

**GOOD PRACTICES GUIDE
FOR ASSISTING CHILDREN WHO
WERE TRAFFICKED TO SEXUAL
EXPLOITATION PURPOSES**

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INTRODUCTION IN TRAFFICKING IN CHILDREN ISSUES

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After the collapse of communism, the economic instability and loosening of the border control led to an alarming increase in the human trafficking phenomenon across the South-East of Europe. Due to its geographical position, Romania has become a sending country but also a transit one for the victims of trafficking. Children, women and persons with disabilities were sold and exploited in various countries (former Yugoslavian states, Western but also Asian countries). Such an unexpected increase in this phenomenon required the creation of some combating instruments. First of all, it was necessary to define the phenomenon and Romania has signed the Palermo Protocol (UN) dated 15th of November 2000, through which the internationally agreed definition was adopted:

Human trafficking defines “recruitment, transportation, transfer, harboring or receipt of persons by criminal means through the threat or use of force or coercion, abduction, fraud, deception, abuse of positions of power or abuse of positions of vulnerability or by offering or accepting payments or privileges in order to obtain the consent of a person who has authority over another person, to the purpose of sexual exploitation.”

Trafficking in children is similarly defined, the differences being made by the **age of the victim** (the term of “child” being equal to the one adopted by the UN Convention on the Rights of the Child: any person aged under 18 years old) and **the means of recruitment** since in the case of children it does not matter if coercion methods were or were not used. Otherwise, the Law 678/2001, which defines and punishes the crime of trafficking, clearly stipulates under article 16: “the consent of a person, victim of trafficking, does not absolve the author of penal charges”.

Human trafficking is generally perceived as a transnational crime across international borders but, as the definition stipulates, the crossing of the border is no longer a condition for classifying this legal offence as “trafficking”. It was a necessary stipulation to make since internal domestic trafficking has equally increased and in strong connection to external trafficking, and both forms of trafficking are requiring a homogenous approach.

The main forms of exploitation, which are also mentioned in Law 678 are:

1. forced labor
2. forced prostitution, involvement in producing pornographic materials or other forms of sexual exploitation;
3. removal of human organs;

Child pornography and illegal adoption are also mentioned.

With no intention do undermine the extension or effects of other forms of trafficking in children, we have to emphasize that trafficking in children to sexual exploitation purposes has the most severe consequences both at psychological and physical level. Usually, coercion means involve

physical and psychological violence. Repatriated victims from former Yugoslavian states (Serbia, Macedonia, and Kosovo) reported the use of drugs for obtaining „cooperation” or the use of guns for intimidation.

Who are the victims?

If we analyze the assisted cases we can draw up a portrait of the victim of trafficking to sexual exploitation purposes:

- girls, 15-17 years old
- low level of education (they usually drop out school to leave abroad)
- they come from poor areas in the country (most of the assisted cases up to present were coming from Moldavia)
- coming from families with problems (domestic violence, alcoholism, sexual abuses)

Although poverty is an aspect, which characterizes most of the families, to which victims belong, it cannot be considered as the main cause for trafficking. Poverty is a factor contributing to the disruption of relationships inside families with problems. Lack of family support, under the conditions of a lack of alternative at community level, helps creating a perception that the recruiters' offer is the only chance to succeed. In some cases, victims are aware of the risks involved by such an offer, but they deny them since there is no other alternative.

Many times, the professionals who assist the victim along the reintegration process are disappointed to find out that the victim suspected in the first place something bad was to happen and still left the country and they tend to not consider this person as a victim anymore. This would be a mistake and it must be avoided for two reasons: the role of a professional is not to judge the victim's decision, and in addition, the professional has to take into account that no one would consent to his/her own torturing, threatening and exploitation.

Stages of trafficking

First stage is the “recruitment” which is carried out in several ways:

- false promises of job offers abroad (offered by various acquaintances)
- advertisements placed in printed media
- kidnappings

The most frequent recruitment method is represented by job offers abroad made by various acquaintances, friends, relatives. Even the parents can be involved in the process of trafficking, sometimes by consenting to their child's leaving, and in other cases even by selling the child. Usually the recruiter (man or woman) approaches the victim in a familiar space, gaining the victim's trust either by exhibiting a state of welfare (expensive clothes, jewels, money), or by giving examples of cases of persons who succeeded abroad. Printed ads are targeting a larger category of potential victims, usually aged over 18. The ads are attractive to victims since they promise jobs in western countries, the requirements are only related to physical qualities and the salary is higher than whatever can be paid on the domestic market.

Usually the recruiters do not allow too much time for thinking over the offer and all the preparations for leaving the country are only taking a few days.

There are also cases of kidnapping. They are rare but they are associated from the beginning with the use of violence or drugs.

Once the Schengen visa was eliminated, the main way to cross the trafficked victims over the border is the legal one (presenting documents to prove the status of a tourist, invitations from various persons).

Yet, if the child is too young, the probability to cross the border illegally is higher since the legal procedure requires too many documents. Usually illegal crossing of the border involves the transportation of the victim to some point nearby the border with an automobile and then crossing the border on foot or by boat with the help of a guide. At this point the process of selling and reselling begins, the victim being analyzed and evaluated as any other type of merchandise. Each time, the new “owner” is asking the victim to pay a ransom equal to the amount he has paid for her/him, and each time the amount gets higher. Most common treatments applied to victims while they are exploited are: confiscation of their documents (so they cannot run back), isolation, permanent surveillance, verbal and physical violence, and sexual abuses.

Reintegration

The social reintegration of the victim of trafficking to sexual exploitation purposes is a long term process and it involves experts from various fields (psychologists, social assistants, doctors, police officers, lawyers, judges). The principle that all experts have to take into account is that the victim has the right to receive protection and assistance, no matter the type of exploitation she has been subjected to.

In the “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power”, adopted by UN General Assembly during the 14th session held between 17.09-18.12.1985, the victim is defined as “a person who individually or collectively has suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of fundamental rights, through acts or omissions that are in violation of criminal laws or which represent an infringement of human rights.

Four special points addressing the issue of providing assistance to victims are to be identified in this UN document:

13. Victims should receive material, medical, psychological and social assistance through governmental, voluntary or community-based means.
14. Victims should be informed of the availability of health and social services and other relevant assistance forms and be readily afforded access to them.
15. Police, justice, health, and other institutions concerned should receive training to sensitize them to the needs of victims and ensure proper and prompt aid.
16. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors mentioned above.

Assisting victims in the reintegration process is an issue which requires the cooperation between governmental and non-governmental institutions. In the absence of a coherent system of victims’ repatriation, recuperation and reintegration, the risk for these children to be re-trafficked is huge. Also, lack of cohesion among all the experts involved, lack of a homogeneous approach and misunderstanding the responsibilities could lead to the failure of the reintegration plan. In order for the assistance provided to the victim to be fully directed to the victim’s best interest, the present guide attempts to provide a perspective on the role played by each actor involved in the reintegration process.

CASE MANAGEMENT

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“Article 39. States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration will take place in an environment which fosters the health, self-respect and dignity of the child.”

The UN Convention on the Rights of the Child

Children victims of human trafficking are persons with complex problems caused on one hand by a history of being trafficked, and on the other hand by the environment they come from. Children victims have multiple needs: medical, psychological, social, and juridical. Those needs and their severity may vary from case to case.

