



# Convention on the Rights of the Child

Distr.: General  
29 April 2026

Original: English  
English, French and Spanish only

---

Committee on the Rights of the Child

## **Report submitted by Romania under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, due in 2003\* \*\***

[Date received: 15 June 2022]

---

\* The present document is being issued without formal editing.

\*\* The annex to the present document may be accessed from the web page of the Committee.



**List of acronyms**

DIICOT	Directorate for the Investigation of Organized Crime and Terrorism
DGASPC	General Directorates of Social Assistance and Child Protection
ICRP	Institute for Crime Research and Prevention
OPSC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
MIA	Ministry of Internal Affairs
MJ	Ministry of Justice
ME	Ministry of Education
MFA	Ministry of Foreign Affairs
ANPDCA	National Authority for the Rights of the Child and Adoptions
ANITP	National Agency against Trafficking in Persons
ANES	National Agency for Equal Opportunities between Women and Men
PÎCCJ	Public Ministry – Prosecutor’s Office attached to the High Court of Cassation and Justice
THB	Trafficking in human beings

## Introductory remarks

1. Pursuant to Article 12 paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and in accordance with the concluding observations of the Committee on the Rights of the Child, Romania presents to the Committee its initial report on the implementation of the OPSC.
2. The report was prepared by the National Authority for the Rights of the Persons with Disabilities, Children and Adoptions in cooperation with the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Education, the Public Ministry-Prosecutor's Office attached to the High Court of Cassation and Justice (including with the contribution of the Directorate for the Investigation of Organized Crime and Terrorism), the Ministry of Internal Affairs (including with the contribution of the National Agency against Trafficking in Persons) and the National Agency for Equal Opportunities between Women and Men.
3. The report contains information on the legislative, judicial, administrative and other measures adopted by Romania since the ratification of the OPSC.

## I. General measures of implementation

### A. Legal status of the OPSC

4. Romania ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed in New York on December 6, 2000, through Law no. 470/2001, published in the Official Gazette no. 601 of September 25, 2001.

5. According to art. 11 of the Constitution of Romania adopted in 1991 (and revised in 2003), the treaties ratified by the Parliament become part of the national legislation (art. 11). If Romania is to become a party to a treaty that contains provisions contrary to the Constitution, the ratification of the treaty takes place only after the revision of the Constitution (art. 11). Moreover, according to art. 20 para. 2 "where any inconsistencies exist between the covenants and treaties on the fundamental human rights Romania is a party to and the national laws, the international regulations shall take precedence, unless the Constitution or the national laws comprise more favorable provisions":

(a) Pursuant to art. 20 para. 1 of the Constitution, "constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in compliance with the Universal Declaration of Human Rights, with the conventions and other treaties Romania is a party to."

(b) Therefore, since the international instruments in the field of human rights are part of the domestic law, any interested person can complain before national courts of an alleged violation of such rights, based directly on the relevant international instrument.

6. Alternative mechanisms for the violations of children's rights are also available: in 2018, following the recommendations of the Committee on the Rights of the Child, Romania established the Child's Ombudsman, under the coordination of the People's Ombudsman. The Child's Ombudsman acts to promote and protect the rights of children under the age of 18, supports and encourages the observance and the promotion of children's rights. Among others, the Child's Ombudsman fulfils the following duties:

(a) Solves the individual complaints of children or their representatives regarding the actions of the public institutions in the field of health, education, special protection of the child, or the institutions who apply custodial and non-custodial measures provided by the Law no. 286/2009 on the Criminal Code, with subsequent amendments and supplements, regarding the criminal liability of minors, or any other institution whose activity is related to the field of protection and promotion of the rights of the child;

(b) Solves any complaint related to the violation of one or more rights of the child;

(c) Immediately notifies, ex officio or upon request, the criminal prosecution bodies when he/she finds criminal offenses committed against children;

(d) May file a lawsuit or a criminal complaint and may represent a minor before a domestic court when the child has been the victim of physical violence or psychological abuse from parents, legal guardian or representative, abuse, violence and sexual exploitation, exploitation through labor, trafficking in human beings, neglect and exploitation, as well as any form of violence against the child, provided and sanctioned by the domestic and international legislation to which Romania is a party.

7. According to art. 49 para. 1 of the Constitution, “children and young people shall enjoy special protection and assistance in the pursuit of their rights.” This provision represents the constitutional solution endorsing the special position of the rights of the child in the Romanian society.

8. The provisions and principles of the OPSC have been transposed within the national legislation; specific provisions are covered mainly by the legislation regarding children’s rights and the civil and criminal legislation. The national legal framework (both in the field of child rights and the criminal law) was constantly amended or completed in order to adequately incriminate and sanction the various forms that violence, sexual abuse and trafficking of human beings (hereinafter, THB) may take, according to the gravity of the offence:

(a) Law no. 678/2001 on the prevention and combating trafficking in human beings, with subsequent amendments and supplements and the Norms of applications of the provisions thereof, approved by Government Decision (G.D.) no. 299/2003;

(b) Law no. 682/2002 on witness protection: contains measures aimed at protecting and assisting the witnesses whose life, physical integrity or freedom is threatened because of them knowing information or data concerning serious crimes, and which they disclosed or agreed to disclose to judicial bodies, thus having an important role in identifying the perpetrators and solving the cases;

(c) Law no. 196/2003 concerning the prevention and combating of pornography, adopted in order to prevent child exploitation through involvement in activities with a pornographic character;

(d) Law no. 272/2004 on the protection and promotion of the rights of the child, republished, with subsequent amendments and supplements: establishes the national legal framework for respecting, promoting and guaranteeing children’s rights. Law no. 272/2004 also contains provisions related to the protection of the child against abuse, neglect, exploitation and any other form of violence (Chapter VI) and transposes the principle of the “best interests of the child”;

(e) Law no. 211/2004 on some measures for informing, supporting and protection of crimes victims, as amended by Emergency Government Ordinance no. 24/2019: provides the measures on informing, supporting and evaluation of the victims of crimes. Measures granted under this law are not conditioned by existence of a complaint previously filed before the criminal investigation bodies;

(f) The G.D. no. 49/2011 for the approval of the Framework Methodology on the Prevention and Intervention through Multidisciplinary and Networked Teams and in Child Violence and Domestic Violence situations, and for the approval of the Multidisciplinary and Interinstitutional Intervention Methodology on Exploited Children or in a risk situation of being trafficked for forced labor, children victims of THB, as well as Romanian migrant children, victims of other forms of violence on the territory of other states;

(g) A new revised Criminal Code entered into force on February 1, 2014. The Criminal Code<sup>1</sup> incriminates, among others, slavery (Art. 209); THB (Art. 210); trafficking of underage persons (Art. 211); pandering (Art. 213); exploitation of beggary (Art. 214); use of underage persons for beggary (Art. 215); use of an exploited person’s services (Art. 216); use of child prostitution (Art. 216); rape (Art. 218); sexual assault (Art. 219); sexual

<sup>1</sup> A new revised Criminal Code entered into force on February 1, 2014.

intercourse with a juvenile (Art. 220); sexual corruption of juveniles (Art. 221); recruitment of juveniles for sexual purposes (Art. 222); sexual harassment (Art. 223); child pornography (Art. 374); indecent exposure (Art. 375); incest (Art. 377).

## **B. National strategies**

9. Measures provided for in the OPSC were included in several national strategies and their corresponding Operational Plans for their implementation as well as other programmes regarding the protection and promotion of child rights, such as the National Strategies for 2001–2004, 2004–2006, 2008–2013, 2014–2020<sup>2</sup>.

### **(a) The Government Strategy for the protection of child in difficulty 2001-2004 and the Operational Plan for its implementation**

10. Abused, neglected and children living on the streets were some of the target groups identified in the Government Strategy for the protection of child in difficulty 2001–2004 (approved through G.D. no. 539/2001). At the same time, particular attention was paid to Roma children.

11. One of the general directions of the 2001-2004 Strategy was related to the improvement, completion and harmonization of the legislative framework for the organization and the functioning of the child protection system, including in terms of alignment with the standards provided by the international norms and treaties in the field to which Romania is a party. In this regard, the priorities aimed, inter alia, at clarifying the legal provisions concerning the neglect, maltreatment or abuse of the child within its own family; improving the legislation referring to child labor and reconsidering the legislation referring to the sexual exploitation of juveniles.

12. The Operational Plan for the implementation of the Government Strategy for the protection of child in difficulty 2001-2004 (also approved through G.D. no. 539/2001) dedicated operational objective no. II to preventing any type of child abuse and neglect under any form, as well as preventing all phenomena that may determine a child enter a difficulty situation. Among the measures provided for under operational objective no. II, we would like to mention:

(a) Adapting the relevant Romanian legislation to the international legal framework by introducing the operational concepts of “abuse” and “neglect”, with a clear delimitation of categories: emotional, physical, sexual, economic and neglect; the definitions of abuse and neglect were introduced in the Law no. 272/2004;

(b) Ensuring the legal framework aimed at strengthening the responsibility of the representatives of the specialized public service and of the authorities of the local public administration for intervening in the families who abuse and neglect their children; provisions related to these issues were introduced in Law no. 272/2004;

(c) Adapting and completing the existing legal framework through immediate legislative action in order to eliminate the exploitation of child labour;

(d) Creating telephone services and hotlines for children that they can use in case of emergency, in all situations that may endanger their physical and psychological integrity; an analysis carried out by ANPDCA in 2002 showed that helplines (most of them 983) were created at the level of the majority of the General Directorates of Social Assistance and Child Protection<sup>3</sup> (DGASPC). The helpline was introduced as mandatory through Law no. 272/2004;

<sup>2</sup> The conclusions and the recommendations of the assessment process (carried out with technical support from UNICEF Romania) on the implementation of the 2014–2020 Strategy will represent a starting point for drafting the new Strategy, in cooperation with all the relevant ministries and interested NGOs and children associations.

<sup>3</sup> The General Directorates of Social Assistance and Child Protection are public institutions with competencies in the field of protecting and promoting children’s rights at county level. These are subordinated to the County Councils and, respectively, to the Local Councils of Bucharest.

(e) Creating specific community services dedicated to the treatment and rehabilitation of children who have been the victims of abuse. The above-mentioned analysis carried out by ANPDCA in 2002 revealed the existence of 9 specialized services for abused and neglected children at the level of DGASPC; specialized services were set up through the pre-accession financing available within the Phare Programme and other international programs, in accordance with minimum mandatory standards approved by an Order issued by the president of the central authority on children's rights;

(f) Drafting and implementing actions programmes in order to eliminate child labour. ILO-IPEC was implemented in Romania during 2000-2009.

**(b) The National Strategy for the protection and promotion of child rights 2008-2013 and the Operational Plan for its implementation**

13. During 2004 and 2008, Romania did not have a national strategy concerning the protection and promotion of the rights of the child. The National Strategy for the protection and promotion of child rights 2008–2013 and the Operational Plan for its implementation were approved through G.D. no. 860/2008.

14. The National Strategy for 2008–2013 identified as target groups children victims of abuse, neglect and exploitation, including trafficking, child labour and sexual exploitation for commercial purposes, children exposed to illegal migration, unaccompanied children on the territory of other states, repatriated children and child refugees. Children living on the streets were also included in this category. Another target group referred to children belonging to national minorities, with an increased focus on Roma.

15. The National Strategy for 2008–2013 had as priority area the “Protection and promotion of the rights of the child”; within this priority area, a line of action (no. 7) was dedicated to “respecting the right of the child to protection against abuse, neglect and exploitation through multi-disciplinary and inter-institutional intervention”.

16. Among the measures contained in the Operational Plan for the implementation of the National Strategy for the protection and promotion of child rights 2008-2013, we would like to mention the following:

(a) Completion and approval of the methodological guide for prevention and intervention in case of child abuse, neglect, exploitation and trafficking, by multidisciplinary team and inter-institutional networking;

(b) Creating a single inter-ministerial group, coordinated by ANPDCA, for tackling the problem of child abuse, neglect and exploitation, including sexual exploitation for commercial purposes, child labour, trafficking, illegal migration and other forms of violence towards the child.

**(c) The National Strategy for the protection and promotion of child rights 2014-2020 and the Operational Plan for its implementation**

17. The subsequent strategy and its implementation plan were approved through G.D. no. 1113/2014 for the approval of the National Strategy for the protection and promotion of child rights 2014-2020 and the Operational Plan for the implementation of the National Strategy for the protection and promotion of child rights 2014–2016.

