relationships with people to whom the child has developed attachment relationships.

(Re) Integration

The process of recovery and economic and social integration following a human trafficking experience. This includes ensuring a stable and safe environment, access to a reasonable standard of living, mental and physical well-being, opportunities for personal, social and economic development, and access to social and emotional support. This may involve returning to your family and/or community of origin. It can also involve integration into a new community and even into a new country. A central aspect of successful integration is that of empowerment, i.e. helping victims to develop independence and self-protection skills and to be actively involved in their recovery and (re)integration.

Annex II – Instruments

A. Interview guide with specialists from dedicated social services

assistance to victims of trafficking in human beings/trafficking in minors

– local/regional public and private institutions –

The study we are conducting aims to contribute, by researching relevant documents and consulting the opinions of specialists in the field of assistance to minors victims of trafficking in human beings, to identifying practical solutions for optimizing the identification of child victims, improving inter-institutional collaboration and providing quality assistance services.

Participation in this qualitative research is voluntary, and if a respondent does not wish to participate or withdraws during the discussion, he/she can always leave the study. The information and views formulated will be confidential and used only for the purpose of this study. In order to use them we will need your consent, given in writing.

Q1. What is your role within the institution?

Q2. What are the services that your institution offers for child victims of human trafficking?

Q3. Are these services part of a licensed service dedicated to child victims of human trafficking?

Q4. If NOT – why? What are the obstacles to the licensing of a social service dedicated to child victims of human trafficking?

Q5. How do child victims of human trafficking get to you? Do you consider that there are child victims of human trafficking who do not reach your service?

Q6. What are your activities to assist victims of trafficking in human beings? What is a child's journey in your service? When does the assistance end? Why is the assistance ending?

Q7. Do you work with other providers of complementary services specializing in assisting child victims of trafficking in human beings or other vulnerable categories to whom the victims may belong (drug addicts, victims of domestic violence, etc.)?

If YES – Q8.

If NOT – Q10.

Q8. What is the collaboration?

Q9. How do you assess the quality of the services offered by the institutions/organizations providing social services with which you collaborate?

Q10. Do you work with other institutions to protect and assist child victims of human trafficking?

Q11. How do you assess your collaboration with these institutions?

Q12. How do you use the data collected from your interaction with child victims of human trafficking? Do you share this data with other institutions? What are these institutions?

Q13. Do you consider that the statistics on the number of child victims of trafficking in human beings reflect their actual number?

If NOT – Q11.

If YES – Q17.

Q14. Why are not all child victims of human trafficking detected and/or identified?

Q15. Who are child victims of human trafficking who are not detected and/or identified?

Q16. What are the effective ways to detect/identify child victims of TFU?

Q17. What are the main challenges in assisting child victims of human trafficking?

Q18. What are the main good practices identified in assisting child victims of trafficking in human beings?

Q19. What do you think should be done/changed to improve the protection and assistance of child victims of human trafficking?

B. Interview guide with specialists from law enforcement institutions

– local public institutions –

The study we are conducting aims to contribute, by researching relevant documents and consulting the opinions of specialists in the field of assistance to minor victims of trafficking in human beings, to identifying practical solutions for optimizing the identification of child victims, improving inter-institutional collaboration and providing quality assistance services.

Participation in this qualitative research is voluntary, and if a respondent does not wish to participate or withdraws during the discussion, he/she can always leave the study. The information and views formulated will be confidential and used only for the purpose of this study. In order to use them we will need your consent, given in writing.

Q1. What is your role within the institution?

Q2. What are the duties of the institution you represent in protecting child victims of TFU?

Q3. How do child victims of human trafficking get to you? What are the categories of people and institutions that report trafficking cases? Do you consider that there are child victims of human trafficking who do not reach your service?

Q4. Do you consider that the statistics on the number of child victims of trafficking in human beings reflect their actual number?

If NOT – Q5.

If YES – Q8.

Q5. Why are not all child victims of human trafficking detected and/or identified?

