



Global Monitoring



Report on the
status of action against commercial
sexual exploitation of children

ROMANIA



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(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)
328 Phayathai Road, Bangkok 10400, Thailand
www.ecpat.net
info@ecpat.net

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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

ANPCA: National Authority for Child Rights Protection and Adoption (Autoritatea Națională Pentru Protecția Copilului și Adopție)

ANRC: National Regulatory Authority on Communications (Autoritatea Nationala de Reglementare in Comunicatii)

ARAS: Romanian Association against AIDS

BEPS: Basic Education and Policy Support Activity

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CBO: Community-based organisation

CIS: Commonwealth of Independent States

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

EU: European Union

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICT: Information and communication technologies
ICTSD: International Centre for Trade and Sustainable Development
ILO: International Labour Organization
ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour
INGO: International non-governmental organization
INHOPE: International Association of Internet Hotlines
IOM: International Organization for Migration
IRC: Internet Relay Chat
ISP: Internet service provider
IT: Information technology
MoU: Memorandum of Understanding
NGO: Non-governmental organization
NPA: National plan of action
OSCE: Organization on Security and Cooperation in Europe
ODHIR: Office for Democratic Institutions and Human Rights
QCS: Quality of care standards
STIs: Sexually transmitted infections
UN: United Nations
UNDP: United Nations Development Programme
UNHCR: United Nations High Commissioner for Refugees
UNICEF: United Nations Children's Fund
UNIFEM: United Nations Development Fund for Women
UNOHCHR: United Nations Office of the High Commissioner for Human Rights
WHO: World Health Organization
WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

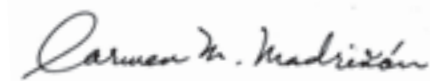
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madrián
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



ROMANIA

Romania is mainly a country of origin for the trafficking in children for sexual purposes. The trafficking in Romanian children for prostitution to European Union (EU) countries has increased since January 2002, when Romanian citizens were no longer required to obtain a visa (for a stay of up to 90 days in a six-month period) for Schengen countries.¹ Local organisations report that, once Romania becomes a member of the EU, the situation is very likely to worsen as immigration control will be less rigorous. As in other eastern European countries, girls are recruited through false promises, made by acquaintances, friends or relatives, of well-paid jobs abroad that do not require particular skills (to work as babysitters, waitresses or housekeepers). Sometimes parents are also involved, and give written consent for their child to leave the country, even when they know that she/he will be exploited (sexually or otherwise).² The trafficking networks that recruit children in Romania follow pre-established routes, and the child is usually accompanied by different persons on the way to their final destination.³

Lack of opportunities lead some families to play a role in the trafficking in children

The following interview took place with a 19 year-old victim of trafficking:

- "How did you get into a situation of being trafficked?"

- "I met someone; they were friends I had just met. They told me they were going to Italy and Spain, and that they could offer me an employment contract to work in a pizzeria. They were coming to Costinesti, so I accepted and I applied for a passport. I was not talking with my mother at all then. I had completed school. I knew I had no money to go to college. My mother didn't support me either. I decided to go. I had taken my school leaving exam. I left sometime in November as the papers took a while. I didn't consult with anybody in the family; I told them I was going to work under contract. They said 'fine, you do what you want'. So I left."⁴

Official data on children trafficked for sexual purposes is nevertheless unavailable, as most of them are identified as separated (or unaccompanied) children, instead of as trafficked children, and thus do not figure in statistics.⁵ Moreover, at present Romania does not have a coherent and unitary database of repatriated victims of trafficking, be it for sexual or labour exploitation. In some situations the same victim is covered by the databases of different institutions or organisations, which makes it impossible to clearly estimate the number and social characteristics of the trafficked children.⁶

A 15 year-old victim of trafficking for prostitution

I is a 15 year-old Romanian girl who grew up in a dysfunctional family; her divorced parents were living in the same house for financial reasons. After she was admitted to high school, she dropped out and decided to join her sister in Italy for a better life abroad. She was assisted by the same acquaintance of her mother who had facilitated her sister to leave for a 'career in sales'. Accompanied by an unknown man, she travelled by train from Bucharest to Timisoara, a city close to the border with Serbia. Once in Timisoara, another man took her to a guide with whom she crossed the border into Serbia.