18. The National Strategy for 2014–2020 encompassed several general and specific objectives related to the measures provided for in the OPSC. Thus, a dedicated section regarding the violence against children to which a general objective – “Preventing and combating any forms of violence” – corresponded, was included in the aforementioned Strategy.

19. The two specific objectives addressing the national efforts to prevent and fight against any forms of violence, included within the Operational Plan for the implementation of the National Strategy for the protection and promotion of child rights 2014–2016, were referring to:

(a) Promoting non-violence value and implementation of awareness actions;

- (b) Decreasing the phenomenon of violence against children.

20. Within the general objective “Preventing and combating any forms of violence” the following measures aimed at preventing the acts and activities stipulated at the article 3 of OPSC:

- (a) Increasing the awareness of children, parents, professionals and the general population regarding all forms of violence;
- (b) Decreasing children’s exposure to violence in the media and the online environment;
- (c) Strengthening the capacity of the public service providers to prevent and combat all forms of violence against children.

**(d) The Priority Action Plan in the field of child protection against abuse, neglect and exploitation for the period 2004-2005**

21. Government Decision no. 726/2004 approved the Priority Action Plan in the field of child protection against abuse, neglect and exploitation for the period 2004–2005, at the initiative of the High-Level Group for Children under the coordination of the Prime Minister. The premises for the elaboration and approval of such an Action Plan were the following:

- (a) Harmonizing the legal framework regarding the protection of the child against abuse, neglect and exploitation with other related normative acts;
- (b) Introducing legal measures for the temporary removal of the aggressors from the family environment;
- (c) Ensuring the gratuity for the medical-legal certificates for children in situations of abuse, neglect, exploitation, as well as domestic violence;
- (d) Introducing, in the Romanian legal framework, the obligation to initial and continuous training on child protection against abuse, neglect and exploitation for professionals interacting with the child (social workers, doctors, nurses, psychologists, legal counselors, police etc.);
- (e) Approval of minimum mandatory standards for the helpline dedicated to reporting child abuse, neglect and exploitation, the counselling center for child victims of abuse, neglect and exploitation and the community resource center for preventing child abuse, neglect and exploitation;
- (f) Approval of the inter-institutional methodology for intervention and prevention in multidisciplinary and networked teams in situations of child abuse, neglect and exploitation;
- (g) Approval of other two National Action Plans for the elimination of child labour and for the prevention and combat of child sexual abuse and child sexual exploitation for commercial purposes.

**(e) The National Action Plan for the prevention and combat of child sexual abuse and child sexual exploitation for commercial purposes 2004–2007**

22. The Action Plan, approved through the G.D. no. 1504/2004, was structured on seven pillars, each with a corresponding objective:

- Pillar I. Policy, Strategies, Legislation. Objective: the development of policies, national strategies, as well as a normative framework aimed at protecting children / young people from sexual abuse and their involvement in situations of sexual abuse and sexual exploitation for commercial purposes.
- Pillar II. Coordination and cooperation at local and national level. Institutional capacity building. Objective: To establish partnerships and collaborations between the actors responsible for the protection of the child and of the family in order to support and develop a national coherent policy to prevent and combat child sexual abuse, sexual exploitation, sale and trafficking of underage persons and young people.

- Pillar III. Coordination and cooperation at regional and international level. Objective: Romania's active involvement in the regional and international policy of preventing sexual abuse, combating prostitution and child pornography, pimping, exploitation of children and their sale and domestic and international trafficking for commercial purposes.
  - Pillar IV. Prevention. Protection. Objective: To develop programs and projects for preventing any type of sexual abuse, in any environment, the involvement of children in prostitution, pornography and pimping, as well as in the sale and domestic and international traffic for commercial purposes.
  - Pillar V. Rehabilitation and social reintegration. Objective: To develop a coherent, unitary, functional system of services, at national / local level, for the rehabilitation and social reintegration of abused and/or sexually exploited children/adolescents.
  - Pillar VI. Evaluation. Monitoring. Objective: To develop a system for assessing and monitoring the cases of child sexual abuse and sexual exploitation.
  - Pillar VII. Children's participation. Objective: To stimulate and encourage the active participation of children in social life, to consult them in connection with the issues concerning them and to support their free expression of their own opinion.
23. Several measures are worth mentioning, such as:
- (a) Harmonizing the legal framework with international standards;
  - (b) Hearing procedures to be introduced in legislation and valid for social assistance, police and prosecution, in accordance to international conventions;
  - (c) Creation and updating a database;
  - (d) Approval of code of conducts in order to prevent sex tourism.

**(f) The National Action Plan for the elimination of child labour 2004-2007**

24. The Plan, approved through G.D. no. 1769/2004, had four main objectives:
- Objective 1: Developing the institutional capacity of the structures with responsibilities in the field of preventing and combating the exploitation of children through labour;
  - Objective 2: Developing direct action programs aimed at preventing the premature involvement of children in the labour market and their withdrawal from labour, as well as for the rehabilitation and social (re) integration and the (re)integration in education of working children;
  - Objective 3: Informing, raising awareness and mobilizing society for preventing and combating the exploitation of children through labour;
  - Objective 4: Developing national policies related to preventing and combating the exploitation of children through labour.
25. Certain measures are still in place nowadays, such as:
- (a) Establishing a monitoring mechanism for child labour;
  - (b) Establishing a list with the hazardous child labour;
  - (c) Establishment of the Intersectoral County Teams (ICT) for the prevention and combat of child labour;
  - (d) Establishment of a Child Labour Unit within the ANPDCA.
26. Romania also has dedicated National Plans for fighting against the traffic of human beings:
- (a) Through Order no. 1216/2001, the National Plan for fighting against the traffic of human beings was drafted. The Plan aimed at building the awareness of the population regarding the danger posed by THB, and at setting conduct codes for the national workers in the field;

(b) G.D. no. 1,654/2006 regarding the approval of the National Strategy against human trafficking for the period 2006–2010;

(c) G.D. no. 1,720/ 006 on the approval of the National Action Plan 2006–2007 for implementing the National Strategy against trafficking in human beings for the period 2006–2010;

(d) G.D. no. 982/2008 on the approval of the National Action Plan 2008–2010 for the implementation of the National Strategy against Trafficking in Human Beings for the period 2006–2010;

(e) G.D. no. 1,142/2012 on the approval of the National Strategy against trafficking in human beings for the period 2012–2016 and of the National Action Plan 2012–2014 for the implementation of the National Strategy against trafficking in human beings for the period 2012–2016;

(f) G.D. no. 475/2015 for the amendment and completion of the Government Decision no. 1,142/2012 on the approval of the National Strategy against trafficking in human beings for the period 2012–2016 and of the National Action Plan 2012–2014 for the implementation of the National Strategy against trafficking in human beings for the period 2012–2016 (approval of the National Action Plan 2015–2016);

(g) G.D. 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;

(h) G.D. no. 1064/2021 for amending and supplementing the G.D. 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 approved the National Action Plan for the implementation of the National Strategy against trafficking in human beings for the period 2021–2022.

27. In order to carry out the activities in the Action Plans and to ensure the achievement of the objectives of the Strategy 2018–2022, a Monitoring Committee for the implementation of the Strategy was set up. It is composed of representatives at the decision-making level of the institutions involved (secretary of state, inspector general, director) and is coordinated by a state secretary from the Ministry of Internal Affairs. The secretariat of the Committee is provided by the National Agency against Trafficking in Persons.

28. The “Governmental Strategy for protecting children in difficulty 2001–2004”, as well as the G.D. no. 860/13.08.2008 for approving the National Strategy for protecting and promoting the rights of the child for 2008–2013 and the G.D. no 1113/2014 for approving the National Strategy for protecting and promoting the rights of the child for 2014–2020 and their implementation plans, also sought to protect victims of trafficking of underage persons. They contained specific measures, for various ministries, for combatting this phenomenon and provide security and protection to this category of children.

29. The Romanian authorities, under the coordination of ANES, elaborated the National Strategy for preventing and combating sexual violence “SYNERGY” 2021–2030<sup>4</sup>. The “SYNERGY” includes more measures that directly tackle sexual violence and gender based cyber violence. Thus, the internal legal framework will be improved in order to ensure an adequate and adapted response to this issue, taking into account the prevalence of this type of violence. The above-mentioned Strategy, as a first ever-integrated initiative in this area, will set up new opportunities for the development and enforcement of the legal provisions. The Strategy is aligned with the provisions of the Istanbul Convention, ratified by Romania in March 2016, through Law 30/2016. Romania realized an ambitious and comprehensive reform of domestic violence legislation and consistently taken steps achieving the

<sup>4</sup> Approved through the G.D. no. 592/2021 for approving the National Strategy for preventing and combating sexual violence “SYNERGY” 2021–2030 and the Action Plan for the implementation of the National Strategy for preventing and combating sexual violence “SYNERGY” 2021–2030.

implementation of the Istanbul Convention provisions. For ensuring the compliance with the Istanbul convention, the Romanian authorities adopted Law no.217/2003 for the prevention and combating domestic violence, republished, and the Law no. 202/2002 on equal opportunities and equal treatment for women and men, with subsequent amendments and supplements, as well as other several secondary and tertiary normative acts.

### **C. Governmental bodies with primary responsibility for the implementation of the OPSC**

30. Several ministries, authorities or institutions share the responsibilities for the protection of the child and his or her rights. ANPDCA is the central authority in the field. Its responsibilities range from promoting and protecting children's rights, drafting the national and strategic framework in this field, to coordinating and monitoring the implementation of the UN Convention on the Rights of the Child and its Optional Protocols ratified by Romania, at national level.

31. ANPDCA's functions of governance, coordination and control of the child protection activities aim at ensuring a uniform state policy regarding children. It also provides methodological management and controls the specialized departments for child protection of the DGASPCs.

32. ANITP<sup>5</sup> evaluates and monitors, at national level, the activity carried out in the fight against THB, carries out activities and campaigns in the field and fulfills the role of national rapporteur.

33. Regarding this matter, DIICOT<sup>6</sup>, pursuant to the provisions of the Government Emergency Ordinance no. 78/2016, exclusively carries out criminal prosecution for the following offenses: trafficking of underage persons, as provided by art. 211 of the Criminal Code, and child pornography, as provided by art. 374 of the Criminal Code.

34. Following the recommendations of the U.S. Government's Trafficking in Persons Report for 2020 and of the OSCE Special Representative and Coordinator for Combating THB, and with the view of harmonizing these recommendations with the provisions of the Law no. 678/2001, the Romanian authorities deemed as necessary to establish a specialized service in combating THB – including underage persons – within the Section for fighting organized Crime of the DIICOT.

### **D. Data collection**

35. Exchange of data related to protecting children against any form of abuse or trafficking of underage persons is a common procedure among the public institutions at central level, which, depending on their specific responsibilities and areas of intervention, may collect data on these issues. The number of children victims of various forms of abuse, trafficking or neglect that are registered, and instrumented by the local DGASPCs, are part of the data collected at central level (see annex I). In this respect, depending on the particularity of each case, children are offered specialized services, such as counselling, psychological and emotional support, or if the case, protection within the special protection system, if keeping them within their family is no longer in their best interest.

36. At national level, ANPDCA periodically collects data from the local DGASPCs on various aspects related to children's rights. ANITP and the General Prosecutor's Office or the Police collect their own data, based on their specific competencies and areas of intervention.

---

<sup>5</sup> Established through Government Decision no. 1584/2005, the Agency functions under the Ministry of Internal Affairs. Currently, the Agency is organized and operates according to Government Decision no. 460/2011, with subsequent amendments and supplements.

<sup>6</sup> Specialized structure within the Public Ministry – Prosecutor's Office attached to the High Court of Cassation and Justice, established through Law no. 508/2004, with subsequent amendments and supplements.

37. Since 2007, an Integrated System for Monitoring and Evaluating the Victims of THB was established. The System is a complex database administrated by ANITP, allowing specialists and those responsible with policymaking in the field of combatting the traffic in human beings to follow, monitor and evaluate this phenomenon from a victim's perspective.<sup>7</sup>

## E. Dissemination of the OPSC and training

38. Issues related to the training of professionals have been, and remained, a constant concern. PÎCCJ and DIICOT have been developing projects (with national founding or with EU financial support) aimed at training public servants involved in the legal proceedings related to cases of THB (police officers, the prosecutors or judges prosecuting/solving trafficking in human beings/underage persons-related cases).<sup>8</sup>

39. As part of the continuous training program, the Romanian prosecutors took part in various seminars on combatting child-related crimes, such as: "Justice for minors" (May 11–12, 2015, Bucharest), "The hearing of minors and interaction with minors in judicial procedures" (June 23–24, 2016 and June 26–27, 2017, Bucharest), "Justice for minors – civil aspects" (October 10–11, 2019 and November 5–6, 2020, Bucharest), "Justice for minors – criminal aspects" (November 18–19, 2019, Bucharest), "Consideration on the reinsertion of the minor's family from third states in the EU" (December 7, 2020). DIICOT also organized course on "Online investigations" for prosecutors and police officers of the Combating Organized Crime Directorate (March 1–2, 2018; 20 participants) and a training course for prosecutors from the central and territorial structures and judicial police officers (April 25–27, 2018; 40 participants)<sup>9</sup>.