No professional may undertake alone the responsibility to intervene in such cases. An effective intervention can be carried out only by a plury-disciplinary team (psychologist, social assistant, legal adviser/lawyer, police officer).

Team intervention implies sharing out the tasks and responsibilities and coordinating the efforts. Therefore it is necessary for the team to be led by a case manager (usually the psychologist or the social assistant) who will monitor the whole activity.

In order to create a common image and language regarding trafficking in children, the team has to be trained in an intensive manner on issues such as intervention in situations of physical, emotional, sexual and economic abuse, domestic violence and victimology. The training must also cover issues related to children's rights (stipulated by national and international legislation). The experts must rely in all their interventions on children's rights.

The profile of the intervention team

The plury-disciplinary and inter-institutional team will be made up of professionals with the following profiles:

1. The social assistant – will have the following responsibilities:
 - To make sure the case information and data were correctly collected and recorded. The collected information will be a part of the record which will accompany the victim along the process of reintegration and it is confidential. The record will bear the mention “Highly confidential”. Confidential documents will be kept in a metallic locker to which only the team members have access. By request and only with the consent of the victim the police officers working on the case and the victim's lawyer may have access too.

- To facilitate the victim's access to services foreseen in the services plan for reintegration (medical, educational, job counseling).
 - To mediate the relation between the victim and other relevant persons around (family, relatives, public employees).
2. The psychologist-psychotherapist has an active role both in the process of evaluating the victim's history of being trafficked from the perspective of negative consequences upon the psychic of the victim, and in the therapeutic process centered on diminishing the state of mind symptoms and increasing the victim's capacity to adapt. The psycho-therapeutic intervention plan, as part of the individually tailored services plan, is aiming at:
- Rebuilding the victim's sentiment of safety. This can be achieved through a careful evaluation of risks, physically and psychologically securing the victim during the whole period of psychotherapy and building a relationship based on trust.
 - "Reconstruction" of the victim's life history. Reconstruction is an important part of the psychotherapy act and it assumes:
 1. recalling to mind the event/events that were traumatic and re-experiencing the trauma;
 2. "Mourning" for the losses suffered
 3. Integrating the trauma, understanding its significations in the context of its occurring, accepting the past and re-evaluating the value and moral dimensions, etc.
 - Reconnecting the victim to present and future, re-evaluating the interpersonal relationship system, creating the premises for building new interpersonal relationships.
 4. The doctor, police officer, legal advisor, lawyer are members of the inter-institutional team and not necessarily of the inter-sectoral team. These professionals "provide" services according to their professional expertise and which are part of the individually designed plan for services and intervention.

The role of the case manager

The main responsibilities of the case manager are:

- To permanently monitor the case
- To ensure regular, direct contact with the victim
- To ensure communication between team members (establish and organize case discussions)
- To coordinate and document the plan of services which has to be designed in cooperation with the assisted person.
- To evaluate the resources available and the services provided by the relevant agencies
- To establish a set of successful criteria to be used in the evaluation of the aims and objectives. A clear re-evaluation programme has to be designed even from the beginning to modify the initial aims and objectives.

Basic intervention principles

The basic principles on which any intervention of the plury-disciplinary team should be founded in cases of trafficking victimization are linked to the rights granted to all children as stipulated by the UN Convention on The Rights of the Child. Romania has ratified this Convention in 1990 and a special attention has been given to the following aspects:

- All interventions shall focus on the best interests of the child;

Article 3. - in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child will be a primary consideration.

- Constructive dialogue with the victim and relevant persons;

Article 12. - the right of the child to express his/her opinion, being given due weight in any judicial and administrative proceedings affecting the child.

- Religious, ethnical non discrimination or non discrimination related to sexual exploitation;

Article 2 – respecting and ensuring the rights to each child irrespective of the child's race, skin color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, or disability.

- The information regarding the history of abuse and trafficking is confidential;

Article 16. – the right to privacy, family, home or correspondence protection, to protection against unlawful attacks on his or her honor and reputation.

- Protecting and securing the environment they live in, both during the penal trial against traffickers and for the hole duration of the implementation of the rehabilitation plan

Article 3, paragraph 3 - the institutions, services and facilities responsible for the care or protection of children will conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

- Facilitating the recuperation and reintegration within the family or community, if this is to the best interest of the child

Article 9 – the right of the child to live together with his/her parents or to maintain personal relations with them, except for the case when it is contrary to the best interests of the child.

The active participation of the assisted person to the design and implementation of the individual reintegration plan (IRP) is of utmost importance. The presence of the victim at the moment in which each professional member of the plury-disciplinary team expresses an opinion regarding the case and solutions allows the victim to express his/her own solutions and the victim will gain the **needed** respect and confidence.

The objectives of the Individual Reintegration Plan

The objectives of IRP are:

- To meet the basic needs (food, clothing, shelter) and to ensure a secure environment
- Psychological recuperation
- To improve the health status
- Family reintegration
- School (re)integration/ vocational training
- To develop abilities for an independent life
- Professional integration (if the age and capacity allow for it)

In each IRP, the team establishes in cooperation with the victim a hierarchy of the objectives, taking into account the victim's age, the trauma experienced, the family/institutional environment, the victim's interests and aspirations, the available resources (financial and human), the victim's educational level and skills.

In conclusion, the general structure of an intervention plan must contain:

1. Statement of the purpose of intervention;
2. Description of the long and short term objectives;
3. Description of the services to be accessed in pursuing the objectives;
4. A plan of the activities and their timeframe.

PSYCHOLOGICAL COUNSELING

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Traumatic experience of trafficking in children to sexual exploitation purposes

In view of ensuring an effective intervention, the psychologist has to understand the traumatic experience lived by the child victim. The assisted victims up to present have talked about physical and psychological tortures they were subjected to when they refused to prostitute: burns, sequestration in very narrow spaces, beatings, etc. Most of the times, rape is the first method used for coercion and intimidation. In most of the cases, the victims do not wish to talk about such traumatic events and that is why the psychologist has to be prepared to recognize certain signs, which are specific to various methods of physical abuse.

- Burns provoked with a cigarette leave macular scars with a diameter of 5 up to 10 millimeters and exhibit a de-pigmented center and a relatively blurred hyper-pigmented periphery.
- The consequences of whipping and punishment with a batter are long, either linear or undulated scars which are asymmetrically grouped. Tiding the victim may damage the subcutaneous tissues which are pressed. Thus a nerve lesion may appear and cause the loss of sensorial or motor function.
- Razor cuts leave a scar of 5-10 centimeters long and 1 millimeter wide, macular and often de-pigmented. If the wound has been covered with pepper, the scar will be hypertrophied.

The most often encountered symptoms at the victims of trafficking are:

- Fear, panic and anguish attacks, the victim expecting the trauma to be repeated at any time.
- Self blaming for her/his own suffering
- Concentration problems
- Attempts or desire to commit suicide
- Communication problems, aggressiveness and intense anger
- Hyperactivity
- Sexual disorders
- Psychotic phenomena (hallucinations, paranoid ideas)
- Self-healing is attempted through alcohol and medicines abuse.