After they reached Belgrade, recruiters came to 'assess' her. They told her to get undressed, and it was then that she realised that they intended to prostitute her. One recruiter took her to the border with Macedonia and two guides helped them walk through mountains for about 12 km. They headed to Skopje, where she was locked in a flat. She was later sent to a bar where she stayed for about a month and was forced to prostitute herself; otherwise she would be beaten. After about a month the police raided the place and she was repatriated to Romania.⁷

Similarly, there is some information available regarding cases of prostitution of children, but no exact data or statistics are available. In 2006, the Romanian Association against AIDS (ARAS) conducted a study in 12 counties in Romania; 395 women involved in prostitution were interviewed: 90 per cent declared that they became sexually active before the age of 18; 60 per cent of these women became involved in commercial sex before the age of 18.⁸

A number of street children in Romania are involved in prostitution or have been forced to engage in the production of pornographic material, while other vulnerable children are also recruited by paedophiles or trafficking networks at a very early age.⁹ Most street children come from Roma families. Street children are among the most vulnerable groups of children, and both girls and boys are sexually exploited at a very early age. Rape is very frequent in the streets, and girls and very young boys are the main victims. There are at least 2,000 street children in Bucharest and 5,000 in the whole country.¹⁰

Furthermore, sexual exploitation of children in tourism has been exacerbated by the development of the tourism industry in Romania. At the end of the 1990s, a series of cases involving European and American child sex exploiters traveling to Romania to gain sexual contact with children signalled that this particular form of sexual exploitation threatened to add to the numerous trafficking and other issues related to the commercial sexual exploitation of children (CSEC) that the country already faced. While it does not seem that an organised child sex tourism industry has developed, there is evidence that the country is visited by foreign nationals seeking sexual contact with children, and appropriate prevention measures must be taken to avoid any increase of these types of crimes against children.

No information was obtained on how other specific forms of sexual exploitation of children, such as child pornography, manifest themselves in the country.

Romania adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

A National Plan of Action to Prevent and Combat Child Sexual Abuse and Sexual Exploitation for Commercial Purposes was adopted in 2004. The working group responsible for developing this NPA included representatives of NGOs and international organisations. Also in 2004, several organisations were involved in the development of the *National Plan of Action for Preventing and Combating Trafficking in Children and Social Reintegration of the Victims (2004-2007)*,¹¹ which has so far generated a number of much needed initiatives.

The *National Plan of Action to Prevent and Combat Child Sexual Abuse and Sexual Exploitation for Commercial Purposes* places an emphasis on the need for cooperation, in particular the need for procedures and collaboration protocols between the different institutions responsible for addressing crimes of sexual exploitation of children.¹² It also provides for the creation of a database of abusers and child victims; cooperation at regional and international level; prevention, rehabilitation and social reintegration through the development of a series of services not only for victims but also for the rehabilitation of abusers; development of special hearing procedures in Court; and child participation.

Under the National Authority for Child Rights Protection, a group comprising various governmental and non-governmental institutions is responsible for monitoring and evaluating the implementation of the *National Plan of Action for Preventing and Combating Trafficking in Children and Social Reintegration of the Victims (2004–2007)*. A number of steps were taken during 2004 and 2005: preventive activities have been undertaken in 23 counties in partnership with child protection departments at local level (including inspectorates and police units). Furthermore, nine protection centres were established for Romanian children repatriated from abroad and also for victims of internal trafficking, together with a transit pilot centre in Bucharest. The staff was specially trained and a methodology for rehabilitation was developed with assistance from Salvati Copiii/Save the Children Romania (the ECPAT affiliate in the country).

The Ministry of Administration and Interior has also played an important role in the Plan's implementation, having organised trainings for immigration and border officers on how to identify potential traffickers and child victims. Also, control of Romanian children's passports has become stricter, and the repatriation of Romanian children identified abroad is better organised: teams comprising representatives from the social services, non-governmental organizations (NGOs) and the Ministry itself identify and remove children from border areas under safe conditions.