40. For ensuring the efficiency of the network of prosecutors specialized in instrumenting cases with minors (see para 59), the PÎCCJ organized, in 2019, three training sessions (Bucharest, Cluj-Napoca and Iași), with the support of the Embassy of France in Romania, which ensured the presence of a French magistrate at each training session.

41. The relevant Romanian authorities are constantly seeking to strengthen the activity of prosecutors in the field; for example, the fiche of a project "Protecting victims of crime", financed through the Norwegian Financial Mechanism 2014–2021 is currently under negotiation. The project seeks to create a proper framework so that victims of crime can benefit from a more effective and efficient justice system, without any revictimization. In this regard, the project aims to improve: the support and protection of victims of crime by state authorities involved in this process; the professionalism of those called upon to deliver justice as a public service; the cooperation and coordination among all actors, prosecutors and specialists of the DGASPC; the communication with victims and the infrastructure dedicated to hearing the victims of crime, providing a safe environment for them.

42. DIICOT prosecutors take part in the continuous training programs organized by the National Institute of Magistracy not only as participants, but also as trainers. In 2020, for example, within the project "Justice 2020: professionalism and integrity", the three training activities in the field of trafficking of human beings were organized (March, September and November); 20 judges and prosecutors as beneficiaries per activity.

43. "PRO LEGE", the magazine edited by the Public Ministry, encompasses studies, articles, comments and analyses of legislation and jurisprudence. Over time, the exploitation

<sup>7</sup> National Agency against Trafficking in Human Beings – National report on the evolution of trafficking of persons in 2016.

<sup>8</sup> The activities (developed or envisaged) concern: training-victim hearing techniques for each phase of the criminal proceedings for subcategories (children, underage, disabled persons, etc. – psychological aspect of statement, interpretation of nonverbal communication), issue approach, complex case management, coordination, investigation plan, creation of the complex team, role assignment, analysis of efficiency/effectiveness of ordered measures, risk management, result analysis, lessons learned, time management, theoretical and practical elements, exercises, tests, work with human information sources specific for THB, evidence gathering within the Joint Investigation Teams (advantages/limitations), evidence gathering techniques and methods of transfer among the involved states, within the cross-border THB cases.

<sup>9</sup> The course was transmitted live or through videoconference to all the Territorial Services of DIICOT.

of minors and the implementation of the UN Convention on the Rights of the Child and the OPSC were subjects for various articles.

44. ANPDCA, in partnership with Association e-Liberare and the Embassy of the United Kingdom in Romania implemented a Training Program on trafficking in human beings and the impact of trauma in victim assistance. Over 300 specialists from the DGASPCs were trained during eleven training sessions organized in various regions during October–December 2020.

45. In order to streamline the efforts in the fight against THB, especially in terms of improving the ability to early detect and identify the victims, as well as to assist them, during 2015–2020, ANITP organized and supported approximately 900 information and training sessions for specialists who come into contact with victims/potential victims of THB. Over 20,000 specialists benefitted from the above-mentioned sessions (community police, police, public order and judicial police, border police, gendarmes, teachers and school inspectors, psychologists, social workers, placement center workers, educational counselors, medical staff, community mediators, priests, town hall representatives, military personnel, volunteers).

46. Regarding the training of education professionals, the ME provides teachers with opportunities to participate in accredited training courses and continuous professional development activities on topics of interest, which also address the areas covered by the OPSC, as well as other related fields. Thus, during the reporting period, 13,477 pre-university teachers participated in training courses on topics belonging to the thematic fields “Education for children’s rights, bullying and domestic violence”. At the same time, teachers benefit from specific training in the field of human trafficking prevention. For example, between January 2018 and December 2020, the ME organized 1,289 teacher training sessions, attended by 13,540 teachers, on how to carry out information activities regarding the consequences of THB, dedicated to parents and children.

## **II. Prevention (art. 9, para. 1 and 2)**

### **A. Legal and institutional framework**

47. Since 2000, Romania initiated a wide reform of the child protection system. Along measures aimed at improving the living conditions experienced by children in the special protection system, the national framework regarding the child’s rights was subject to a careful review and transformation.

48. During the last few years, preventing revictimization of minors has been a priority of the crime prevention policies. For 2021, another priority was added, concerning the prevention of sexual exploitation and sexual abuse of minors.

49. Law no. 196/2003 aims at limiting the broadcasting of materials with a pornographic character that may harm the human dignity and the public morals and establishes a general framework laying down the conditions in which activities that involve programs with an erotic character can be carried on. It establishes a number of measures for preventing and combating pornography in order to protect a person’s dignity and the public morality and forbids the access/participation of minors to such activities that may affect their development and their health.

50. Law no. 106/2020 for modifying and amending Law no. 217/2003 on preventing and combatting domestic violence added cyber violence to the sphere of domestic violence (covering physical, sexual, psychological, economic, social and spiritual violence). According to the supplement brought to Art. 4, the newly introduced let. h) states that cyber violence means “online harassment, online gender-based hate speech, cyberstalking, online threats, the non-consensual publication of intimate information and graphic content, illegal access to interception of communications and private data and any other form of misuse of electronic information and communications via computers, smartphones or other similar devices that use telecommunications or can connect to the internet and can transmit and use

social or e-mail platforms for embarrassing, humiliating, frightening, threatening or silencing the victim”.

51. In 2020, ANPDCA and ANITP signed a Protocol of cooperation for carrying out joint preventive actions in the field of trafficking of underage persons. In order to carry out activities to prevent human trafficking and to facilitate the assistance of victims of this phenomenon. For implementing the measures set out in the Protocol, ANITP and ANPDCA have established the following joint actions: regular meetings to assess the opportunities and directions for joint action / intervention to raise public awareness and to increase the expertise of professionals in the field of THB; setting up joint emergency response teams to refer and assist victims of THB; operative exchange of information on child trafficking cases.

52. Also in 2020, ANITP and DIICOT signed a Joint Measures Plan<sup>10</sup> for fighting trafficking of human beings/ underage persons. The Plan aims, in particular, to exchange good practices and to develop activities and complex training and information sessions for the main beneficiaries of the anti-trafficking message (children aged 8 to 18 years old from educational units and specialists involved in the fight against trafficking of human beings, which may interact directly with the victims/potential victims).

53. The specific objectives of the Plan are:

- (a) Raising the vulnerable person’s awareness on trafficking of human beings;
- (b) Informing and sensitizing the population regarding the risks and implications of trafficking of human beings;
- (c) Informing specialists involved in preventing and combatting trafficking of human beings about the magnitude and shapes this phenomenon may take.

54. An Automated National Registry of persons who have committed sexual offenses, exploited persons or minors was established through Law no. 118/2019 and became operational in July 2021. Its aim is to support furthermore the fight for preventing and combatting the sexual and exploitation offences sanctioned by the criminal law, as well as for avoiding the risk of recurrence.

## **B. Awareness campaigns and other measures**

55. During the reporting period, the Romanian authorities carried out a significant number of awareness raising and sensitization campaigns related to the issues covered by the OPSC, both at local and national level, in cooperation with non-governmental organizations, civil society, international organizations, mass media or the private sector.

56. Sometimes, prevention campaigns and awareness activities implemented by the public authorities were carried out in cooperation with non-governmental organizations, civil society or the private sector.

57. Since their establishment, ICTs have been implementing preventive activities, including awareness campaigns. Until 2011, the activities were aimed at preventing child labour and, following this year, at all forms of violence. The preventive activities began to be centralized by ANPDCA starting with 2012, after the approval of the G.D. no. 49/2011, according to which the ICTs must submit, annually, reports to ANPDCA; the data collection and centralization mechanism has been improving ever since. The main types of activities are the following:

- (a) Celebration of international days – for example, related to OPSC, Internet safety day (February 9th), International day of missing children (May 25th), World day against child labour (June 12th), International day against sexual exploitation and trafficking in women and children (September 23rd), European day against trafficking in human beings (October 18th), World day for the prevention of child abuse (November 19th);

<sup>10</sup> Due to the measures adopted by the Romanian authorities for containing and preventing the spreading of the SARS-CoV-2 (states of emergency and subsequent states of alert), some of the activities have been postponed for when the state of alert is lifted.

- (b) Information of children, teachers and parents organized in schools;
- (c) Information of children, professionals and public organizations in communities;
- (d) Professional training for professionals interacting with children from the member institutions in ICT.

58. In 2012 there were reported 80 preventive activities, 58 in 2013, 122 in 2014, 301 in 2015, 228 in 2016; 256 in 2017 in 40 counties and 5 sectors of Bucharest; 465 in 2018 in 37 counties and 4 sectors, with 575,886 beneficiaries out of which 311,312 children; 511 in 2019 in 32 counties and 4 sectors, with 1,207,036 beneficiaries out of which 915,532 children: 85 for trafficking in human beings, 50 preventive activities for child labour, 46 for online violence, 4 for child pornography through internet and 1 for child pornography; 623 in 2020 in 35 counties and 2 sectors, with 837,376 beneficiaries out of which 608,904 children: 74 preventive activities for trafficking in human beings with 39,870 beneficiaries out of which 32,837 children in 27 counties, 49 for internet violence with 69,918 beneficiaries out of which 62,777 children, 19 for child labour with 7,348 beneficiaries out of which 6,634 children and 5 for sexual exploitation with 293 beneficiaries out of which 264 children.

59. The Institute for Crime Research and Prevention from the General Inspectorate of the Romanian Police developed and implemented projects in the form of programs of prevention. Over time, the programs included information, sensitization and awareness raising actions, as well as activities aimed at strengthening the institutional capacity by forming and training specialists.

60. In 2003, ICRP carried out a series of activities<sup>11</sup> as part of a larger program for preventing trafficking of human beings, women and children. The purpose of the program was to strengthen the institutional capacity for intervening in reducing this phenomenon through by training specialists (police officers, professors, journalists, priests) for preventing the different manifestations of trafficking of human beings and developing their abilities to identify and solve situations that may lead to traffic. Simultaneously, a network of regional cooperation between authorities, non-governmental organizations, churches, international agencies and mass media was established. One of the main results of the program was the elaboration of the guide on “Preventing the Trafficking of Women and Children”.

61. A nation-wide project for preventing and fighting sexual abuse against minors, implemented by IGPR in 2006, was aimed at reducing the risk of victimization of underage children, by performing analysis and mapping the areas where such crimes were committed. During the project, preventive-educational activities were organized in educational units, while Protocols of cooperation were concluded with local institutions and non-governmental organizations for the realization of efficient activities and stimulating the responsibility of all institutions with prerogatives in the field.

62. Based on the protocols of collaboration closed between the county police inspectorates and the institutions with prerogatives in the field, a system of collaboration and assistance of victims of such crimes was implemented, taking into account the particularities of each case. In 2020, ICRP implemented, at national level, several projects in the field of juvenile delinquency prevention and victimization of minors: the “Tedi Safety School”<sup>12</sup>;

<sup>11</sup> International Seminar “Trafficking in Human beings in the South-Eastern European region” March 19–23 March, 2003, Bucharest); four seminars on the means of prevention of trafficking of women and children (targeting police officers, priests, local authorities, mass media and non-governmental organizations); “Trafficking in human beings – a social risk” (the Local Council of the 1st district, 1, June 11, 2003); “Mass-media against trafficking in human beings” (June 25, 2003); “Traffic in human beings – a social danger” (July 3, 2003, Mangalia); “Further information-a lower risk” (November 3–4, 2003, Jilava).

<sup>12</sup> In partnership with the Ministry of Education and Maspex Romania; aimed to increase the safety of children, by informing them about potential dangers and by providing solutions, using age-adapted methods; over 39,600 beneficiaries from all over the country in the 2019–2020 school year. Following the restrictions aimed at containing the SARS-Cov-2 pandemic, most of the activities took place online.

“Summer on the street”<sup>13</sup>; “No discrimination!”<sup>14</sup>. In addition, the ICRP and the territorial structures of analysis and crime prevention undertook over 8,000 preventive-educational activities targeting minors on: juvenile delinquency (62,262 minors as beneficiaries) and child victimization (111,573 minors as beneficiaries). In collaboration with ANITP, a number of 25,030 minors have been informed in the field of prevention of THB.