Specific to *rape trauma*, the following symptoms can be mentioned:

- Anguish, phobia; psychosomatic disorders, respectively psychogenic pains; nutritional behavior disorders; pains felt in the lower part of the abdomen and in the genital area; skin diseases; headaches close to migraines, backaches, persistent aches felt in some parts of the body, short term paralysis or feeling some organs as not belonging to the self person; depressions, feeling of despair. The depressive mood can lead to suicidal.

- Sexual disorders and relationship problems. In many cases, it may appear a rupture of sexual and social contacts. Alternatively, forms of relations strongly sexualized may occur, an addictive type search for sexual relations.
- Anorgasmia and vaginism, throw up sensation in case of body touching
- Alterations in relation to one's own body. Some victims regard their body as something extraneous, unrelated, dirty, and devalued (according to Kretschmann, 1993).

In treating the victims, several characteristics have been identified and they have been repeated in the therapeutic approach.

The ten symptoms to which therapists should pay a special attention when working with victims are:

1. Frequent use of denial or dissociation from the traumatizing experience.
2. The need to be in control.
3. The tendency to be too sensitive and to take everything too personally.
4. Difficulty to trust in others.
5. Distorting sense of responsibility, being either too responsible or irresponsible.
6. Troubles in being assertive and in expressing the anger.
7. Unusual thinking and behavior, sometimes to the limit of pathologic.
8. Tendency to repeat or relive defensive behaviors.
9. Sexual and somatic disorders.
10. Going away from the own self and from the others around.

The post traumatic stress syndrome (PTSS) is the common diagnose used to describe the sufferings of those persons who were victims of abuse for a long period of time.

PTSS clearly covers some of the symptoms the victims exhibit and the problems generated by such a situation of abuse. Yet, many of the victims of trafficking do not exhibit the classical symptoms of PTSS and do not “technically fit” such a diagnostic. Therefore, the therapists should be prepared to describe “multiple situations”. From the point of view of DSM-IV, the victims of trafficking fit into many of the situations described. Normally, the first diagnostic is the one describing the problem for which the victim has asked for assistance.

But if we are to take into account the variety of the problems experienced by the victims of trafficking, then the therapist's evaluation should describe both manifestations related to Axis I, such as alcohol addiction and post traumatic stress disorder, as well as manifestations related to Axis II, respectively personality disorders.

A first step towards achieving an image of the consequences of trafficking upon the victim is the focus on the abuse “parameters”. The most investigated type of abuse in human trafficking is the sexual abuse. The more severe the sexual abuse is, the grater the impact upon the victim.

The effects of sexual abuse are more severe whenever:

- the incidents are more frequent
- sexual abuse covers a longer period of time
- sexual activities are extensive and cover different aspects (perversion, sado-masochistic, etc.)
- There are several abusers
- Sexual abuse involves physical violence
- There is a big difference between the age of the abuser and the age of the victim.

It is also to be taken into account that the strategies of the traffickers are complex since they isolate the victim, invoke their strength, force the victim to perform trivial actions which all lead to the wearing of the victim, humiliate her, denigrate her, depersonalize her, reducing her to the

status of an object, merchandise. Messages such as “you are good for nothing”, “you will die without me”, “you will never be able to manage by yourself” are sent to the victim. Traffickers use violence in proving their strength and threaten to kill the victim repeatedly. Occasionally, traffickers also behave in a friendly manner: they offer money to the victim, gifts, support, gallant gestures, attention, and compliments.

All these bear severe consequences upon the victim’s behavior and attitude, the so-called Stockholm syndrome, the attachment to the abuser.

Cognitive-behavioral characteristics of the attachment to the abuser:

- Gratitude and satisfaction towards the trafficker’s gestures of kindness
- Denying or rationalizing the violence and anger against the trafficker
- Excessive attention paid to the needs of the trafficker
- Hardship in leaving the trafficker even after the return to the country
- Fear of the trafficker’s vengeance even if he is dead or imprisoned

Rules for trauma therapy

In 1989, Wilson formulated a few rules for trauma therapies, which are based on a large consensus among the scientists and therapists.

1. *Accepting the victim without judging her.* If the case is that the victim believes the therapist is not paying attention to her and he is judging her for the experience she has lived, then she will encounter severe hardship in reaching out and working with the therapist.
2. *Immediate intervention* and support are helping the process of liberation. Victims of trauma are in urgent need for as much social, psychological and economic support as possible in order to reestablish a fundamental sentiment of safety.
3. *Expecting counter-transferal massive reactions.* Therapists should expect to experience sentimental reactions and sometimes action tendencies which are difficult to control. In case these reactions are affecting the course of therapy it is advised that the therapist ask for the help of another specialist to supervise.
4. *Willingness to be tested.* The victims of trauma have lost their trust in inter-human support. Before confessing to a neutral person they are undertaking a series of tests to decide whether that person is worth their trust. The therapist should be open and communicate in an adequate manner his thoughts and feelings.
5. *Transfer* will be seen as a process of reconstructing the relations damaged by the trauma. Therefore, in order to be capable of reintegrating the experience, the victim will relive those experiences significant to her but in a secured framework of the therapeutic environment where the therapist will facilitate both positive transfers (various persons important to the victim), but also negative transfers (maybe the abuser or the abusers).
6. *The starting point of the therapy* is given by the hypothesis that current symptoms and stress reactions were provoked and determined by the experienced traumatic situation. Based on this hypothesis, the victim can feel accepted and may launch into the elaboration of the traumatic experience.
7. *Information about the nature and dynamics of traumatic reactions* is an integral part of the trauma therapy. The victim has to be assured that the symptoms are a normal consequence of an abnormal situation. It is necessary to be mentioned that any individual facing the same situation would similarly react.
8. *Although the therapist has access to the case records through cooperation with the plury-disciplinary team*, he will only take into account the story of the victim even if it may

significantly differ from what actually happened. A different story may account for the victim's mechanism of defense with regard to the traumatic event.

9. Traumatic events may at any age lead to alterations in the development of the self and of the identity. They may accelerate or slow down, prevent or interrupt the normal development process leading in the end to a cleavage between the pre-traumatic self-identity and the post-traumatic one.
10. Denial, cleavage and forms of dissociation belong to the defense mechanisms following a psychological trauma. It is necessary for the trauma therapists to take position against these reactions of defense, which are rather neglected, in the traditional concepts of defense. All these mechanisms could lead to a long-term alteration of the personality. The so-called „doubling” is expected to occur (Lifton, 1993) after severe traumas, that is, the tendency to build a new identity which seems to be more adapted to the new situation.
11. The attempts to self-healing through alcohol or drugs are widespread in the case of post traumatic overload syndrome. It is absolutely natural for the patients to try to diminish the extreme overload by making use of alcohol or drugs. The psychologist has to understand these phenomena even if alcohol and drug addiction is interfering with the therapy treatment plan.
12. Successful transformation of the traumatizing experience may have as a consequence the development of some positive character features: honesty, integrity, sensitivity towards the others and strong efforts for equality, equity, truth, interest in spiritual values.
13. Social commitment (supporting other traumatized persons) and discussing about the trauma are helping the healing process.
14. Transformation of the trauma is a long-term process. Even when the traumatic experience has been successfully treated, the victim remains touched for life. The events reminding of the trauma, even by a long shot, may lead to a new state of anxiety especially when the links to the traumatizing experiences remained unconscious.
15. Besides the above mentioned themes, sports or physical activities are important for traumatized patients in order to dismantle the physiological reactions caused by stress. Walking or climbing mountains may favor the interruption, even if it is for a short period of time, of the cycle of reliving the traumatic experiences or of the blocking and retreat.
16. In order to fight the retreat in apathy, victims sometimes develop an addiction to caffeine, tobacco, alcohol, drugs which is often accompanied by anxiety attacks, inquietude, nervosa, irritability, insomnia, gastro-intestinal disorders, heart arrhythmia, exhaust and psychomotor agitation. These symptoms often resemble to states of anxiety of a traumatic origin and may be connected to them.
17. Family can provide a valuable support in overcoming the trauma but only when the structure of the family is favorable.