Common actions with member States of the Stability Pact for South Eastern Europe have also been undertaken against trafficking in children, such as diplomatic missions to gather information and bilateral agreements with countries affected by the problem. Finally, in 2005 Salvati Copiii/Save the Children Romania opened a shelter for child victims of trafficking and unaccompanied children (with support from the National Authority for Child Rights Protection and Adoption (ANPCA) and within the second 'Programme of National Interest for the Prevention of Illegal Migration and Child Trafficking').

COORDINATION AND COOPERATION

Local and National Level

Romania still lacks an integrated approach to meet the needs of sexually exploited children.¹³ Some improvement has been made through the work of the National Authority for Child Rights Protection, but in relation to trafficking in children only. Also, an Anti-trafficking Inter-Ministerial

Group, in operation since 2004, deals with trafficking in both adults and children.

The Group created an Anti-trafficking Agency and there are hopes that it will significantly improve coordination of action in this regard. But Romania urgently needs a focal point to coordinate actions against CSEC in general, especially as these tend to be undertaken under the broader framework of trafficking and sexual exploitation of women, with little understanding of the particularities and inter-connectedness of the various other forms of commercial sexual exploitation of children.

Regional and International Level

Cooperation with member States of the Stability Pact for South Eastern Europe has been strengthened, particularly through diplomatic missions for gathering and sharing information. Bilateral agreements have also been signed with relevant neighbouring countries affected by the issue of trafficking in children and the commercial sexual exploitation of children.

In the framework of the 'Joint East-West Multi-Stakeholder Training Programme on Trafficking in Children for Sexual Purposes' implemented by the ECPAT Europe Law Enforcement Group, Salvati Copiii/Save the Children Romania and ECPAT France organised training for professionals working with children, social workers and police officers. Salvati Copiii/Save the Children Romania also organised a joint social workers/police officers training of trainers for the ten eastern European partners of this project.

PREVENTION

Although several prevention campaigns have been undertaken by NGOs, it is necessary to improve coordination to avoid duplication of efforts, particularly concerning the prevention work carried out in schools. CSEC prevention campaigns should be planned under a long-term strategy targeting the same at-risk groups and areas to ensure sustained impact - in particular reaching disadvantaged and street children, and Roma communities. Involving children and teenagers in the campaigns design and implementation has proved very effective, and this should be taken into account in new campaigns. Finally, better evaluation methods are also needed to assess the campaign's effect.

Salvati Copiii/Save the Children Romania has undertaken ongoing prevention campaigns in recent years. Between May 2002 and March 2004, it developed a campaign against trafficking in children for sexual purposes whereby brochures were distributed to children to inform them about the recruitment methods employed by traffickers, the kind of persons usually acting as traffickers, the consequences of trafficking, and how they could protect themselves. Debates were also organised in schools, and posters and brochures were made available at police sections where passports are issued, at border checking points, and at other relevant public institutions.¹⁴ In 2005, Salvati Copiii/Save the Children Romania staged a play in schools and placement centres (orphanages, etc.) based on testimonies of child victims of trafficking. Its current campaign targets disadvantaged communities in an attempt to address the lack of information on child trafficking.

Well-targeted trafficking prevention

Between 2003 and 2004, the Basic Education and Policy Support Activity (BEPS) undertook an awareness raising project to prevent child prostitution and trafficking in northern Romania, targeting the population along a well-known trafficking route leading to Moldova and Ukraine. In addition, high school students, institutionalised children and victims of trafficking were provided with the skills and knowledge necessary to find employment in their home regions. Another major component has been the establishment of a system of identification and monitoring of at-risk youth, using country inter-sectoral teams.¹⁵

Since 2004, Salvati Copiii/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’,¹⁶ 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 Tulips Hotels, the Romanian Hotel Industry Federation and the National Association of Tourism Agencies, on behalf of their members (more than 800).¹⁷

The JW Marriott Bucharest is currently running the ‘Youth Career Initiative’, which aims to address young Romanians who may be at risk of commercial sexual exploitation. The programme provides disadvantaged youth with theoretical and practical training in all areas of the hotel’s operations. The pilot programme began in August 2004 and ended in March 2005. It was presented as a best practice of private sector initiatives against commercial sexual exploitation of children at the World Tourism Organization (WTO)

PROTECTION

Romania ratified the *Convention on the Rights of the Child (CRC)* in 1990 and its *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2001. It further ratified *ILO Convention No. 182* in 2000 and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* in 2002. At regional level, Romania ratified the *Convention on Cybercrime* in 2004 and signed the Council of Europe's *Convention on Action against Trafficking in Human Beings* in 2005 but has not ratified it.