63. The activity of preventing THB carried out by ANITP aims to cover a wide spectrum in terms of the manifestations of this phenomenon (sexual exploitation, labor exploitation, forced begging) and to attract new partners; the focus on the message related to the risks and implications associated with human trafficking represents the element of unity and of coherence. In this regard, prevention campaigns aim mainly at raising public awareness regarding THB and a direct interaction with the target groups by providing the population with the necessary information to avoid dangerous situations, as well as with useful recommendations for cases when the actual trafficking and exploitation has already taken place. Equally, ANITP’s efforts are aimed at discouraging and reducing the demand that favors human trafficking.

64. Human trafficking prevention campaigns are adapted to the local and regional specifics of trafficking, as well as to the various types of exploitation, constantly taking into account the particularities of the target groups, recipients of the anti-trafficking message (vulnerable categories, public, people entering in contact with victims/potential victims of human trafficking etc.).

65. The anti-trafficking messages related to the preventive actions carried out by the ANITP are sent during direct meetings with representatives of target groups, but also through the most used channels / means of communication and promotion (campaign materials, plays, film, audiovisual press, written and online press, social networks etc.). The Tilverde line was also an important method of informing about trafficking in human beings, especially in terms of working conditions abroad, employment contract, the role of recruitment agencies, transport to destination states, avoidance issues and exit from traffic situations.

66. The preventive measures of the ANITP are consistent; for example, during 2007–2020, the Agency and its partners carried out, within the campaigns/projects implemented at national/local/regional level, over 20,000 prevention activities, with approximately 1,600,000 direct beneficiaries.

67. Most of the prevention activities were implemented in pre-university educational establishments, targeting children and youngsters from primary and secondary levels, as well as high school level. For example, only in 2020, sixty-three such projects were organized in cooperation with various educational establishments.

68. Among the most important preventive activities in the field of trafficking of human beings, which had minors as their main or secondary target group, carried out by ANITP in 2020, were: “Where begging begins, childhood ends”; “Ask for help, don’t beg!”; “Happy little hands, NOT tormented little hands!”; “Give him/her freedom! Do not pay for his/her exploitation”;<sup>15</sup> “Tear down this wall of... indifference!”; “Inform yourself to be protected!”; “Be safe online”; “Choose your online friends wisely”; “Real friends, not on the internet”; “Don’t ignore the invisible... girl! Her story can become your story too!”; “Healing words”; “Human Trafficking Prevention Week”;<sup>16</sup> promoting the video-animation of the campaign “Are you a victim of trafficking in human beings? You have rights!”;<sup>17</sup> three videos on

<sup>13</sup> July 20–August 7, 2020; aimed to increase the level of information of children participating in the creative camp at the Village Museum “Dimitrie Gusti” Bucharest, by conducting interactive activities, discussions and games on preventing the victimization of minors during the holidays; over 60 beneficiaries.

<sup>14</sup> In partnership with the National Council for Combating Discrimination; aimed to increase the awareness on anti-discrimination and on the prevention of hate crimes; 260 actions carried out; approx. 8,500 beneficiaries (minors, teachers, parents, social centers staff etc.).

<sup>15</sup> Part of the project “Reducing the amplitude of trafficking in human beings through a better information of the citizens”.

<sup>16</sup> Organized with the occasion of the EU Anti-Trafficking Day (18 October). Preventive activities were held both offline and online.

<sup>17</sup> Based on the data provided by a national TV station, the animation reached 3.297.000 beneficiaries.

trafficking in human beings made by two well-known Romanian vloggers (Atenție Cad Mere and Doza de Cultură Generală) with 1.000.000, respectively 420.000 followers on their YouTube channels.

69. During 2019-2020, ANITP cooperated with E-Romnja Association (Association for promoting Roma women's rights) on the issue of sexual exploitation and sexual abuse. Two seminars were organized in Bucharest (December 2019) and Giurgiu (March 2020) on issues such as violence (violence against Roma women and girls, domestic violence), culture, traditions, early or forced marriage, discrimination and ECtHR jurisprudence.

70. Furthermore ANITP and the Directorate for Combating Organized Crime,<sup>18</sup> the Romanian Border Police, eLiberare Association and INCA Romania Association organized preventive actions at the border, as part of the common action plan EMPACT – Joint Action days on THB – Child Trafficking for Labor Exploitation: 14–18.09.2020 – Joint Action days at European level/EMPACT Joint Action days on THB for Labor Exploitation and 05–09.10.2020 – Joint Action days at European level/EMPACT Joint Action days on THB – Child Trafficking for Labor Exploitation.

71. In line with the provisions of Law no. 272/2004, teachers are obliged to report to the public social assistance services or to the DGASPCs the cases of ill-treatment, abuse or neglect of children, thus contributing, indirectly, to the prevention of trafficking of underage persons. In order to ensure the application of the provisions of Law no. 272/2004 by teachers and other stakeholders in the field of education, in 2005, the ME sent a circular letter concerning the activities to be carried out by school inspectorates and schools for presenting and organizing debates regarding this law.

72. Regarding ME's contribution to the reintegration of THB victims, these are supported to continue their studies, ensuring at the same time their confidentiality, though a Confidentiality Agreement signed by the beneficiaries and the school representatives. Within the school establishments, the victims who have chosen to continue their studies, as well as their families, also have the possibility to receive counselling sessions at the psycho-pedagogical assistance offices.

73. From a curricular perspective, the education for preventing THB and trafficking of underage persons is approached either explicitly as a distinct topic, or in an integrated manner, within more general topics, such as child's rights/human rights, the prevention and combat of violence, the acknowledgement of potential risk sources and of behaviors when confronted with risk situations.

74. Concretely, issues related to the prevention of THB/ underage persons are approached within the following school disciplines in pre-university education: "Counselling and guidance", "Counselling and personal development", "Civic education" (primary education), "Social education" (lower secondary education), "Philosophy" (high school). The topic is also covered within the optional discipline "Health education", offered at national level and taught at primary and secondary level, as mentioned in paragraph 59.

75. At the beginning of the school year, in each county, the school inspectorates (in collaboration with the schools/educational establishments, the County Centre for Educational Resources and Assistance and other stakeholders, such as the County Police Directorate – Prevention Department, the County Directorate of Public Health and representatives of the civil society active in the field of human trafficking prevention), elaborates a prevention strategy, which also includes a calendar of activities to be carried out in schools. It is estimated that every month, between 2 and 3 prevention campaigns are organized at county level, with the participation of 200–400 students and teachers.

76. For the reporting period, the annual number of direct beneficiaries of the prevention activities carried out at national level can be estimated at approx. 150,000 students and 7,000 teachers. The types of activities organized include information campaigns, debates, practical exercises regarding the identification of potential victims, round tables (e.g., with guests from the International Organization for Migration), photos, drawings, caricature

<sup>18</sup> Specialized structure of the Romanian Police.

exhibitions and contests, screenplay competition, screening of videos, distribution of informative materials at sports and artistic events etc.

77. Regarding the extracurricular activities, various actions are organized to warn students and their parents about the risks of THB and about the signs that may lead to the identification of potential traffickers (e.g., case studies, research, meetings with specialists, debates, etc.). Particular attention is paid to this issue in counties where many parents work abroad, leaving their children in the care of other persons, including family members.

78. From a quantitative point of view, between January 2018 and December 2020, 3,563 activities were carried out consisting of campaigns, projects, and prevention initiative, in addition to the dissemination of 52,635 information and prevention materials, which reached 330,450 beneficiaries. In addition, 8,276 information and counselling activities were organized for parents and students on the consequences of human trafficking (226,371 beneficiaries) and 10,750 non-formal education activities for pre-university and university students were carried out with the participation of 308,757 young people.

79. In order to ensure the necessary collaboration framework with governmental and non-governmental partners, the educational establishments and the school inspectorates 1,411 collaboration protocols/partnerships with governmental institutions and 683 protocols and partnerships with NGOs/civil society associations.

80. The ME also cooperates with the media for promoting messages aimed at informing the public about human trafficking/trafficking of underage persons. For example, between January 2018 and December 2020, 313 articles were published in the written press, 154 television or radio shows were broadcasted in this respect, in addition to 512 video/radio spots.

81. Furthermore, the ME has been running nationwide programs aimed at ensuring the well-being of children and young people, the development of healthy behaviors, personal development and the prevention of risk situations and behaviors, including those related to human trafficking, violence, sexual abuse, pornography and prostitution. The relevant programs include the “Health Education in the Romanian School National Program”, launched in 2002 and the “Democratic Citizenship Education National Program”, launched in 2003.

82. Through the “Health Education in the Romanian School National Program”, the optional subject “Health Education” was introduced at all pre-university education levels (primary, secondary and high school levels). The topics of this subject are also addressed within extracurricular activities, in view of fostering responsible attitudes among students regarding their own health and the health of others. Depending on the level of education/grade to which it is intended, the subject addresses issues related to sexuality, responsible sexual behavior, domestic violence, and adults’ abuse on children, sexual violence, sexual abuse, human trafficking, pornography and prostitution.

83. Approximately 500,000 students study the optional subject “Health Education” every year, while the number of pupils included in the program, by attending school and extracurricular activities, is approx. 1,800,000.

84. The “Democratic Citizenship Education National Program” explicitly targets the trafficking phenomenon and in this regard the issue of preventing and combating THB is constantly approached in distinct chapters throughout the pre-university levels of education (grades I-XII). Currently, the Program is implemented in 1500 schools/ educational establishments, both in urban and rural areas. In addition, the ME has developed programs to inform parents about the consequences of the THB phenomenon (e.g., in the project “Parent Education”, carried out in partnership with UNICEF Romania).

85. For ensuring the proper implementation of the two above-mentioned national programs mentioned, teachers participate in specific training courses, which also address topics related to the OPSC.

86. Another relevant project, carried out between 2008 and 2011 is the “Inclusive extracurricular educational offers for the development of a healthy lifestyle and active citizenship for children from disadvantaged communities, especially rural ones, in the

pre-university education in Romania”. Within this project, extracurricular educational offers were developed and specific activities for children were organized, along with training courses for teachers and local decision-makers on topics related to a healthy lifestyle, in addition to the organization of holiday camps dedicated to healthy living. These activities aimed at developing values, attitudes and behaviors in the spirit of a healthy and a civically responsible life.

87. The Centers for Educational Resources and Assistance (CERA), functioning at country level and in Bucharest, play an important role in supporting children and young people who encounter difficulties in the educational process for various reasons. These Centers provide specialized educational services such as psycho-pedagogical assistance with a defining role in ensuring the optimal and successful integration of children in pre-university education, including preschoolers and students, potential victims of trafficking of underage persons, child prostitution and child pornography.

88. The role of CERAs specialists is to facilitate the equal access of all children to quality education by preventing situations that would obstruct the realization of the individual’s full potential, to remedy behaviors, undesirable attitudes, learning or behavioral disorders. CERA school counsellors can organize individual or group counselling activities for preschoolers/students, teachers and parents, can develop psycho-sociologic studies, including, for example, on the sale of children, child prostitution and child pornography, can deliver optional courses aimed at students’ personal development within the curriculum at the school’s decision, as well as specific programs (such as programs to prevent human trafficking<sup>19</sup>) in extracurricular activities. In this respect, school counsellors collaborate with teachers, as well as with other specialists, educational institutions, or community representatives.

89. Furthermore, to prevent trafficking of underage persons, prostitution, pornography and other types of child abuse, each CERA carries out activities, webinars, educational programs and projects, annual prevention campaigns (including, on the occasion of the European Day Against Human Trafficking on October 18), in partnership with the school inspectorates, police inspectorates, Regional Centers of ANITP, DGASPCs and non-governmental organizations.

90. Since 2017, the Ministry of Education has been one of ANITP’s partners for implementing the project “Reducing the amplitude of human trafficking through better informing the citizens”, together with the MFA, the Ministry for Romanians Abroad, the Ecumenical Association of Romanian Churches – AIDRom, World Vision Romania Foundation and e-Liberare Association.

91. With a duration 36 months, the project was financed by the Fund for Internal Security, the Component for Police Cooperation. The general objective of the Project was to increase the level of information and awareness of the general population and of the risk groups regarding the implications of THB. Within the project, information campaigns were developed in order to reduce the demand and supply offer associated with all forms of exploitation (forced labour, sexual exploitation and beggary), combat stereotypes and prejudices targeting victims of THB and increase the involvement of opinion multipliers in prevention activities.