The psychological evaluation plan

1. Initial objectives:
 - Establish a therapeutic relationship
 - Obtain information about the patient
 - Building a general framework for the problem
 - Establishing a preliminary hierarchy of the problems to be explored
2. Obtaining the information about the history of trafficking
 - The debut of the problem:
 - Acute:
 - Clearly identifiable cause – accident, rape, beating, etc.

- Precipitating and maintenance events are to be identified- negative and intrusive thoughts, avoiding behavior – which preserve the behavior
- Chronic/slow:
 - The problem has gradually developed, in a succession of events which are directly connected to the identified problem
- Unclear:
 - The victim is aware there is a problem but it is not clear how it occurred.

The evolution of the problem:

- Constant or fluctuating evolution
- Progressive deterioration
- Progressive amelioration

It is important to discuss with the victim the initial motives, which led to the occurrence of the problem since they may be irrelevant at the moment of therapy and the problem may be maintained by other factors.

3. Behavioral analysis

- Reviewing the problems in detail
- Focusing on “here and now”, on current maintenance factors, precipitators and protection factors.
- O’Leary and Wilson’s theoretical model – A-B-C-

A – antecedent

B – behavior

C – consequence

We must also focus on:

- Detailed description of the history of trafficking:
 - By describing a recent reaction related to the trauma
 - By autonomisation

There are four levels in the problem analysis:

- Behavioral – WHAT YOU DO
- Cognitive – WHAT YOU THINK
- Emotional – WHAT YOU FEEL
- Physiologic – WHAT MODIFICATIONS OCCUR INSIDE THE BODY
 - Contextual and modulating variables
- Contextual variables are in reference to those elements in a context which trigger the manifestations of the problem
- Modulating variables are those elements from the day-to-day environment of the victim, which modulate (either intensify or reduce) certain symptoms of the disorder.
 - Maintenance factors – are those factors contributing to the perpetuation of the problem:
 - immediate consequences:
 - a. situational
 - b. behavioral: the attempt to accelerate the respiratory rhythm
 - c. cognitive: the thought that she/he will have a heart attack
 - d. affective: the fear of fainting
 - e. interpersonal
 - f. physiological

- avoiding behavior:
 - a. passive avoidance – what you have ceased to do since the problem occurred
 - b. active avoidance - what new behaviors you exhibit since the problem occurred.

4. Modalities to adapt:

Modalities to adapt are in reference to the resources that each person employs in order to adapt to the day-to-day problems and difficulties and which help him/her to cope with the problems.

They assume the identification of general adaptation skills in problematic situations.

- Social abilities, introspection abilities, the ability to solve the problems, etc.
- Qualities – humor, perseverance
- External resources – financial, family, being an employee, health status.

5. Previous medical and psychiatric history

It is important to know the history of previous diseases and the person's reactions to the treatment.

6. Beliefs regarding the problem and the therapy

- The way the problem is presented and myths related to the problem - the mental representation of the disorder is to be discussed with the victim because discussing and analyzing this aspect precedes mind education
- The impact of beliefs and expectations upon the current status.

7. Social status

Inquiring for demographic data, the family, the health status and the level of education.

Therapeutic approach of the victims of trafficking

Having in view the complexity and diversity of traumatizing experiences lived by the victims of trafficking to sexual exploitation purposes it is difficult to indicate the most effective therapeutic model that has to be employed.

Cognitive-behavioral interventions in post traumatic stress syndrome

Identifying the factors which maintain the presence of menace perception – sensations, negative thoughts. The dependency to situations is to be explained to the victim and the fact that it is not an internal problem which cannot be solved should be emphasized. It is a problem that is related to something, it is not absolute.

Reducing the safety behaviors. It is achieved through behavioral experiments such as avoiding a location which has to do with the traumatic situation. Behavioral experiments are firstly undertaken within counseling sessions, successively strengthening and monitoring the progresses. Gradually, through homework, alternative adaptive behaviors are learned and can be applied in the daily environment. It is to be kept in mind that each time we reduce and then cancel safety behaviors we must sustain and then build alternative adaptive behaviors.

Systematic desensitizing is achieved through gradual exposure, starting from situations in which the victim has maximum control to less controlled situations. These situations can be identified from the analysis of the traumatic experience, the analysis of the memory related to the trauma and by undertaking a functional analysis of certain components, and dis-adaptive reactions. The confrontation takes place under relaxation, role playing.

Identifying the stimuli that activate the sentiment of menace, the intrusive images and thoughts. Situations generating anxiety are to be identified; the intensity of anxiety for each situation, the frequency of situations, their duration, latency and intensity.

Monitoring is effective also in realizing a hierarchy of the situations generating anxiety.

Exposure. Exposure in vivo to situations which trigger the PTSS symptoms, after making a hierarchy of these situations.

In PTSS, the exposure methods are targeting the acceptance and integration of the trauma within the historical life context of the patient. The aims are:

- acknowledging the whole traumatic situation
- pointing at the characteristics of the traumatic situation
- establishing the parameters of the memory related to trauma– gaps in recalling the event, incoherence in structuring the trauma memories; intensive negative emotionality related to certain aspects of the traumatic experience; building of some myths related to the traumatic experience.
- identifying the defense mechanisms used in the confrontation with the traumatic event – denial, rationalization, detachment, dichotomist evaluation.
- Identifying the significations assigned to the trauma.
- identifying the specific modalities used to preluce the information related to trauma.

Techniques to distract the attention when confronting with situations that activate the present state of menace: focus on an object, focus on sensations, mental exercises, recalling pleasant episodes, focus on activities.

Monitoring the thoughts- is performed in order to keep a distance from the automatic thoughts. The patient is taught to monitor the occurrence of automatic thoughts and stop them before they influence the affective mood. The disadvantage of this technique is that the possible effect may lead to a persistence of automatic thoughts instead of their remission.

Testing the reality – assumes the identification of own thoughts, that is, observing the difference between interpretation and reality; it has an important role in diminishing the sentiment of menace in the present and in integrating the traumatic situation within the life experiences context. The purpose of his technique is to identify evidence to counter cognitions and negative assumptions.

Cognitive techniques

- identifying and modifying the dis-adaptive beliefs
- testing and modifying the negative cognitions
- behavioral experiments which are effectively testing the validity of dis-adaptive cognitions.
- Identifying dysfunctional thoughts
- Modifying dysfunctional thoughts
- Anxiety management which helps the patient to achieve or improve certain abilities to adapt to stressful situations: relaxation methods, controlled breathing methods, positive thinking and positive interior dialogue, assertive training practices by teaching the patient to adequately express his/her opinions, desires and emotions without attacking or excluding the others.
- Game therapy, wherever the case is
- Psycho-educational methods – educating the patient and his/her family with regard to PTSS symptoms and various therapeutic methods available.