Q6. Who are child victims of human trafficking who are not detected and/or identified?

Q7. What are the effective ways to detect/identify child victims of trafficking in human beings?

Q8. What other specialists from public and private institutions in the field of assistance to child victims of human trafficking work with?

Q9. At what stages of your business interact with public and private institutions in the field of assistance to child victims of human trafficking? How do you assess working with these institutions?

Q10. Do you work with other providers of complementary services specializing in assisting child victims of trafficking in human beings or other vulnerable categories to whom the victims may belong (drug addicts, victims of domestic violence, etc.)?

If YES – Q11.

If NOT – Q12.

Q11. What is the scope of your collaboration with these institutions? How do you assess the quality of the collaboration with these institutions?

Q12. What knowledge and skills are required by investigators to conduct criminal investigations into cases involving child victims of trafficking in human beings so that the negative impact of these proceedings on them is reduced? In general, do you consider that investigators have this knowledge and skills/have participated in trainings on the subject of investigating cases with juvenile victims of trafficking in human beings /in terms of protection measures?

Q13. What knowledge and skills are needed for specialists from other institutions with whom you collaborate during the criminal investigation in cases with child victims of human trafficking?

Q14. The specialists you collaborate with, from other institutions, have these skills (from social services dedicated to child victims or other vulnerable categories)?

Q15. What are the main good practices identified in your work? related to the assistance of child victims of trafficking in human beings?

Q16. What do you think should be done/changed to improve the protection and assistance of child victims of human trafficking?

C. Interview guide with specialists

ANITP (central and regional)

The study we are conducting aims to contribute, by researching relevant documents and consulting the opinions of specialists in the field of assistance to minor victims of trafficking in human beings, to identifying practical solutions for optimizing the identification of child victims, improving inter-institutional collaboration and providing quality assistance services.

Participation in this qualitative research is voluntary, and if a respondent does not wish to participate or withdraws during the discussion, he/she can always leave the study. The information and views formulated will be confidential and used only for the purpose of this study. In order to use them we will need your consent, given in writing.

Q1. What is your role within the institution?

Q2. What are the duties of the institution you represent in protecting child victims of TFU?

Q3. How do child victims of human trafficking get to you? Do you consider that there are child victims of human trafficking who do not reach your service?

Q4. How do you collect data on child victims? What data is collected? What are the hindrances to data collection? Do you consider that the statistics on the number of child victims of trafficking in human beings reflect their actual number?

If NOT – Q5.

If YES – Q8.

Q5. Why are not all child victims of human trafficking detected and/or identified?

Q6. Who are child victims of human trafficking who are not detected and/or identified?

Q7. What are the effective ways to detect/identify child victims of trafficking in human beings?

Q8. What other specialists from public and private institutions in the field of assistance to child victims of human trafficking work with?

Q9. At what stages of your business interact with public and private institutions in the field of assistance to child victims of human trafficking? How do you assess working with these institutions?

Q10. Do you collaborate with other providers of complementary services specializing in assisting child victims of TFU or other vulnerable categories to which the victims may belong (drug addicts, victims of domestic violence, etc.)?

If YES – Q11.

If NOT – Q12.

Q11. What is the scope of your collaboration with these institutions? How do you assess the quality of the collaboration with these institutions?

Q12. What knowledge and skills are required by investigators to conduct criminal investigations into cases involving child victims of trafficking in human beings so that the negative impact of these proceedings on them is reduced? In general, do you consider that investigators have this knowledge and skills?

Q13. What knowledge and skills are needed by specialists in social services dedicated to assisting child victims of human trafficking? In general, do you consider that they have the necessary knowledge and skills?

Q14. What are the main good practices identified in your work related to the assistance of child victims of trafficking in human beings?

Q15. What do you think should be done/changed to improve the protection and assistance of child victims of human trafficking?