92. Between 2005 and 2006, the Alternative Sociale Association, in partnership with the ME and the International Labor Office, implemented the project “Youth Centers for reducing the vulnerability to trafficking and for the reintegration of children, victims of human trafficking in Bucharest and three other counties (Iasi, Botosani and Giurgiu)”. Within the project, 14 youth centers were established in Bucharest, Giurgiu, Iași and Botoșani counties, carrying out information and education activities in view of countering youth’s vulnerability to trafficking and to other forms of child exploitation.

<sup>19</sup> For example, CERA Sălaj implements the Project on the Prevention of Trafficking in Persons *I am not for sale!* (2020–2021), mainly dedicated to students aged 14 to 19 from Sălaj County, as well as to the local population. The project activities aim to inform the general population about the extent and causes of human trafficking, and also to popularize ways of reducing the risk of victimization through human trafficking.

93. Since 2004, Save the Children Romania, in collaboration with the Institute for Crime Research and Prevention, the Romanian Hotel Industry Federation and the National Association of Tourism Agencies, have been conducting the project “Public-Private Cooperation in the Prevention of Trafficking and Sexual Exploitation of Minors in the Travel and Tourism Industry”, to encourage the adoption and implementation of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. In May 2005, the Code was signed by Sofitel (Accor) and Golden Tulip Hotels, the Romanian Hotel Industry Federation and the National Association of Tourism Agencies, on behalf of their members (more than 800). In the framework of this project, 5000 posters and a manual were processed for the instruction of the personnel from the hotel chains Sofitel and Golden Tulip.

94. Accor Hotels Romania and Federation of NGOs for children (FONPC) signed another Code of conduct for the protection of children from sexual exploitation in travel and tourism in 2016. Romania was part of a project addressed to the prevention of child sexual abuse, implemented by FONPC during 2016–2017.

95. Through the national helpline dedicated to domestic violence, gender equality and THB (0800 500 333) callers were provided with information on multiple current topics, such as: domestic violence, human trafficking, sexual exploitation etc.). Moreover, in 2020 four training sessions were organized for the call-center operators. Held by specialized professionals from the eLiberare Association, the training sessions focused on key issues for potential service beneficiaries provided through the helpline: trauma and how victims of abuse are affected by, cultivating and developing resilience, self-care plans and healthy limits in relationship with beneficiaries, THB (introductory notions, general concepts, national and international statistics, detection and notification of human trafficking).

96. Ex officio, the Child’s Ombudsman commenced, through specific procedural means, investigative actions in each DGASPC from the 41 counties of Romania and 6 districts of Bucharest which have in their structure residential services or foster care networks where children can be placed under a special protection measure, according to Law no.272/2004. Its conclusion and recommendation were recorded in the “Special Report on the outcome of investigations conducted by the People’s Advocate in connection with the prescription of psychotropic substances for children in residential centers”.

### **III. Prohibition and related matters (arts. 3, 4, paras. 2 and 3, 5, 6 and 7)**

97. Art. 49 para. 3 of the Constitution prohibits “the exploitation of minors, their engagement in activities that may be harmful to their health, or morals, or might endanger their life and normal development.”

98. The Order of the Ministry of Justice no. 1.806 of July 2, 2004, with provisions completed by Decision no. 269 of July 6, 2005 of the Romanian Superior Council of Magistracy, established a network of specialized judges (56 judges, one judge from each Court of Appeal and tribunal) for solving the causes of traffic of human being. The network was notified to the European Commission, Eurojust, European Council, United Nations Organization and the international bodies with prerogatives in the field.

99. Order no. 32/07.04.2014 of the General prosecutor of PÎCCJ allowed the designation of some prosecutors specialized in instrumenting cases with minors. Order no. 294/2018 of the General Prosecutor of PÎCCJ, established a network of prosecutors, specialized in instrumenting cases with minors (one prosecutor from each Office attached to a court, a military prosecutor from the Military Prosecutor’s Office attached to the Bucharest Military Court and prosecutors from DIICOT). Currently, the prosecutors are designated based on the provisions of Order no.12/22.01.2021.

100. Law no. 272/2004 stipulates the rights, the principles and the specific measures for child protection. According to its provisions, the national child protection system functions based on principles such as respecting and promoting with priority the “best interests of the

child”, ensuring the protection of the child against abuse, neglect, exploitation or any type of violence, and respecting the dignity of the child (art. 6).

101. Law no. 272/2004 also details the role of the central and local authorities and the ways in which these bodies should interact for carrying out child protection activities, as well as the ways in which non-profit legal entities and natural persons can participate in such activities. According to art. 1, para. (2), “public authorities, private authorized bodies as well as all natural or legal persons responsible for child protection should respect, promote and guarantee the children rights as established by the Constitution and the law, in accordance with the provisions of the UN Convention on child rights (...) as well as all the other international acts in the field to which Romania is party”.

102. Art. 36 para. 7 identifies trafficking of underage persons as a crime that leads to deprivation of parental rights, if a parent is found guilty of such an offence. Thus, according to art. 36, para. (7) “it is considered a sufficient reason for a Court to decide the exercise of parental right by only one of the parents (...), any conviction for crimes related to acts of trafficking in persons (...), or any other reason related to any risks for the child, which derives from the exercise of the parental rights of the parent in question”.

103. Art. 27 of Law no. 272/2004 grants the child the right to have his public image and intimate, private and family life protected and forbids “any action that may affect the child’s public image or his/her right to an intimate, private and family life”.

104. Chapter VI of Law no. 272/2004 is dedicated to the protection of the child against abuse, neglect, exploitation and any other form of violence. Art. 89 para. 1 enshrines the right of the child to be protected “against abuse, neglect, exploitation, traffic, illegal migration, kidnap, violence, online pornography, as well as against any other kind of violence, regardless of the environment where the child is placed: in family care in education centers, in medical centers, in protection facilities, in criminal research and/or rehabilitation/detention centers, internet, mass-media, working places, sport environments, community, etc.”. Para. 2 and 3 of Art. 89 establish a compulsory obligation of reporting for all persons who become aware of such situations, as well as specific reporting obligations for the employees of any public or private institutions who, “by the nature of their profession, enter into contact with a child or have suspicions about a possible case of abuse, neglect or ill treatments”.

105. According to art.90 para. 1 of Law no. 272/2004 “the parents of the child, as the case may be, their legal representative, public authorities and private bodies have an obligation to take all appropriate measures to facilitate the physical and psychological rehabilitation and social reintegration of any child who has been the victim of any form of neglect, exploitation or abuse, torture or punishment or cruel, inhuman or degrading treatment.”

106. Chapter VI is divided in six sections related to the protection of the child against economic exploitation (Art. 91-92), against drug use (Art. 93), abuse or neglect (Art. 94-103), the protection of the child having parents abroad for work (Art. 104-108), against kidnapping or any type of trafficking (Art. 109), and against other types of exploitation (Art. 110).

107. According to art. 91 para. (1) “The child has the right to be protected against exploitation and may not be compelled to work or participate to a domestic activity or outside the family, including in educational institutions, special protection institutions, re-education and detention institutions or in the cultural, artistic, sports, advertising and modeling fields, which involves a potential risk or which is likely to compromise his/her education or harm his/her health or his/her physical, mental, spiritual, moral or social development”. Pursuant to the provisions of para (2), “Any practice through which a child is given by one or both his/her parents or by his/her legal representative, in exchange for a reward, debts or not, for the purpose of exploiting the child through labour, is forbidden.”

108. Art. 95 stipulates that “It is forbidden to commit any act of violence, as well as depriving the child of his rights, in a manner that could endanger the life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health of the child, both within the family and in institutions providing protection, care and education for children, in health facilities, educational institutions, as well as in any other public or private institution that provides services or carries out activities with children”.

109. Under the provisions of art. 96, para (1), “Any person who, through the nature of his/her profession or occupation, works directly with a child and has suspicions about the existence of a situation of abuse or neglect, is obliged to notify the public social assistance service or the General Directorate of Social Assistance and Child Protection in whose territorial area the case was identified.” Para (2) of art. 96 and arts. 97-103 describe the procedure for reporting a case of abuse and refer to the obligations of persons who work with children.

110. The criminal law (both the general and the special law) contains covert incriminations for the acts provided for in art. 3 of the OPSC. Thus:

(a) Art. 3 para. 1, let. a (i): Art. 211 of the Criminal Code incriminates the trafficking of underage persons with the purpose of exploiting the victim:

(1) The recruitment, transportation, transfer, harboring or receipt of a juvenile, in order to exploit it, shall be punished with imprisonment from 5 to 10 years and deprivation of certain rights;

(2) The punishment is imprisonment from 7 to 12 years and deprivation of certain rights when:

- The offense was committed under art. 210 par. (1);
- The offense was committed by a public official in the performance of their duties and prerogatives;
- The offense endangered the life of a juvenile;
- The offense was committed by a family member of a juvenile or by a person who lives with the victim;
- The offence was committed by a person in whose care, protection, education, security or treatment the juvenile was or the perpetrator abused his recognized position of trust or authority over the minor or his/her blatant state of vulnerability, caused by a physical or psychological disability, a situation of dependency or a situation of physical or psychological incapacity or any other cause.

(3) The consent expressed by an individual who is a victim of trafficking does not represent an acceptable defense.

Pursuant the above-mentioned provisions of the Criminal Code, all the hypotheses of art. 3 are enclosed under the offense of trafficking of underage persons, while the exploitation is not limited to the one in sexual nature.

(b) Art. 3 para. 1, let. a (ii): Art. 107 para. 2 of Law no. 273/2004 on the adoption procedure with subsequent amendments and supplements states that “the deed of a person which, without right, intermediates the adoption of a child with the aim of gaining material benefits is punishable by imprisonment from 1 to 5 years”.

(c) Art. 3 para.1, let b: Art. 213 of the Criminal Code incriminates the crime of “pandering”:

(1) The causing or facilitation of the practice of prostitution or the obtaining of financial benefits from the practice of prostitution by one or more individuals shall be punishable with imprisonment from 2 to 7 years and deprivation on the exercise of certain rights;

(2) In the event that a person was determined to engage in or continue the practice of prostitution through coercion, the penalty shall be imprisonment from 3 to 10 years and deprivation on the exercise of certain rights;

(3) If such acts are committed against an underage person, the special limits of the penalty shall be increased by one-half;

(3<sup>1</sup>) If the offence from para. (3) was committed in one of the following circumstances:

- The offense was committed by a family member of a minor or by a person who lives with the victim;
- The minor was in the care, protection education, security or treatment of the perpetrator or the perpetrator abused his recognized position of trust or authority over the minor;
- the offence was committed by a person who had previously committed a crime against the freedom and sexual integrity of the minor, a child pornography offence or pandering offence, the special limits of the penalty from para. (3) shall be increased by a quarter.

(4) Practicing prostitution is understood as having sexual intercourse with various individuals for obtaining financial benefits for oneself or for another.

(d) Art. 3 para 1, let. c: Art. 374 of the Criminal Code incriminates child pornography, providing for an extensive number of alternative definitional components for the manifestation of the constituent element:

(1) The production, possession, the purchase, storage, display, promotion, distribution and supplying, in any manner, of child pornography materials shall be punishable by imprisonment from 1 to 5 years:

(1<sup>1</sup>) The punishment set out in para (1) applies to the incitement or recruitment of a minor for the purpose of his/her participation in a pornographic show, to obtaining benefits of such a show in which minors are involved or to the exploitation of a minor in any other way for producing pornographic shows.

(1<sup>2</sup>) Watching pornographic shows in which minors are involved shall be punishable by imprisonment from 3 months to 3 years or with a fine.

(2) If the acts set out in para. (1) have been committed using a computer system or other means of data storage, shall be punishable by imprisonment from 2 to 7 years.

(3) Accessing, without right, pornographic materials depicting minors through electronic systems or other electronic communications shall be punishable by imprisonment from 3 months to 3 years or with a fine.

(3<sup>1</sup>) If the actions set out in para. (1), (1<sup>1</sup>), (1<sup>2</sup>) and (2) have been committed in the following circumstances:

- by a family member of a minor or by a person who lives with the victim;
- by a person in whose care, protection, education, security or treatment the minor was or the perpetrator abused his recognized position of trust or authority over the minor;
- the action threatened the life of the minor; the special limits of the penalty shall be increased by a third;
- by a person who had previously committed a crime against the freedom and sexual integrity of the minor, a child pornography offence or pandering offence.

(4) Through pornographic materials with minors is understood any material which displays a minor or an adult acting as minor with a sexually explicit behavior or which, despite not depicting a real person, it credibly simulates a minor with such a behavior, as well as any representation of the genitals of a child, for sexual purposes.