A therapy model elaborated by Francis McNabb in 2001 and designed for persons who experienced traumatic events is briefly presented below.

Session 1

1. Inquiry
2. Evaluating the coping and the non-coping
3. Therapeutic interventions:
 - a. establishing the purposes of the therapy
 - b. informing and making the victim aware
 - c. anxiety management
4. Explaining the therapy module

Session 2

1. Several exploratory questions
2. Anxiety and its effects
3. Anxiety management and control
4. Strategies and behaviors

Session 3

1. Sentiments management and control
2. Distinction between past traumatic events and present feelings
3. Coping models
4. Coping imagery

Session 4

1. Cognitive reorganization and reconstruction
2. The system of beliefs, attitudes, ways of thinking
3. Critical beliefs:
 - a. the type of the world
 - b. self evaluation
 - c. the scope and nature of the trauma
 - d. Nature and amplitude of the reactions
 - e. Fear
 - f. Other persons
4. Development of new cognitions, strategies and resources.

Session 5

1. Practice in anxiety management
2. Basic values, choices and directions
3. Exploration through relaxation and imagery
4. Relaxation and imagery for memories management
5. Improvement of self-image and self-efficiency.

Session 6

1. Reviewing the resources
2. Strengthening the self esteem and self-efficiency
3. Health and self confidence
4. Module evaluation
5. Future directions, self esteem.

SOCIAL ASSISTANCE

Daniela Nicolăescu

Supporting disadvantaged persons or groups in overcoming difficult situations is the main purpose of social assistance. It provides mechanisms to access the social protection services and to develop the individual or community capacity to identify and efficiently use the available resources.

Especially in the case of trafficked children, the social assistant plays an essential role in the process of social reintegration. The social assistant's intervention must be based on knowledge about the child victim, about the reintegration difficulties and the physical and psychological resources the child avails, as well as knowledge of the environment the child is to be reintegrated in (the origin community, family or a new environment).

In this respect, when establishing the intervention plan, the social assistant must always look for the best interests of the child. Therefore, the social assistant has to make sure the child is granted the legal rights, both moral rights and those stipulated by the law: the right to rehabilitation, social protection, medical assistance, the right to be protected against any forms of violence, the right to have a family, to education, as well as to protection against trafficking. All these should constitute the objectives of the social assistant's intervention. Also, all the activities undertaken in favor of the child victim must lead to the creation of an adequate environment for the child to express his/her opinion, desires and expectations towards his/her own destiny. Without the active participation of the child the chances for reintegration are minimal.

It is important that the social assistant be informed about the legal proceedings on social services and rights stipulated by the law and granted to victims of human trafficking. (Law 678/2001):

- Protection and special assistance (physical, juridical and social assistance).
- Victims may be accommodated upon request and temporarily within assistance and protection centers designed for victims of human trafficking: the centers must provide civilized conditions for accommodation and personal hygiene, food, psychological and medical assistance.
- Victims temporarily accommodated will be provided with information and counseling services by the social assistants from the local council apparatus in the territory where the centers are established, in order to benefit from those facilities granted by the law to socially marginalized persons.
- The county agencies for employment from the counties in which the centers are established and functional should organize, if possible, special short term programmes for the initiation and vocational training of the accommodated victims. Also, they are to ensure, at high priority, labor counseling and mediation services for the victims of human trafficking in view of their employment.
- The local councils from the locality of residence of the victims of human trafficking, Romanian citizens, may provide them at high priority with social dwellings.

Also, it is important that the social assistant communicate on regular basis with the County Department for Child Protection (CDCP) and identify the private services available in the region (provided by NGOs) to which the victim may apply. Such services are supplementing the efforts of the institution responsible with reintegration (Annex 1).

Stages in investigating a case of a child victim of human trafficking.

Even though each case has its own particularities, several stages may be identified in performing the task of assisting the child victim of human trafficking.

1. notifying the case to the specialized assistance services
2. registering the case
3. ensuring the emergency intervention
4. primary evaluation of the case
5. evaluating the family of the child victim of human trafficking
6. planning the intervention
7. final evaluation and case closure.

Notification

- Depending on the established partnerships between various institutions or on the methodology employed in case referral, the notification may come from: the police, social services, IOM, NGOs, individuals or juridical persons, the victim herself/himself.
- The notification is processed by the social assistant within the notified institution (NGO, Department for Protection of the rights of the Child)
- Basic information that should be enclosed in the notification: the victim's identification data (name, date and place of birth, address, marital status); family situation; school experience; work experience; state of health; short history of trafficking experience; assistance received in transit.

Registering the case

Registration of the case must follow the proceedings of the notified institution; the documents on the case are confidential and abide by the legal norms and regulations.

Ensuring the emergency intervention

The first services needed by the victim until the completing of the evaluation and designing of the intervention plan, are meant to provide the child with a secured environment, with emergency medical and psychological assistance:

- i. providing short term or medium term accommodation*

An emergency shelter must be offered for a short period of time until the case is evaluated and the possibilities to reunite the family are considered or until an adequate accommodation on medium term is found.

- ii. evaluation and medical treatment*

A special attention will be given to children victims who register with sexually transmitted diseases and HIV/AIDS. The main services that must be ensured to all children victims during this stage are:

- medical checks
- medical reports prepared for the courts of law (if the case is)
- treatment and medication and referral to other medical treatment centers in case of sexually transmitted diseases or in cases of severe abuse or injury.
- testing for HIV/AIDS or drug abuse.

iii. *Psycho-social intervention services* – psychological and social counseling to overcome the trauma, an activity which assumes a good coordination between the psychologist and the social assistant.

iv. *ensuring the minimum necessities of the child* – food, clothing, personal hygiene products, etc

Primary evaluation of the case

The professional taking over the case must follow the next steps in performing the investigation, respectively the evaluation of the situation of the child victim:

- Who was in charge with the repatriation?
- The history of trafficking: Where did it happen?
How did it happen?
The route the victim followed since he/she left the country.
- The child's family of origin
- The child's family environment
- Which are the expectations/ fears concerning the reaction of the family upon the return of the child victim of human trafficking
- Who provided the child with assistance during the transit period (see Annex 3)

In collecting the information there are also other elements that must be searched for, elements that are helpful for the evaluation and in designing the intervention plan:

- Is the victim safe?
- Is there a risk that the victim may be re-trafficked?
- Are there any witnesses or other sources of information?
- Are there any other children victims?

This information can be obtained using an interview protocol to question the victim, the family members proven that the family is approachable.

Family evaluation

The purpose of family evaluation is the identification of the causes that led to a trafficking situation, of the existing risk factors and the measures to be taken in the framework of the intervention plan. This evaluation and the desires of the child are two factors accounting for the decision to reintegrate or not the child within the family.