Legislation

Prostitution of Children

Romanian law generally meets international standards for child protection against exploitation in prostitution. Offences against children between 15 and 18 years of age carry lesser punishments than those committed against younger children.

The *Criminal Code* bans certain activities related to prostitution in general and the prostitution of children. The law makes it illegal to entice, coerce, recruit or traffic a person for purposes of prostitution; facilitate prostitution; or take advantage of the practice of prostitution. If any of these acts is committed towards a minor, or has grave characteristics, punishment is increased to between five and eighteen years' imprisonment and the prohibition of certain rights. Attempt to commit any of these acts is also punishable.¹⁸

A separate provision in the *Criminal Code*, revised in 2002, also prohibits activities related to child prostitution. Romanian law prohibits sexual contact of any nature with a person of the same or different sex who is under 18 years of age, in exchange for directly or indirectly offering or giving money or other benefits. Violators may be punished with between three and twelve years' imprisonment and the prohibition of certain rights.¹⁹ This provision also makes illegal sexual contact of any nature with a person of the same or different sex

who is under 15 years of age,²⁰ as well as sexual contact of any nature with a person of the same or different sex who is between 15 and 18 years of age, where the offender is a person responsible for the child, such as a teacher, guardian, or physician, or where the offender abuses the child's confidence, or the offender's authority or influence over the child.²¹ Punishment for these two offences is between three and ten years' imprisonment and the prohibition of some rights. Moreover, if any of the above three offences is committed for purposes of producing pornographic material, punishment is increased to between five and fifteen years' imprisonment and prohibition of some rights; if coercion is employed in the commission of any of these offences, punishment is further increased to between five and eighteen years' imprisonment and the prohibition of some rights.²²

In addition to these laws, Romanian law also contains provisions related to rape,²³ sexual perversion,²⁴ and sexual corruption.²⁵ All of these crimes contain separate punishments where the offence was committed against a minor,²⁶ and the sexual perversion and sexual corruption offences contain additional punishments if the crime was committed for purposes of producing pornographic material with minors.²⁷ Furthermore, the sexual perversion provision bans sexual perversion involving a person under 18 years of age, in exchange for directly or indirectly offering or giving money or other benefits. Violators may be punished with between three and twelve years' imprisonment and the prohibition of certain rights.²⁸

Trafficking in Children for Sexual Purposes

Romanian law specifically defines and prohibits trafficking in children, and generally meets international standards. Romania's *Criminal Code* defines trafficking in children as it is defined under the *Trafficking Protocol*, and provides criminal penalties for the many activities that constitute trafficking. Punishments differ based on the age of the victim, being lesser for crimes committed against children aged between 15 and 18.

Romanian law bans child trafficking. Under the *Criminal Code*, trafficking in underage persons is recruiting, transporting, transferring, harbouring, or receiving a person under 18 years of age for purposes of exploitation.²⁹ Exploitation includes, among other things, compelling a person to engage in prostitution, in pornographic performances for the production and distribution of pornographic material, or in other forms of sexual exploitation.³⁰ Violations involving children under 15 years of age may be punished with

between five and fifteen years' imprisonment and the denial of certain rights; violations involving children between 15 and 18 years of age may be punished with between three and twelve years' imprisonment and the denial of certain rights.³¹

The law further outlines a number of circumstances that increase punishment for child trafficking. For example, if the crime involves the use of violence, threats or other coercive means, such as kidnapping, fraud, representation, abuse of power, punishment is increased; violations involving children under 15 years of age may be punished with between seven and eighteen years' imprisonment while violations involving children between 15 and 18 years of age may be punished with between five and fifteen years' imprisonment.³² Punishment is also increased where: two or more persons are trafficked at the same time; the victim sustains serious bodily harm or health problems;³³ the victim dies or commits suicide as a result of the crime;³⁴ or the offender was part of an organised group that obtained or produced significant material proceeds as a result of the crime.³⁵

A 2005 amendment to Romania's trafficking law protects persons forcibly trafficked or prostituted from criminal prosecution.³⁶

Child Pornography

Romanian law requires strengthening to meet international standards in relation to child pornography, particularly as it limits the media in which pornographic images can be represented to visual media, rather than including audio, digital and electronic media.³⁷ It is also unclear whether simulated explicit sexual activities or representations of the sexual parts of a child are considered pornographic materials. Finally, although Romanian law prohibits possession of child pornography for purposes of distribution, it does not ban mere possession.