(4<sup>1</sup>) Through pornographic show is understood the public display, directly, including through information and communication technology, of a minor involved in a sexually explicit behavior or of the genitals of a child, for sexual purposes.

(5) The attempt is punishable:

- As it appears from the contents of the legal provisions, as well as from Art. 217 (sanctioning the attempt) of the Criminal Code, the attempt to commit the crimes covered by Articles 211 and 213 para. 2 is also punishable by law.

111. The Romanian criminal law does not incriminate, *expressis verbis*, the “sale of children”. However, the law strictly prohibits the sale of a person. Specifically, the Criminal Code covers the acts through which children are treated as objects in a transactional framework; it defines the trafficking of underage persons in an extensive manner, with alternative content, as the indictment norm provided by Art. 211, correlated to Art. 210, covers various possible methods of enacting the crime. Art. 210 para. 2 let. c) aims precisely at the pecuniary component of the offence.

112. Thus, depending on the actual manner in which such an offence was perpetrated, the qualification of the facts may be determined in accordance with art. 210, art. 211 or even art. 209 of the Criminal Code. Moreover, if the crime was committed with the aim of obtaining financial benefits, the Criminal Code allows the aggravation of the sanctioning treatment by applying a fine, in addition to imprisonment (art. 62).

113. At the same time, art. 107 of Law no. 273/2004 sanctions the sale of children with the purpose of adoption. Thus, according to para. (2) “The act of the person who, without right, mediates the adoption of a child in order to obtain material benefits, is punishable with imprisonment from one to 5 years.”

114. Concerning the liability of both natural and legal persons and the conditions and rules for extradition and for the seizure and confiscation of goods, the Romanian legislation:

(a) Explicitly enshrined the criminal liability of the legal person by dedicating Title VI of the Criminal Code to the rules according to which sanctioning may take place. Liability is individual. The legal person, except for the state and the public authorities, is responsible for the crimes committed in the accomplishment of the object of activity, in the interest of, or in its name;

(b) Regulated extradition through Law no. 302/2004 regarding international judicial cooperation in criminal matters;

(c) Title IV of the Criminal Code includes regulations related to the safety measures on special confiscation and extended confiscation.

115. The Criminal Code also includes other types of criminal offences related to exploitation, child pornography and child prostitution, as follows:

(a) Art. 209 (slavery) – Reducing or keeping a person in a state of slavery, as well as the trafficking in slaves shall be punishable with imprisonment from 3 to 10 years and deprivation on the exercise of certain rights;

(b) Art. 214 (exploitation of beggary):

(1) An act of an individual who causes a minor or a person with physical or psychic disabilities to resort repeatedly to the public’s mercy to ask for material help or profits from the financial benefits resulted from such an activity shall be punishable by imprisonment from 6 months to 3 years or with a fine.

(2) If the act has been committed in the following circumstances:

- By the parent, guardian, trustee or by the person under whose care the begging person is;
- By means of coercion,

it shall be punishable by imprisonment from 1 to 5 years.

(c) Art. 215 (use of underage persons for beggary) – The action of a person who is of age and has the capacity to work, who resorts repeatedly to the public’s mercy to ask for material help, by using a minor for this purpose, shall be punishable by imprisonment from 3 months to 2 years or a fine.

(d) Art. 216 (use of an exploited person’s services) – The action of using the services listed under Art. 182 performed by a person about whom the beneficiary knows that they are a victim of trafficking in human beings or of trafficking of underage persons, shall be punishable by imprisonment from 6 months to 3 years or with a fine, unless such action is a more serious offense.

(e) Art. 2161 (use of child prostitution) – Conducting any sexual act with a minor practicing prostitution shall be punishable with imprisonment from 3 months to 2 years or with a fine, unless such action is a more serious offense.

(f) Art. 218 (rape):

(1) Sexual intercourse, oral or anal sexual act with a person, committed by constraint, by rendering the person in question unable to defend themselves or to express their will or by taking advantage of such state, shall be punishable by imprisonment from 5 to 10 years and deprivation on the exercise of certain rights.

(2) The same penalty shall apply to any act of vaginal or anal penetration committed under par. (1).

(3) The penalty shall be imprisonment from 7 to 12 years and deprivation on the exercise of certain rights, when:

- The victim is entrusted to the perpetrator for care, protection, education, guard or treatment;
- The act has been committed by a family member or a person who lives with the victim;
- The victim is a minor;
- The act has been committed with the purpose of producing pornographic materials;
- The act resulted in bodily harm or has threatened the life of the victim in any other way;
- The act was committed by two or more individuals, acting together.

(3<sup>1</sup>) The penalty shall be imprisonment from 7 to 15 years and deprivation on the exercise of certain rights, when the acts from para (1) and (2) have been committed against a minor, under the circumstances provided by para. (3), let. a), b) and d)-f) or by a person who had previously committed a crime against the freedom and sexual integrity of the minor, a child pornography offence or pandering offence.

(4) The penalty shall be imprisonment from 9 to 18 years and deprivation on the exercise of certain rights, if the act resulted with the death of the victim.

(5) Criminal action for the act set by para. (1) and para. (2) shall be initiated based on a prior complaint filed by the victim.

(6) The attempt to commit the offenses set out in para. (1) - (3) shall be punishable.

(g) Art. 219 (sexual assault):

(1) An act that is sexual in nature, other than those set out under Art. 218, with a person, committed by constraint, by rendering the person in question unable to defend themselves or to express their will or by taking advantage of such state, shall be punishable by imprisonment from 2 to 7 years of and deprivation on the exercise of certain rights.

(2) The penalty shall be imprisonment from 3 to 10 and deprivation on the exercise of certain rights, when:

- The victim is entrusted to the perpetrator for care, protection, education, guard or treatment;
- The act has been committed by a family member or a person who lives with the victim;
- The victim is a minor;
- The act has been committed with the purpose of producing pornographic materials;

- The act resulted in bodily harm or has threatened the life of the victim in any other way;
- The act was committed by two or more individuals, acting together.

(2<sup>1</sup>) The penalty shall be imprisonment from 5 to 12 years and deprivation on the exercise of certain rights, when the acts from para (1) have been committed against a minor, under the circumstances provided by para. (2), let. a(, b) and d)-f) or by a person who had previously committed a crime against the freedom and sexual integrity of the minor, a child pornography offence or pandering offence.

(3) The penalty shall be imprisonment from 7 to 15 years and deprivation on the exercise of certain rights, if the act resulted with the death of the victim.

(4) If the sexual assault acts were preceded or followed by the commission of the sexual intercourse set out in Art. 218 para. (1) and para. (2), such act shall constitute rape.

(5) Criminal action for the act set out in para. (1) shall be initiated based on a prior complaint filed by the victim.

(6) The attempt to commit the offenses set out in para. (1) and para. (2) shall be punishable.

(h) Art. 220 (sexual intercourse with a juvenile):

(1) Sexual intercourse, oral or anal sex, as well as any other act of vaginal or anal penetration committed with a juvenile aged 14 to 16 shall be punishable by imprisonment from 1 to 5 years.

(2) The act set by para. (1), committed on a juvenile who has not turned 14 years of age, shall be punishable by imprisonment from 2 to 9 years and deprivation on the exercise of certain rights.

(3) The act set by para. (1), committed by an adult with a juvenile aged 16 to 18 years old shall be punishable by imprisonment from 2 to 9 years and deprivation on the exercise of certain rights, when:

- The juvenile is a member of the family of the adult;
- The offence was committed by a person in whose care, protection, education, security or treatment the juvenile was or the perpetrator abused his recognized position of trust or authority over the minor or his/her blatant state of vulnerability, caused by a physical or psychological disability, a situation of dependency or a situation of physical or psychological incapacity or any other cause;
- The act threatened the life of the juvenile;
- The act has been committed with the purpose of producing pornographic materials.

(4) The act set by para. (1) shall be punishable by imprisonment from 3 to 10 years and deprivation on the exercise of certain rights, when:

- The act has been committed by a family member or a person who lives with the victim;
- The offence was committed by a person in whose care, protection, education, security or treatment the minor was or the perpetrator abused his recognized position of trust or authority over the minor or his/her blatant state of vulnerability, caused by a physical or psychological disability, a situation of dependency or a situation of physical or psychological incapacity or any other cause;
- The act threatened the life of the juvenile;
- The act has been committed with the purpose of producing pornographic materials;

- The perpetrator has reached the age of 18.
- (5) The acts set out in para. (2) shall be punished by imprisonment from 5 to 12 years and deprivation on the exercise of certain rights, when:
- The act has been committed by a family member or a person who lives with the victim;
  - The offence was committed by a person in whose care, protection, education, security or treatment the minor was or the perpetrator abused his recognized position of trust or authority over the minor or his/her blatant state of vulnerability, caused by a physical or psychological disability, a situation of dependency or a situation of physical or psychological incapacity or any other cause;
  - The act threatened the life of the minor;
  - The act has been committed with the purpose of producing pornographic materials;
  - The perpetrator has reached the age of 18.
- (6) The acts set out in para. (1) and (2), as well as in para. (4) letter e) shall not be punishable if the age difference does not exceed 3 years.
- (7) The attempt to commit the offenses set out in para. (1)-(5) shall be punishable.
- (i) Art. 221 (sexual corruption of juveniles):
- (1) The commission of an act that is sexual in nature, other than the one set out in Art. 220, against a minor who has not turned 14 of age, as well as determining a minor to endure or carry out such an act shall be punishable by imprisonment from 1 to 5 years.
- (2) The penalty shall be imprisonment from 2 to 8 years and deprivation on the exercise of certain rights, when:
- The act has been committed by a family member or a person who lives with the victim;
  - The offence was committed by a person in whose care, protection, education, security or treatment the juvenile was or the perpetrator abused his recognized position of trust or authority over the minor or his/her blatant state of vulnerability, caused by a physical or psychological disability, a situation of dependency or a situation of physical or psychological incapacity or any other cause;
  - The act has been committed with the purpose of producing pornographic materials;
  - The act threatened the life of the juvenile.
- (2<sup>1</sup>) The act carried out at para. (1), committed by an adult with a juvenile aged 14 to 18, shall be punishable by imprisonment from 2 months to 3 years and deprivation on the exercise of certain rights, when:
- The minor is a member of the family of the adult;
  - The offence was committed by a person in whose care, protection, education, security or treatment the minor was or the perpetrator abused his recognized position of trust or authority over the juvenile or his/her blatant state of vulnerability, caused by a physical or psychological disability, a situation of dependency or a situation of physical or psychological incapacity or any other cause;
  - The act threatened the life of the minor.
  - The act has been committed with the purpose of producing pornographic materials.

(3) A sexual act of any nature, committed by an adult in the presence of a minor under 14 years old shall be punishable by imprisonment from 6 months to 3 years or with a fine.

(4) An adult determining a minor under the age of 14 years old to assist at the commission of exhibitionist acts, shows or presentations containing as type of sexual acts, as well as making pornographic material available to the minor, shall be punishable by imprisonment from 3 months to 2 years or with a fine.

(5) Acts set out in para. (1) shall not be punishable if the age difference does not exceed 3 years.

(6) The attempt to commit the acts set out in para (1), (2) and (2<sup>1</sup>) shall be punishable.

(j) Art. 222 (recruitment of juveniles for sexual purposes):

(1) The act of an adult to propose a minor under the age of 16 years to meet, for the purpose of committing one of the acts set out in Art. 220 or Art. 374, including when such proposal has been made using means of remote communication, shall be punishable by imprisonment from 6 months to 3 years or with a fine.

(2) The act of an adult to propose a minor under the age of 14 years to meet, for the purpose of committing one of the acts set out in Art. 221, including when such proposal has been made using means of remote communication, shall be punishable by imprisonment from 6 months to 3 years or with a fine.

(k) Art. 222<sup>1</sup> (aggravating circumstances): If the acts set out at Art. 220-222 are committed by two or more persons working together, or by a person who had previously committed a crime against the freedom and sexual integrity of the minor, a child pornography offence or pandering offence, the special limits of the punishment shall be increased by one third.

(l) Art. 375 (indecent exposure): The act committed by an individual who unlawfully exposes or distributes images that display a sexually explicit activity, other than the one referred to in Art. 374, or who commits exhibitionist acts or other sexually explicit acts shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by a fine.

(m) Art. 377 (incest): Sexual intercourse with consent, between persons related in direct line or between siblings, shall be punishable by no less than 1 and no more than 5 years of imprisonment.

## Adoption

116. Law no. 273/2004, republished, with subsequent amendments and supplements, regulates the administrative procedures of adoption.