Family evaluation is targeting:

- Family history and its signification
- The signification of the past and especially of the current surrounding environment
- Family functioning factors:
 - Living conditions: external environment conditions; house maintenance;
 - Financial conditions: financial management; financial problems

- Other support mechanisms of the family (parents or the extended family): support from the neighbors, friends and the involvement of the community; care available for the victim; medical assistance available;
 - The interaction parent-child victim of human trafficking: understanding the development of the child, daily routine; disciplinary methods; the style of parent's attachment to the child; the communication quality and effectiveness (child to parent; parent to child); interaction between the two parents; interaction between siblings.
- Characteristics of the victim's parents: father's history; mother's history: personal features of the father, features of the mother; support from the extended family – personal features of the extended family and its history.

Intervention

After family and victim evaluation the next stage is to establish the intervention plan together with the case manager. The intervention plan is based on the information gathered by the social assistant and it is targeting:

- Objectives to be accomplished
- Determining factors which lead to trafficking and their elimination
- What can be changed in the family of origin of the child victim of human trafficking
- Priorities
- Steps to be taken in order to accomplish the objectives of socially reintegrating the victim and/or preventing the victim to be re-trafficked;
- The estimated time needed for social reinsertion of the child victim of human trafficking and successful completion of the intervention plan;
- Social actors who may be involved and their roles in intervention;
- Institutions which will cooperate to efficiently carry out the intervention plan

Instrumenting the case is important for the victim's protection and therefore the intervention plan must be designed in the most accurate and specific manner.

The intervention plan must be also discussed and designed in cooperation with the victim because the victim's expectations on social reintegration and especially on her/his safety are to be taken into account. We must also see what the victim is expecting from the plury-disciplinary team. Another very important aspect is informing the child with regard to his/her rights (access to social services, the right to confidentiality, witness protection, etc)

The intervention plan contains:

- activities to be carried out in the presence and with the participation of the victim,
- social assistant interventions on the victim – actions taken in view of the social reinsertion of the victim,
- psychologist interventions on the victim – working on the trauma so that the victim may accept her/his past and develop new abilities and social behaviors;
- actions carried out in the absence of the victim, targeting the environment and the contextual factors surrounding the victim.

The **general objectives** of the intervention are:

- to facilitate full reintegration of the victims with their families and communities in accordance with the principles of family reunion and the elimination of the stigma
- to develop alternatives for reintegration outside the family for those children victims in whose families where there is an abuser or who are at risk to be re-trafficked.

The main dimensions to be approached:

1. Promoting family reintegration

Within the concept of reintegration the following activities may be identified:

a. identifying the family

The identification of the victim's family of origin is a must and to this purpose the social assistant must cooperate with local authorities.

b. family counseling and evaluation

After the identification of the family, the social assistant shall evaluate the possibility of reuniting the family by means of the following actions:

- Investigating the family past, the reasons which led to the departure of the victim, through consultation with the relatives, neighbors, community leader, etc.
- evaluating the situation of the community which may support or prevent the family reintegration
- organizing a visit to the family together with the child victim
- counseling the family and the victim in order to rebuild family relations
- making a decision regarding family reunion taking into account the desires and the best interests of the child.

c. Supporting the family reintegration of the child victim of trafficking by generating loan credits and incomes for the family. This fact assumes establishing connections with the local social assistance system and with potential community actors who wish to offer financial and material support to the victims' families.

2. Exploring other options: changing the place of residence or alternative care systems

If the return of the victim to the origin family is not possible or desired, other options will be explored taking into account the best interests of the child:

- contact the extended family (uncles, aunts, grandparents)
- find a foster family
- identify social dwellings

3. Accompanying the victim to the court of law

In cases in which children are testifying in trafficking lawsuits or when they constitute the injured party it should be taken into account that this is a stress factor for the victim. The social assistant together with the lawyer or the legal adviser must explain the child what is happening in a court of law and the reason why it is important for him/her to testify. Also, the assistant must

emotionally support the child for the whole duration of the trial and assure the child he/she will not be blamed if he/she tells what happened.

It is very important that the assistant maintain a close connection with the police officers who instrumented the case in order to resort to them in case the child victim receives threats from the traffickers' network or if the child feels unsafe.

Taking into account that the experience of being trafficked has undergone the involvement in illegal activities, it is possible for the victim to have a negative attitude and mistrust the law representatives (police officers, prosecutors, judges). The social assistant must explain that the law representatives seek to punish the people responsible for his/her trafficking and exploitation or the trafficking of other victims (if the case is) and, also the fact that, according to the law, the child is the "plaintiff", no matter if he/she consented or not to leave the country.

Continuation of the studies is necessary for all victims of trafficking to the purpose of improving their social and economic status by means of education. The social assistant will obtain the necessary papers that prove the educational stage completed by the victim. Depending on the age of the children and the level of education, the most appropriate forms of education will be explored. In view of school reintegration, the child needs a supportive effort from the side of the social assistant who is to monitor the school activities until progresses are made.

4. Developing abilities for an independent life

In many cases, the children victims of human trafficking lack the basic knowledge for an independent life: to which institution they may apply for various documents, how to administer their budget, how to write a complaint or curriculum vitae, etc. In cases in which family reintegration is not possible and the child is close to the age of 18, the social assistant must prepare the child for living an independent life. The assistant must present the child with all these aspects and, at the beginning of the assisting process he/she must mediate the relation between the victim and the respective institutions. Still, the situation in which the victim becomes dependent on the social assistant for any matter is to be avoided.

Here are a few examples of social abilities that must be developed:

- what living together assumes (for the period in which the victim is accommodated in shelters designed for victims)
- how to administer one's own budget
- how to administer the dwelling (paying the bills, house maintenance)
- where and how to obtain medical assistance
- how to obtain the support of the authorities concerning various matters (mayorality, employment agencies)
- how to look for a job and how to act at a job interview
- how to spend free time (relating with strangers, making new friends, evaluating the risks involved by some places designed for leisure)

5. Assisting the victim in finding a job

Job opportunities are to be sought for those victims of trafficking whose age is appropriate for working. In this respect, the access to vocational training is to be ensured so that the victim may be capable of obtaining a qualified job, in accordance with the victim's physical and psychological recourses. During this period it is necessary to monitor and help the child to complete the courses.

Establishing a system for community support

In case the child victim goes back to his/her family of origin or settles in another place, he/she needs to be supported by:

- the local authorities and community
- state institutions to facilitate access to social assistance programmes
- NGOs offering complementary services

8. *Monitoring* – the social assistant will cooperate with local authorities or social services in order to monitor the child's evolution even after completion of assistance. The monitoring period will be established according to the resources available (3 months- 1 year).

Final evaluation and case closure

Final evaluation assumes measuring the results achieved and comparing them with the objectives stated in the individual intervention plan. The main aspects that need to be monitored for each case are:

- The safety of the child victim
- Diminishing the risks for the victim to be re-trafficked

The case is closed at the moment in which the risk factors which led to trafficking victimization have ceased to exist; the victim is socially reintegrated and the relationship with the family of origin or the extended family is responsive to the victim's needs (wherever it is possible).

POLICE INTERVENTION

Mircea Dumitrescu

Victor Nicolăescu

Trafficking in children to sexual exploitation purposes represents a criminal offence with extremely severe consequences upon the victim. From this perspective, the police force is playing an important role in preventing and combating the phenomenon. Even if the main objective is to identify and neutralize the traffickers' networks, the assistance provided to victims is of equal importance. That is why this chapter will focus on those stages in which the police force plays a role in assisting the child victim of human trafficking.