The *Criminal Code* contains several provisions banning child pornography and its production. Under Romanian law, it is illegal to expose, sell, rent, distribute, manufacture, produce, send, offer, make available, or possess for purposes of distribution, objects, films, photographs, slides, emblems or other visual media representing sexual positions or pornographic material involving a person under 18 years of age. The law also prohibits sanctioning the import or handing over pornographic materials to a transport or distribution agent for sale or distribution. Punishment for these offences varies between three and ten years' imprisonment.³⁸ Engaging in these activities as part of an organised group may

be punished with between three and twelve years' imprisonment and the prohibition of certain rights.³⁹ Furthermore, Romanian law prohibits sexual acts, sexual perversion and sexual corruption for purposes of producing pornographic material with a minor.⁴⁰

With respect to child pornography and computer systems, the Code prohibits producing for the purpose of distribution, offering or making available, distributing or transmitting, the procuring for oneself or another of child pornography material, as well as the possession of child pornography material within a computer system or computer data storing device. Such an offence is punishable with imprisonment from three to twelve years and the prohibition of certain rights.⁴¹ Furthermore, *Law No.196/2003* addresses the issue of pornographic materials production: Article 10 states that it is strictly forbidden to produce any pornographic material which casts minors, and also to engage in any activity in order to cause minors to participate in the production of pornographic materials, by force or simply by convincing them.

With regards to the Internet, Romanian law forbids the creation and administration of "paedophilic sites".⁴² The National Regulatory Authority on Communications (ANRC) can receive claims regarding the non-compliance with the above provision. When receiving such claims, the ANRC must require the Internet service providers to block access to the site. The non-compliance of Internet service providers with the obligation to blocking the access to such site within 48 hours of receiving a request to that effect, is subject to a fine ranging from 100,000,000 lei to 500,000,000 lei (approx. US\$3,400 to US\$17,000).⁴³

Extraterritorial Legislation

Romanian law applies to crimes committed abroad by a Romanian citizen.⁴⁴

Child Protection Units

At present, although a number of law enforcers have been trained to offer assistance to child victims of sexual exploitation, they are not always the ones to receive information related to sexual crimes against children, which means that sometimes untrained staff work on CSEC cases. Special Courts for children are soon to be created in Romania to hear juvenile and family law matters.⁴⁵ Whereas some training has been provided to social workers and other

specialists working with children in the Courts, there is an urgent need to establish child-friendly procedures for interviewing child victims and witnesses in criminal proceedings.

Support Services for Children

There are no separate specialised centres for victims of commercial sexual exploitation. However, a few general social services within the Child Protection Departments provide psychological, medical and legal assistance. In addition, Salvati Copiii/Save the Children Romania runs seven counselling centres for victims of abuse and CSEC. In Bucharest, for instance, they established a hotline and mobile teams to reach children involved in prostitution and abuse situations.

To assist children victims of trafficking, eleven shelters have been established under the *National Plan of Action for Preventing and Combating Trafficking in Children and Social Reintegration of the Victims*. However, due to problems with the identification and referral of trafficked children, not all children identified as trafficking victims actually receive the assistance available in these shelters. A number of children identified near the borders are simply sent back to their families by the officials, without further investigation on whether their families can

properly receive them back or whether they need special help. The Child Protection Departments sometimes also fail to make such assessments, simply reintegrating the children within their families or in foster families, which has caused a number of children to be trafficked again.⁴⁶

It is unclear to what extent these shelters for child victims of trafficking are able to meet the specific needs of children trafficked for sexual purposes.

Training Law Enforcement Personnel


In the last few years a number of NGOs have conducted training focused on child trafficking for sexual purposes. But there is a need to establish systematic training on CSEC issues, also broadening the focus so that child trafficking is not the only manifestation discussed.