117. Romania does not allow the international adoption of a Romanian child by a foreign family residing abroad. Exception applies only if at least one of the adoptive parents are Romanian citizens and reside on the territory of a third state. Thus, according to Law no. 273/2004, art. 60:

“(1) The international adoption of the child with habitual residence in Romania by a person/family with habitual residence abroad can only be approved for children who are in the records of the ANPDCA, and only in the following situations:

(a) The adopter or one of the spouses of the adoptive family is a relative up to the fourth degree including, with the child for whom the initiation of the adoption procedure has been approved;

(b) The adopter or one of the spouses of the adoptive family is also a Romanian citizen;

(c) The adopter is the spouse of the biological parent of the child whose adoption is sought.

(2) The adoption under para. (1) let. b) is permitted solely for children for whom the application for initiating legal adoption proceedings has been accepted and no adopter or adoptive family habitually residing in Romania, or one of the persons under para. (1) let. a) could be identified within one year from the final judgment granting the initiation of the legal adoption proceedings.”

118. Art. 102 of Law no. 273/2004 forbids “donations and sponsorships, as well as offering, by the adopting person or family, in their own name or through intermediaries, directly or indirectly, any undue material benefits to ANPDCA, the departments involved or persons from public institutions involved in the adoption process”. At the same time, art. 103 para. 1 prohibits the “participation of private entities in the international adoption procedure carried out in Romania. The interdiction also applies to the members and the staff of the above-mentioned private entities, unless they have the status of adopter.” Pursuant to the provisions of para. (2) “The Romanian authorities can collaborate for an international adoption with private bodies operating on the territory of the receiving state only if these are accredited by the respective state and authorized according to the provisions of art. 64 para. 3 (of Law no. 273/2004).”

### **Foreign minors on the territory of Romania**

119. According to the legal provisions regarding the regime of foreigners in Romania, identified unaccompanied foreign minors with illegal residence are put in placement by institutions authorized to protect minors, the specialized structure within the General Inspectorate for Immigration (IGI) carrying out specific activities. In addition, IGI cooperates with the diplomatic representation of the state of origin of the unaccompanied foreign minor to identify his/her family and reunify the family.

120. If the asylum application submitted by an unaccompanied minor was rejected following the completion of the asylum procedure provided in art. 17 para. (7) of Law 122/2006 on asylum in Romania, the competent DGASPC undertakes the steps provided by law to establish a special protection measure for him/her and informs the competent migration structure of the General Inspectorate for Immigration on his/her situation. This measure lasts until the return of the child to the country of residence of his/her parents or to the country where other family members willing to take the child have been identified (Art. 58 paragraphs (6) and (7) of the Methodological Norm for the application of Law 122/2006 on Asylum in Romania).

121. Concerning foreign minors entering unaccompanied or remaining alone in Romania, when there are no serious doubts about their age, IGI and its territorial branches shall proceed as follows:

- Regardless of how unaccompanied minors enter Romania, they will be provided with representation through a competent institution, which will also offer the necessary protection and care, including accommodation in special centers for the protection of minors, under the same conditions as Romanian minors (art. 131 para. (1) let. b) of the Government Ordinance no.194/2002 regarding the regime of foreigners in Romania).
- Establish the identity of the child and the manner in which he/she arrived in Romania and take all necessary measures to identify the parents, regardless of their residence, for reuniting the family. Until parents are identified, school-age children are given access to the educational system.

122. The Romanian law does not regulate the taking into public custody of accompanied minors; IGI cannot propose, nor can the Prosecutor take the measure of public custody of the accompanied minors by Ordinance. Although the measure is not taken against the minor, accompanied foreign minors are taken into public custody along their families and placed in Accommodation Centers for foreign nationals. In practice, foreign minors are taken into

public custody only if at least one of the parents or the legal representative accompanies them, and, therefore, the same legal regime for persons taken into public custody applies.

123. The measure of placement in a specially arranged closed space (art. 19<sup>5</sup> of Law 122/2006) cannot be ordered against child-applicants for international protection, unless the unaccompanied minor cannot prove his age and there are serious doubts regarding his/her age. In this situation, a forensic examination is performed to determine the age, with the prior written consent of the person concerned and his/her legal representative. According to art. 8 of Law no. 122/2006, all decisions regarding minors are taken with respect to the best interests of the child.

### **Territoriality of the Romanian law**

124. The conditions under which extradition is requested and granted, provided for in the international agreements or mutual agreements, are complemented by the provisions of the special Romanian legislation in this field.

125. According to the Romanian legislation, the criminal law applies to all offences committed on the Romanian territory, whereas territory means the expanse of land, the territorial seawaters and inland waters, complete with the soil, sub-soil and airspace located inside the national borders.

126. The offence is considered to be committed on the Romanian territory even when it is committed on a ship sailing under Romanian pavilion or on an aircraft registered in Romania, when on that territory or on a ship sailing under Romanian pavilion or on an aircraft registered in Romania an action was committed with a view to perform, instigate or aid in the offence, or the results of the offence have been manifest, even if only in part. Oil maritime platforms are assimilated to ships under Romanian flag.

127. The criminal law also applies to all offences committed outside the national territory by a Romanian citizen or a person without citizenship with domicile in Romania, if the act is also incriminated by the criminal law of the country where it was committed.

128. Law no. 302/2004 on international judicial cooperation in criminal matters represents the special law governing this field. Concerning its sphere of application, the law stipulates that it applies to extradition, surrender on the basis of a European Arrest Warrant, and transfer of procedures in criminal matters, recognition and enforcement of decisions, transfer of sentenced persons, judicial assistance in criminal matters and other forms of judicial cooperation in criminal matters.

129. According to Art. 18 of Law no. 302/2004, upon request of a foreign state, persons located on the Romanian territory, under criminal prosecution or brought to justice for committing an offence, or wanted for enforcing a safety measure, punishment or other judgment of a criminal court in the requesting state, may be extradited from Romania.

130. Extradition may be allowed only if the act, for which the person whose extradition is requested is suspected, accused or convicted, is considered an offense under both the law of the requesting state and Romanian law (Art. 24, para. 1). By way of derogation from the provisions of paragraph 1, an extradition may be allowed even if the Romanian law does not incriminate the act, if the requirement of double criminality by an international convention to which Romania is a party is excluded for that offence.

131. Art. 97 para. 1 of Law no. 302/2004 lists the offences in respect to which the double criminality rule does not apply, regardless of their name in the law of the issuing state, provided that the issuing state sanctions those offences by a punishment or a custodial measure of a maximum of at least three years. The list includes THB, the sexual exploitation of children and child pornography.

## **IV. Protection of the rights of the victims**

132. The Constitution of Romania proclaims the right to life to physical and mental integrity of all citizens and forbids torture or to any kind of inhuman or degrading punishment

or treatment (art. 22 paras 1–2 guarantees). It guarantees the free access to justice (art. 21), as well as the protection and promotion of human rights; according to art. 16 para. 1 citizens are equal before the law and public authorities, without any privilege or discrimination, while art. 4 proclaims unity of the people and equality among without any discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin (para. 2).

133. Concerning the protection of the victims of crimes, including in their quality as witnesses, a number of laws and other secondary pieces of legislations address the issue.

134. In the case of children victims of violence, the specialized services are granted according to the provisions of the Law no. 272/2004, Law 211/2004, as well as based on the secondary legislation referring to this matter, namely the G.D. no. 49/2011.

135. Law no. 211/2004, regulates the measures for providing information, support and protection of the victims of crimes. According art. 11, “any person who is a victim of a crime has the right to be recognized as such from the moment of the identification, to be treated with respect, professionalism, to benefit of individualized protection and support services, to obtain financial compensations and to have his/her rights restored. Members of the family of the victim enjoy the same rights as the victim.”

136. According to art. 31 para. (3) “In the case of child victims of violence, the evaluation, the support and the protection services covered by this law shall be made by the specialized departments of intervention in situations of abuse, neglect, trafficking, migration and repatriation within the General Directorate, according to Law no. 272/2004 on the protection and promotion of children’s rights, republished, with subsequent amendments and supplements, and annex no. 1 to the G.D. no. 49/2011 for the approval of the Framework Methodology on the Prevention and Intervention through Multidisciplinary and Networked Teams and in Child Violence and Domestic Violence situations, and for the approval of the Multidisciplinary and Interinstitutional Intervention Methodology on Exploited Children or in a risk situation of being trafficked for forced labor, children victims of THB, as well as Romanian migrant children, victims of other forms of violence on the territory of other states.”

137. Pursuant to the provisions of art. 31 para. (4) “In the case of victims of domestic violence, the support and protection services covered by this law shall be provided specialized institutions, according to Law no. 217/2003 for the prevention and combating of domestic violence, republished, with subsequent amendments and supplements.”

138. At the same time, according to art. 31 para. (5) “in the case of victims of trafficking in persons, identification, referral, assistance and protection are also provided by the specialized institutions, according to the provisions of the Law no. 678/2001 and the national mechanism of referral and identification of the victims of trafficking in persons”.

139. According to art. 38 of the Law 211/2004, in order to provide the adequate support and protection measures, the Service for Supporting the Victims of Crimes or other social service providers assess each person who was identified as a victim of a crime. The evaluation process implies the identification of the assistance and protection needs, as well as the adequate support services and is based on the following criteria:

- (a) The type of crime and the circumstances in which it was committed;
- (b) The physical and psychological impact on the victim;
- (c) The personal characteristics of the victim;
- (d) The data on the author of the crime, if available;
- (e) The type of relation or the dependency with the author of the crime;
- (f) Eventual difficulties in communication on the victim’s part;
- (g) The crime history or, as the case may be, information regarding the alleged victim’s membership in an organized crime group;
- (h) The evaluation process may be carried out, if necessary, with the help of the medical services providers, within the public or private sector, if the victims give their consents.

140. The authorities have the obligation to inform the victim regarding the type of support offered, his/her legal rights, the authorities in charge with the criminal investigation, whether the perpetrator will be released in any way, if the defendant is deprived of his/her liberty, or sentenced to imprisonment, the conditions in which they may benefit of witness protection measures, the conditions and the procedure to be followed in order to access financial compensations from the state. The support services offered both to the victims of crimes as well as to their family members may consist of:<sup>20</sup>

- (a) Information on the victim's rights;
- (b) Psychological counselling, including on the risk of secondary victimization, intimidation and revenge;
- (c) Counselling on the financial and practical aspects subsequent to the crime;
- (d) Emotional and social support in order to facilitate the social reintegration.

141. The above-mentioned provisions apply to the victims of offences, if the offence was committed on the Romanian territory or if the offence was committed outside the national territory and the victim is a Romanian citizen or a foreign legally residing in Romania.<sup>21</sup>

142. According to art. 14 para. (1) let. a) of Law no. 211/2004, free legal aid is granted to different categories of victims, among who victims of the offense of sexual intercourse with a minor and sexual corruption of minors.

143. At the same time, in the case of minors, the request for free legal aid and for financial support may be submitted by the parents or the legal representatives of the minor.

144. Art. 21 para. (1) let. a) of Law no. 211/2004 lists the categories of victims who are entitled to financial compensation. The offences of sexual intercourse with a minor and trafficking of minors are also included.

145. At the same time, according to art. 26 of Law no. 211/2004, in order to guarantee that children are protected properly, the law stipulates that "if the victim is a minor and his/her legal representative has not submitted, within the period of time provided by the law, a request for the financial compensation, the victim is entitled to these time limits begin to run from the date when the victim has reached the age of 18".

146. All the measures related to the information, support and protection offered to a victim of a crime are not conditioned by an official complaint submitted to the criminal investigation authorities.

147. Special provisions regarding the protection of children, as victims of trafficking or sexual abuse, are to be found in the Law no. 682/2002 on witness protection. The law "provides regulations in order to ensure protection and assistance to the witnesses whose life, corporal integrity or freedom is threatened as a consequence of them knowing information or data regarding serious crimes, which they have given or agreed to offer to the judicial authorities, and which will play a major role in discovering the perpetrators and help solving some cases" (Art. 1).

148. According to Art. 2 para. 3 let. h), THB and trafficking of underage persons are considered serious offences, which trigger the application of provisions in respect to witness protection.

149. Law no. 682/2002 describes the procedures based on which a person will be included in a witness protection program, special references being made in respect to the situations when the protected witness is a minor. Thus, according to Art. 9 para. (1) "Within 7 days from issuance of the ordinance or of the closure for inclusion in the Program, the National Office for Witness Protection will conclude a written Protection Protocol with each witness, family member or person close to the witness for whom inclusion in the Program has been ordered". All the persons mentioned above will be considered protected witnesses. Pursuant to the provisions of Art. 9 para. (3) "In case the persons referred to in para (1) are minors, the

<sup>20</sup> Art. 7, para. (4) from the Law 211/2004.