The process of identification, recuperation and reintegration of the victim is a complex one and in order to ensure an adequate protection and assistance it is required the cooperation between the police and relevant public institutions and authorities as well as NGOs and both at national and international level.

Responsible institutions

Taking into account the transnational, regional aspect of the trafficking in human beings it was necessary to develop new cooperation structures between the institution responsible with preventing and combating of trafficking in human beings:

- Task forces coordinated by the FBI or other institutions;
- Work groups established to deal with concrete cases;
- Foreign liaison officers accredited by the embassies in Bucharest
- Foreign liaison officers accredited by the Southeast European Cooperative Initiative;
- Romanian police liaison officers on duty abroad
- Romanian-French liaison operational group organized under the auspices of the Ministry of Justice and based on the provisions foreseen in the Agreement on cooperation in view of protecting the minors in difficulty on the territory of France and their return to the origin country, as well as on the fight against exploitation networks, signed between the governments of Romania and France in Paris on 4th of October 2002.

At national level, the main role in combating and preventing trafficking in human beings is assigned to the Directorate General for Combating Organized Crime and Anti-Drug which has the following attributions:

- to prevent and combat international trafficking in children;
- to prevent and combat pedophilia;
- to prevent and combat infantile pornography on the internet;
- to prevent and combat trafficking with human tissues and organs;
- to prevent and combat illegal international adoptions;
- international cooperation in the specific fields of activity.

Other responsible institutions which cooperate at national level:

- structures belonging to the Ministry of Administration and Internal Affairs;
- General Inspectorate of the Border Police,

- Directorate General For Electronic Records Of The Population
- Criminality Research and Prevention Institute

Governmental institutions:

- The National Authority for Child Protection and Adoptions (NAPCA)
- Ministry of Foreign Affairs
- Ministry of Education and Research
- Ministry of Health
- Ministry of Public Administration
- Ministry of Labor, Social Solidarity and Family
- Ministry of Justice
- Public Ministry

Non-governmental organizations

Stages of the intervention

In assisting the victim, the police officer plays a major role throughout all the stages of recuperation and reintegration: repatriation, interview and record compilation, referral to social services, monitoring.

Repatriation

Repatriation of children victims of human trafficking is achieved following procedures applicable to separated children on the territory of another state. There are various institutions responsible for enforcing the procedures: central and local public administration bodies, NGOs. Several international institutions and NGOs have developed their own standard repatriation procedures where the representatives of the police force are playing an important role.

Romanian diplomatic and consular missions have the obligation to notify the Romanian authorities with regard to Romanian citizens returning from abroad and who were victims of human trafficking.

The procedures undertaken during the period in which Romanian children are staying abroad require a rapid and intense communication between foreign and Romanian authorities as well as between various Romanian authorities.

The main activities and operations in assisting the child in view of repatriation:

1. the country in which the child is staying

- the Romanian consular or diplomatic mission in the respective country receives the notification with regard to the existence of a person aged under 18 who declares himself/herself to be a Romanian citizen.

The sender of the notification may be:

- a public authority in the country where the Romanian diplomatic or consular office is functioning;
- a non governmental organization

- an individual;
 - the child himself/herself;
 - the family members from Romania with the help of Romanian authorities.
- In case the notification is sent by someone else and not by the authorities from the state of residence, the diplomatic mission or the consular office shall inform the latter about the request received and shall ask for support in view of identifying the child, and ensuring his/her protection and assistance until the child is eventually repatriated.
 - Foreign authorities, in cooperation with the consular/diplomatic mission, the relevant NGOs or international organizations are to ensure the placement of the minor in special assistance centers until the repatriation procedures are completed.
 - The Romanian diplomatic or consular mission is to verify whether the notification contains relevant elements with regard to the citizenship and the identity of the minor and if it is so, the respective notification will be immediately forwarded to the Romanian Ministry of Foreign Affairs – Directorate General for Consular Affairs (DGCoA). If the notification sent by the foreign authorities does not contain sufficient elements on the person involved, the diplomatic or consular mission will request the author, at high priority, clarifications to allow the effective identification of the respective person in Romania. The model of the identification form will be sent in order to be filled in. If necessary, an interview with the child may be solicited in accordance with international standards. After completing the necessary identification data, The Ministry of Foreign Affairs/DGCoA will be immediately informed and afterwards a social inquiry on the respective person will be solicited.
 - The diplomatic mission or consular office will take the necessary measures and issue the travel documents. The documents will be handed over to the child or his/her attendant at the moment in which all the necessary authorizations for repatriation are received from the country.
 - In case the child cannot be identified from the records of the Ministry of Internal Affairs/ Directorate General For Electronic Records Of The Population, then the diplomatic or consular mission decides, based on a detailed interview, whether there is a possibility for the child to be a Romanian citizen and issues, based on the data declared by the minor, a temporary travel document with the mention “UNCERTAIN IDENTITY”. In analyzing the possibility of being a Romanian citizen, any type of documents issued in Romania should be taken into account (even if they are no longer valid at the moment of the inquiry) and which are related to the minor, declarations of third parties, knowledge of the Romanian language and of facts, places, persons and data which are normally known by minor Romanian citizens.
 - The Romanian diplomatic or consular mission forwards the social inquiry received from Romania to the relevant foreign authorities in the respective country and informs the author of the notification about the fulfillment of the Romanian standard procedure in view of repatriation. At the same time, it will solicit the foreign authorities a copy of the documents related to the case and to the minor’s personality in order for adequate measures to be taken upon the returning of the minor in Romania.
 - The relevant foreign authorities are to inform, in due time, the Romanian diplomatic or consular mission with regard to the minor’s departure/arrival date, time and location, border entrance point in Romania as well as if the minor is accompanied or not; in case the minor is accompanied, the consular and financial-logistic aspects of the accompanying person are to be clarified (meals, accommodation, transportation). If the minor is unaccompanied, he/she is handed over to the boarding personnel either by the foreign authorities or by the diplomatic/consular mission.

- The Romanian diplomatic/consular mission communicates to the Ministry of Foreign Affairs/DGCoA the data regarding repatriation.