Under the 'Joint East-West Multi-Stakeholder Training Programme on Trafficking in Children for Sexual Purposes', Salvati Copiii/Save the Children Romania have provided law enforcers (including border police officers) and social workers with training on child trafficking issues.



PRIORITY ACTIONS REQUIRED

- Creating a national focal point on CSEC is a matter of urgency, as all coordination related to commercial sexual exploitation of children currently only addresses trafficking.
- CSEC prevention campaigns must be part of a long-term strategy targeting at-risk groups and areas, in particular street children and children from Roma communities and other minorities.
- The Council of Europe's *Convention on Action against Trafficking in Human Beings* must be ratified by Romania at the earliest opportunity.
- Romanian law must be reviewed so that child pornography featured in audio, digital and electronic media is also criminalised. The law should also specify that simulated sexual activities or representations of the sexual parts of a child are considered pornographic materials. Finally, the mere possession of child pornography should be criminalised.
- All CSEC cases must be referred to specially trained police officers, as currently this is not the norm. Furthermore, child-friendly procedures for interviewing child victims and witnesses in criminal proceedings must be developed.

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- Better identification and referral systems for children victims of trafficking, including trained border officials capable of referring the children identified in border areas to the appropriate services, are needed. The National Anti-trafficking Agency could play a key role in this regard.
 - Police officers dealing with child victims of trafficking and commercial sexual exploitation must be trained to better understand the situations they face and not blame victims for their own exploitation. Physicians, teachers, local authority workers and other specialists also require training to enhance their understanding of the issue.
 - Children identified as victims of CSEC should benefit from the same kind of assistance provided in the centres for trafficked children: as such, it is necessary to develop appropriate support services specifically designed to meet the needs of CSEC victims.
 - Given the dimensions of the trafficking in children for sexual purposes in Romania, it is essential that systems for collecting information and monitoring the situation are developed and put in place, to inform adequate policies and strategies.

Endnotes

- ¹ On 14 June 1985, the Schengen Agreement on the elimination of border controls was signed by Belgium, Germany, France, Luxembourg and the Netherlands in Schengen (a small town in Luxembourg). At present, there are 15 Schengen countries: Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Italy, Greece, Luxembourg, Netherlands, Norway, Portugal, Spain and Sweden. All these countries except Norway and Iceland are European Union members. (Source: EuroVisa.Info. *What are the Schengen Countries?* Accessed on 14 October 2005 from: <http://www.eurovisa.info/SchengenCountries.htm>)
- ² Salvați Copiii/Save the Children Romania. *Child Trafficking in Central, South Eastern Europe and Baltic Countries: Regional Report – 2003*. Salvați Copiii. București. 2004.
- ³ Salvați Copiii. *Report on Child Trafficking: Romania*. Salvați Copiii. March 2004.
- ⁴ UNICEF and the Inter-ministerial Working Group for the coordination and assessment of the activities to prevent and combat trafficking of human beings. *Report: Evaluation of Anti-trafficking policies in Romania*. 2006.
- ⁵ European Network Against Child Trafficking (ENACT). *A Report on Child Trafficking: Bulgaria, Denmark, Italy, Romania, Spain, and the United Kingdom*. Save the Children Italia ONLUS. March 2004.
- ⁶ Salvați Copiii/Save the Children Romania. *Report on Child Trafficking: Romania*. Salvați Copiii. March 2004.
- ⁷ O’Brian, Muireann, van den Borne, Anke, and Noten, Theo. *Joint East West Research on Trafficking in Children for Sexual Purposes in Europe: The Sending Countries*. ECPAT Europe Law Enforcement Group. Amsterdam 2004.
- ⁸ ARAS. *Commercial Sex*. 2006. http://www.antitrafic.ro/download/raport_cercetare_CSW_11_aprilie_presa.pdf
- ⁹ Save the Children. *10 Essential Learning Points: Listen and Speak Out against Sexual Abuse of Girls and Boys*. The International Save the Children Alliance. 2005.
- ¹⁰ Ibid.
- ¹¹ Salvați Copiii/Save the Children Romania. *Annual Report 2004*. Salvați Copiii. 2004.
- ¹² Save the Children. *10 Essential Learning Points: Listen and Speak Out against Sexual Abuse of Girls and Boys*. The International Save the Children Alliance. 2005.
- ¹³ Ibid.
- ¹⁴ Salvați Copiii/Save the Children Romania. ‘Campaign for Preventing Trafficking in Human Beings’. *Electronic Informative Bulletin*. No.1/2004. pp. 5-6.
- ¹⁵ Basic Education and Policy Support Activity (BEPS). *Combating Human Trafficking: Romania*. Accessed on 12 October 2005 from: http://www.beps.net/child_labour/romania.htm
- ¹⁶ The project is funded by OSCE and the NGO Respect Austria.
- ¹⁷ Salvați Copiii/Save the Children Romania. *Public-Private Cooperation in the Prevention of Trafficking and Sexual Exploitation of Minors in Travel and Tourism Industry*. Accessed on 12 October 2005 from: http://www.salvaticopiii.ro/romania_en/ce_facem/programe/Code_of_Conduct.html
- ¹⁸ Romania *Criminal Code*, Article 329.