<sup>21</sup> Art. 10 from the Law 211/2004.

Protection Protocol will be signed by their legal representatives. If the legal representative cannot sign the Protection Protocol, if this signature interferes with the interests of the minor, or if the legal representative refuses to sign despite the prosecutor's or, depending on the case, the court's belief that the minor must be introduced in the Program, the Protection Protocol will be signed by the minor, with the approval of the prosecutor or, depending on the case, of the court."

150. According to the provisions of Art. 12 para. (1) – (3) of Law 682/2002, the National Office for Witness Protection is obliged to draft a support scheme for each protected witness, which will include protection and assistance measures, as well as the obligation to implement them. The protection measures, which may be included in the support scheme, solely or cumulated, are:

- (a) Protection of the personal data of the protected witness;
- (b) Protection of his/her statement;
- (c) Hearing the protected witness, by the judicial bodies, under a different identity than the real one, or through special modalities of image and voice distortion;
- (d) Protection of detained witness, provisional arrest or arrest with a view to serving an imprisonment sentence, in collaboration with the bodies administrating the detainment locations;
- (e) Increased measures for safety of residence, and for protection of witness transportation towards and from the judicial bodies;
- (f) Change of residence;
- (g) Change of identity;
- (h) Change of appearance.

151. The victims of THB or domestic violence also enjoy the protection and assistance measures stemming from the provisions of Law 678/2001, as well as of Law no. 217/2003 for preventing and combating domestic violence, republished. Under the provisions of the Law no 217/2003, children victims of domestic violence can benefit from protection measures through the issuance of a provisional protection order [art. 28; available up to 5 days (art.31)] or a protection order (art. 38–39, available up to 6 months). Also, according to arts. 19–21, the couple mother-children can benefit of free accommodation, meals and support services within social services (shelters, recovery centers, and protected houses).

152. Law no. 678/2001 regulates the "prevention and combating of the trafficking in human beings, as well as the protection and assistance granted to the victims of trafficking, which represents a violation of a person's rights, and a threat to his/her dignity and integrity" (A.1).

153. At the same time, according to Art. 26 "(1) Victims of human trafficking crimes are granted special protection and assistance, physical, legal and social:

- (2) The privacy and identity of victims of human trafficking crimes are protected.
- (3) Victims of human trafficking crimes have the right to their physical, psychological and social recovery.
- (4) Minor victims of human trafficking crimes shall be granted special protection and assistance, in relation to their age.
- (5) Women victims of the crime of trafficking in human beings, as well as those who are at high risk of becoming victims of such crimes, shall be granted specific protection and social assistance."

154. Also, based on the provision of art. 27, the" Ministry of Internal Affairs grants physical protection to the victims of trafficking, as stated by art. 113 of the Criminal Procedure Code".

155. According to Art. 28 of Law no. 678/2001 "the Romanian citizens found on the territory of another state, who are victims of trafficking, are granted assistance by the

diplomatic missions and consular offices of Romania in those countries, upon request.” Concerning their repatriation, the MFA ensures the victim’s transport (Art. 28, para. 2).

156. Art. 29 stipulates that “the MFA, through the diplomatic missions and consular offices of Romania, releases, if necessary, for repatriation, identity documents for the Romanian citizens victims of the trafficking in persons, without unjustified delays”.

157. In the same time, the law provides that the heads of the diplomatic missions of Romania will appoint a diplomat who will be responsible with the application of the return methodology of the Romanian citizens, victims of trafficking.

158. According to Art. 33 of Law 678/20 “the victims of trafficking in human beings, temporary placed, are provided by the social workers from the County Councils under whose competency function the specialized centers, with information and counselling in order to benefit of all the facilities provided by the law to the persons socially marginalized”. The necessary amounts are transferred on an annual basis from the state budget to the local budgets, through the budget of the Ministry of Labor and Social Protection. In the same time, according to the legislation “the payments to the social inclusion systems for the victims of trafficking are made by the local public administration authorities from the local budgets”.

159. Regarding the development of services destined to the children victims of traffic aimed to their rehabilitation and social integration, a number of transit centers was set up for the repatriated children or children victims of trafficking through the implementation of national interest programs (such centers were established in Bucharest, Iasi, Botosani, Galati, Satu Mare, Timiș, Arad, Mehedinți, Giurgiu, Ilfov, under the subordination of the local authorities and the children benefited of temporary hosting, psychological counseling and legal assistance). National interest programs were approved through government decisions during 2004–2005 and in each year there was a specific program among them for the establishment of transit centers for children victims of trafficking and there were implemented by ANPDC.

160. The National Agency for Equal Opportunities for Women and Men has made available to victims of domestic violence a free helpline, with a unique contact number, 0800.500.333, to report situations of domestic violence, THB, gender discrimination or multiple discrimination. This service is provided 24/24 hours, 7/7 days and the number can be dialed from any nationally covered network, free of charge. Any potential victim of domestic violence, THB, gender discrimination or multiple discrimination, a parent or other family member, a relative, a neighbor or an acquaintance of the family, or a witness or any other person who has knowledge of such a case can dial the helpline.

161. According to the law on children’s rights, the hearing of the minor is not public and such a procedure cannot be carried out unless the child is assisted by one of the parents or another legal representative, or a representative of the general department for social assistance and child protection. According to art. 29 of the Law no. 272/2004 para. (2) “in each judicial or administrative procedure the child has the right to be heard. It is compulsory to hear the child who is already 10 years old. Nevertheless, a child under 10 years old might be heard if the competent authority appreciates that his/her hearing is necessary in order to solve the case.”

162. Concerning the psychological rehabilitation of victims of sexual violence, each DGASPC has a Department for Assistance for victims of sexual violence, neglect, and traffic and child exploitation. Their main prerogatives refer to:

- (a) Information, orientation, specialized assistance and support for the child victim, as well as for his/her family;
- (b) Case processing;
- (c) Promoting activities to support the prevention of all forms of violence against children.

163. The steps followed in instrumenting the cases of all forms of violence against children, including sexual abuse of children, sexual exploitation or child pornography are the following (annex 1 of the GD no. 49/2011):

(a) Initial evaluation: any information on a possible situation of abuse or violence is followed by an initial evaluation carried out by the specialized department of the DGASPCs. It implies the verification of the information received, the evaluation of the risks and the danger on the child's person, providing if necessary a safe environment for the child (including his/her removal from the family). In case of emergency situations (clearly defined by annex 1 of GD no. 49/2011, which includes child sexual violence and child labour), the initial evaluation is carried out in maximum one hour from the reporting and is done by a mobile team from the DGASPC (psychologist/ social worker) and police;

(b) Detailed evaluation: involves a multidisciplinary team that might evaluate the situation in detail – medical, psychological, social, and legal and risk assessments, reducing the pressure on the child and increasing the quality and quantity of the data gained in order to adopt the proper decisions. The minimum compulsory structure of the multidisciplinary team consists of: a social worker (usually appointed as case manager) and a psychologist, both from DGASPC, a medical doctor from health system according to the health problem derived from violence (usually a pediatrician), police and legal councilor (usually from DGASPC). The case manager coordinates the multidisciplinary team. The case manager together with the team might decide upon the depth and details of the evaluation so that, at the end, a detailed evaluation report is issued, containing a clear diagnosis of the case, namely the form of violence towards the child, the needs of the child in the family and community context, the intervention priorities for the child, his family, the perpetrator or the alleged perpetrator/aggressor;

(c) Service planning is done by the same multidisciplinary team, based on detailed evaluation report. All the proposals for services and interventions for the child and his family made by the multidisciplinary team under the coordination of the DGASPC will take the form of a Plan of rehabilitation and social reintegration, which will underline the necessary support for the child and the family to better overcome the situation of difficulty or crisis;

(d) Services' provision is carried out during the implementation of the plan, according to the needs of the child and the family. If cases are in court, the services will be provided during the whole process until the court decides the sanctions for the perpetrator;

(e) Monitoring and re-evaluation is done by the case manager and implies the monitoring process of the way the Plan for services granted to the child and his family is put into practice. The case manager together with the members of the team re-evaluate the situation of the child at every 3 months or whenever it is necessary in order to decide whether or not a revision of the measure and services provided should be carried out;

(f) Closing of the case is taken into consideration when the support and assistance granted to the child victim is no longer necessary. Also, for cases in court, the closing takes place after the judge's decision if the needs of the child are met. A 6-month monitoring phase is implemented after the case is close.

164. Medical assistance is supported from the state budget for the (statutory) victims of human trafficking, which includes the identification of health condition, medical needs, medical first aid and emergency services, providing basic medicines.

165. The principle of non-punishment, laid down in several legal instruments (art. 20 of Law no. 678/2001; art. 18, 23–25 of the Criminal Code), protects the victims of trafficking in persons who have committed crimes because of their victimization. The special clause of non-punishment is limited only to the acts mentioned by the law. However, if a victim of trafficking in persons commits other unlawful acts, an individual assessment follows and, if a direct causal connection is established between the unlawful acts, the victim status of the person and the coercion exercised by the trafficker/exploiter, the general provisions of the Criminal Code regulating the justifying causes and the clause of non-imputability shall apply.

## V. International cooperation

166. Starting January 1st 2007, Romania became a member of the European Union. Romania's adherence to the EU had a major impact in terms of reform and development, including over the applicable legislation.

167. Among EU member states, the judicial cooperation in criminal matters is based on the principle of mutual trust and recognition of decisions in criminal matters.

168. Concerning the concrete aspects of international cooperation, the Public Ministry attaches great importance to international cooperation and exchange of information. Thus, various projects have been carried out, such as:

- WESTEROS: “Enhancing the fight against trafficking of human beings and its proceeds through advanced financial investigations”, implemented by PĪCCJ attached to the High Court of Cassation and Justice, in partnership with the Austrian Ministry of the Interior and the General Prosecutor’s Office of Netherlands<sup>22</sup>. The project started with an international workshop on “Exchanging good practices in the field investigation and prosecution of trafficking in human beings” (February 12–15, 2019); 34 prosecutors, police officers, analysts and financial investigators from Belgium, Croatia, France, Italy, Romania and the Netherlands took part in the workshop.

169. The Mapping study of the EU MS institutions in charge with combatting human trafficking and best practices on financial investigation” was completed within the project, drafted by a foreign expert.

- WESTEROS II: “Further enhancing the fight against trafficking of human beings by focusing on prevention, cooperation and recovery of crime proceeds”. The project won EU COM financing in December 2020 and is going to be implemented in 2021–2022. The structure of the partnership includes important actors involved in the prevention and combating of THB – prevention (ANITP-RO), investigation – the Federal Police-BE, prosecution – (POHCCJ-RO) and the (DIICOT-RO), trial phase – Polish judges through the NSJPP-PL and Romanian judges nominated by the NIM-RO, recovery of assets – ANABI-RO.

170. On October 16, 2020, DIICOT signed a Protocol of cooperation with the International Justice Mission (Directorate for Central and Eastern European) for carrying out projects, programs, events and actions aimed at protecting human rights and fundamental freedoms, preventing, identifying and investigating trafficking of human beings/underage persons related offences.

171. Over time, for ensuring the efficiency of its activities, PĪCCJ concluded agreements/programs of cooperation with its counterparts from Albania, Cyprus, Ukraine, Palestine, Republic of Moldova (for 2017-2019), Serbia, Russia (for 2018–2019), France and Bulgaria. During 2008–2019, DIICOT concluded seven cooperation agreements with counterparts/similar structures from Belgium, Turkey, Republic of Moldova, Italy, Netherlands, Ukraine and Bulgaria.

## VI. Other legal provisions (art. 11)

172. Romania is the member state to the following international legal instruments related to child pornography and child sexual abuse:

- (a) Council of Europe Convention on Action against Trafficking in Human Beings;
- (b) 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;
- (c) United Nations Convention against Transnational Organized Crime and its Supplementary Protocol: to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- (d) Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention);

<sup>22</sup> EU COM financing line ISF POLICE – Trafficking of human beings; financing period: September 14, 2018–September 13, 2020; budget: 313.396 euro.

- (e) European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children;
  - (f) Hague Convention on the Civil Aspects of International Child Abduction. The Ministry of Justice was appointed as Central Authority under this Conventions;
  - (g) International Labor Organization Convention on the worst forms of child labor and immediate actions to eliminate them;
  - (h) Council of Europe Convention of Cybercrime.
-