D. Interview guide with ANDPDCA specialists

The study we are conducting aims to contribute, by researching relevant documents and consulting the opinions of specialists in the field of assistance to minor victims of trafficking in human beings, to identifying practical solutions for optimizing the identification of child victims, improving inter-institutional collaboration and providing quality assistance services.

Participation in this qualitative research is voluntary, and if a respondent does not wish to participate or withdraws during the discussion, he/she can always leave the study. The information and views formulated will be confidential and used only for the purpose of this study. In order to use them we will need your consent, given in writing.

Q1. What is your role in within the institution?

Q2. What are the main actions that ANDPDCA is currently implementing in terms of protecting and assisting child victims of TFU?

Q3. Although there is a minimum quality standard for services dedicated to child victims of TFU[194] there are very few services licensed in this regard (both by private and public providers). Why do you think this is happening?

Q4. Do you consider that the statistics on the number of child victims of trafficking in human beings reflect their actual number?

If NOT – Q5.

If YES/I DON'T KNOW – Q8.

Q5. Why are not all child victims of human trafficking detected and/or identified?

Q6. Who are child victims of human trafficking who are not detected and/or identified?

Q7. What are the effective ways to detect/identify child victims of trafficking in human beings?

Q8. Do you collaborate with other international, national institutions (central and local, public and private) for the protection and assistance of child victims of human trafficking (for the repatriation and integration of Romanian children, for the detection / identification / assistance of foreign children)?

Q9. How do you assess the quality of the collaboration with these institutions??

[194] Order no. ANRE President's Order no. 1335/2020 on the approval of the Minimum Quality Standards for social services with accommodation, organized as residential care and assistance centers for child victims of trafficking in human beings

Q10. What kind of data do you request from the DGASPC regarding child victims, the method and frequency of collection? How to report – is there a system? Are there people who specialise in collecting data at local/single office level? How is data centrally centralized?

Q11. How do you use data collected from your activity with child victims of human trafficking? Do you share this data with other institutions? What are these institutions?

Q12. What are the main good practices identified in terms of the protection and assistance of child victims of trafficking in human beings?

Q13. What do you think should be done/changed to improve the protection and assistance of child victims of human trafficking?

E. Focus group guide

The study we are conducting aims to contribute, by researching the relevant documents and consulting the opinions of specialists in the field of assistance to minor victims of trafficking in human beings, to identifying practical solutions for optimizing the identification of child victims, improving inter-institutional collaboration and providing quality assistance services.

Participation in this qualitative research is voluntary, and if a respondent does not wish to participate or withdraws during the discussion, he/she can always leave the study. The information and views formulated will be confidential and used only for the purpose of this study. In order to use them we will need your consent, given in writing.

1. Do you think that women/girls are more vulnerable than boys to human trafficking? Do the focus of the legislation on women and girls make the boys less visible/receive less support?

2. From the perspective of minimum standards - what types of licensed services should there be to cover the needs of child victims of human trafficking?
   Do you consider the accommodation centres for minor victims of trafficking useful/necessary?
   Would it be useful to create specific service standards for child victims of trafficking without accommodation/day care centres?

3. Does the lack of standards for day care centers have an influence on the number of identified/assisted victims?

4. Are there any medical needs of child victims of trafficking that are not covered? What are the obstacles?

5. With the help of Primero, children in the situation of traffic risk are monitored. Do you know how the data collected can be used to identify child victims of trafficking?

6. In practice, is there a possibility that a child who is/may be a victim of trafficking in human beings to not be registered in the SIMEV database?

7. In 2022, statistical data indicate a significant increase in the percentage of children who refuse to have their personal data entered in SIMEV. What would be the explanation for this fact? What is the impact of this option? What is the difference between children entered in SIMEV and children introduced but anonymized?

8. About half of children give up the recovery and reflection period, what do you consider to be the causes and what impact does this option produce?

9. Are you aware of situations of identification/ referral of victims of trafficking as a result of criminal investigation/ specialized assistance granted for another crime (e.g. drug use)?

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