- ¹⁹ Ibid. Article 198(3).
- ²⁰ Ibid. Article 198(1).
- ²¹ Ibid. Article 198(2).
- ²² Ibid. Article 198(4).
- ²³ Ibid. Article 197.
- ²⁴ Ibid. Article 201.
- ²⁵ Ibid. Article 202.
- ²⁶ Ibid. Articles 197(3), 201(2), 201(3), 202(1), 202(2).
- ²⁷ Ibid. Articles 201(3)(2), 202(2)(1).
- ²⁸ Ibid. Article 201(3)(1). *See also* Response of the Government of Romania to U.N. Violence Study Questionnaire, p. 8.
- ²⁹ Romania *Criminal Code, Law No. 678 on the Prevention and Combat of Trafficking in Human Beings (December 2001)*, Article 13.
- ³⁰ Ibid. Article 2.
- ³¹ Ibid. Articles 13(2), 13(1).
- ³² Ibid. Article 13(3).
- ³³ Ibid. Article 13(4).
- ³⁴ Ibid. Article 13(5).
- ³⁵ Ibid. Article 14.
- ³⁶ *Law No. 287 to Approve Government Emergency Ordinance No. 79/2005 that Amends Law No. 678/2001.*
- ³⁷ The Government of Romania's submission in response to the U.N. Violence Study Questionnaire, however, states that Romania's Criminal Code contains a provision on child pornography through computer systems.
- ³⁸ Romania *Criminal Code, Law No. 678 on the Prevention and Combat of Trafficking in Human Beings (December 2001)*, Articles 18(1), 18(2), as amended by *Emergency Ordinance No. 143/2002* (October 2002).
- ³⁹ Romania *Criminal Code, Law No. 678 on the Prevention and Combat of Trafficking in Human Beings (December 2001)*, Article 18(3), as amended by *Emergency Ordinance No. 143/2002* (October 2002).
- ⁴⁰ *Criminal Code*, Articles 198(4), 201(3)(2), 202(2)(1).
- ⁴¹ *Penal Code*, Art. 238.
- ⁴² *Law No. 196/2003*, Article 8(4). Accessed on 12 October 2005 from: <http://www.legi-internet.ro/en/lawporno.htm>
- ⁴³ *Law No. 196/2003*, Article 15 (3). (Source: Internet Laws. *Law on the Prevention and Fighting of Pornography No. 196/2003: Aspects Regarding the Internet*. Accessed on 12 October 2005 from <http://www.legi-internet.ro/en/lawporno.htm>)
- ⁴⁴ Information provided by Salvati Copiii/Save the Children Romania.
- ⁴⁵ The Office of the United Nations High Commissioner for Human Rights (OHCHR). *United Nations Study on Violence against Children: Response to questionnaire received from the Government of Republic of Romania*. p.9.
- ⁴⁶ Information provided by Salvati Copiii/Save the Children Romania.



ECPAT International

328 Phayathai Road
Ratchathewi, Bangkok
10400 THAILAND
Tel: +662 215 3388, 662 611 0972
Fax: +662 215 8272
Email: info@ecpat.net | media@ecpat.net
Website: www.ecpat.net