2. In Romania

- The Ministry of Foreign Affairs/DGCoA is to communicate to the Ministry of Administration and Internal Affairs - Directorate General for Electronic Records of the Population – Passports Department the data received from the consular or diplomatic mission in view of identifying the minor. In cases when the minor requests the emergency returning to the country, the Ministry of Foreign Affairs/DGCoA may directly inform the National Authority for Child Protection and Adoptions. Emergency returning to the country assumes the correctness of the identity data declared by the minor, which allows an effective verification.
- The Ministry of Internal Affairs - Directorate General for Electronic Records of the Population – Passports Department performs the identification in the centralized data base (name, surname, date and place of birth, father, mother, Identity Card, Numeric Personal Code, place of residence), informs the national Authority for Child Protection and Adoptions and, if the case is, requests the County Directorates for Electronic Records of the Population to contact the family (including the extended family) or the unit where the minor had been institutionalized, in order to inform them about the situation of the minor and to obtain a declaration from the parent or parents, the legal guardian, or the respective unit in view of repatriation. If the situation is that the data is not validated in the centralized database, the diplomatic or consular missions will solicit a re-check, via the Ministry of Foreign Affairs, and they will contact the author of the notification or the minor, accordingly.
- After establishing the identity of the person, the Ministry of Internal Affairs- Directorate General for Electronic Records of the Population shall forward to the Ministry of Foreign Affairs – DGCoA the results of the verification and in case the passport of the minor is no longer valid, the Passport Department communicates its endorsement to issue a temporary travel document (consular passport or travel title).
- The Ministry of Foreign Affairs – DGCoA forwards the respective data to the relevant consular or diplomatic mission.
- Ministry of Internal Affairs- Directorate General for Electronic Records of the Population forwards to National Authority for Child Protection and Adoptions the results of the verification and the identification data of the minor in view of initializing the internal procedures for family evaluation (social inquiry).
- National Authority for Child Protection and Adoptions requests the relevant County Department for Child Protection (CDCP) to perform, on emergency basis, the social inquiry (according to EO no 26/1997) and to recommend on the measures the Commission For Child Protection (CPC) has to take as well as to design the individual intervention plan. Individual inquiries are to be performed according to standard procedures and based on standardized questionnaires, which are to be designed by NACPA.
- CDCP forwards to NACPA the performed social inquiry.
- NACPA forwards the respective social inquiry to the Ministry of Foreign Affairs-DGCoA.
- Ministry of Foreign Affairs- DGCoA forwards the social inquiry to the Romanian diplomatic or consular mission in the country where the child was found.
- Ministry of Foreign Affairs- DGCoA shall inform the Ministry of Internal Affairs-General Inspectorate of the Border Police and the Directorate General for Electronic Records of the Population as well as NACPA.

- NACPA shall immediately communicate to the County Department where the child resides all the information about the arrival of the child in view of appointing a representative to meet and take over the child at the airport/border point.
 - The residence County Department communicates to NACPA the name and job title of the appointed representative.
 - NACPA communicates in due time to the General Inspectorate of the Border Police the name of the appointed person to take over the child.
 - As soon as the child has landed, the representatives of the Border Point are taking over the child and effectively perform the check-in procedures.
-
- *After the child has been handed to the family or accommodated within the system of specialized social assistance, the Ministry of Foreign Affairs- DGCoA shall initiate discussions with the child to the purpose of obtaining information about the circumstances and determining factors of his/her leaving the country, about the persons who helped the child, the transportation means employed, the itinerary, the border check point, the transit countries, destination country and locality, the identity of other persons the child traveled with and about any other operative data regarding the traffickers/ traffickers' networks, abusers, proxenets, etc. (see Annex 3)*
-
- *The investigation/reaching out/communication methods and techniques may be employed by the experts from the police force in Bucharest and/or at the child's place of residence. The experts were previously trained to this purpose and are experienced in working with minors including minors who have suffered various traumas. These methods and techniques are performed abiding by the child's opinion and maintaining confidentiality. The investigation modalities and standards in these cases as well as the measures to be taken for protecting the child and his/her family are shown in the annex- questionnaire.*

Interviewing the child

The police structures play a major role in establishing the link between the prosecutor's office, the court of law and the victim. They are to inform the victim about the legal options available, the evolution of the case, the legal status and the place where the trafficker can be found.

Special interrogation techniques and expertise (especially in cases of children and women) are conceived by specialists from various fields (psychologists, sociologists, medical doctors, legal advisors, criminologists, etc) and they definitely contribute to ensuring the victims protection as well as to the clarification of the respective cases.

Many studies have been carried out on the "insensitivity" shown by the police in a large number of countries having different police systems. This fact has determined the international analyst Van Dijk (1985), to compare, using a suggestive expression, the current police styles to those which should be ideal: „There is considerable evidence, resulted from in depth interviews with the victims that the victims are especially sensitive to the way they are personally approached by the police officers. According to several researchers, a lot of victims are experiencing an acute need to be reinsured by the police. Others state that the victims are expecting the police to recognize their status of a person who suffered the consequences of another citizen's actions.

Many of the victims express their dissatisfaction with the police officers who act suspiciously, roughly and cynically. Such observations must be seen as an evidence of a second victimization”.

With regard to the victims of criminal offences, the police structures must take into account and respect their rights stipulated in the Declaration of the International Association of Chief Police Officers (1983):

The rights of any victim are not to be negotiated:

- i. to be free of any intimidation*
- ii. to be informed about the financial assistance and social services available as well as about how to access them;*
- iii. to ensure a secure area during the period of legal procedures in the courts of law and to emphasize if the presence in the court of law is necessary;*
- iv. to ensure a rapid return of the stolen goods;*
- v. to ensure the celerity of the trial and to regularly provide information on the stages of the case and on the final decision of the court; if the resources allow it, to draw attention on the fact that the offender has been released from prison in cases of criminal offences involving violence;*
- vi. to be interrogated by a woman police officer in cases of rape or other criminal offences which are connected to the sexual life, if the resources allow it.*

General framework for working with children victims of trafficking to sexual exploitation purposes

All victims of human trafficking are in need of support throughout the whole period of case instrumentation. A special attention needs to be granted to children, especially when the exploitation was of a sexual nature. Therefore, as a general recommendation, the police officer who is to interview the victim, must have a different gender than that of the aggressor. Also, the police officer must shorten the duration of the interview as much as possible so that the declaration would be clear enough, detailed and coherent and avoiding the producing of other traumas to the victim. Generally, the victims of human trafficking are insecure, emotionally unstable, and mistrustful towards the persons surrounding them. In addition, their previous experiences were conducive to the development of a reserved behavior towards police officers (fear, mistrust) and therefore, the officer in charge with the inquiry must create an atmosphere of trust and understanding.

The child victim of human trafficking has to understand why it is important to tell what happened and how to do it. Also, it is possible for certain blockages to appear, especially when close persons were involved in the trafficking process, primarily in the recruitment stage (friends, relatives, or even parents).

When the child is very young, there are difficulties related to his/her capacity of narrating and understanding the events and the police officers must take into account this aspect and adapt the investigation techniques accordingly. This aspect is also valid in case the victim presents a mental disability and her/his capacity to provide information with regard to the history of trafficking is diminished to a greater or a lesser extent, depending on the severity of the illness. Unfortunately, such cases are not rare at all, the traffickers preferring victims with a low capacity to discern. In these cases it is advisable to request experts to assist during the interview.

Another aspect, which has to be taken into account during the interview, is the children's high degree of suggestibility. They have the tendency to provide those answers they consider to be desirable. In order to avoid such situations, the creation of a friendly environment and a clear statement of the police officer's wish to find out exactly what happened are recommended.

Respecting a general framework in working with the victims creates the premises for an effective instrumentation of the case both with regard to the victim herself/himself and in the juridical instrumentation of the traffickers.

To synthesize, the first steps to be taken by the specialized police structures in approaching cases of human trafficking are:

- **Ensuring a special location to take the declaration** – at the moment of taking the first declaration it is recommended a special location designed to this purpose and isolated from other activities specific to police work. The degree of coziness and the establishment of a relationship based on trust create the premises for a good cooperation between the victim and the police officer.
- **Using the services of an interpreter** – in case the victim speaks one of the languages of the national minorities or the victim is found to be in transit, it is necessary to offer the victim the possibility to express in his/her own language. In such a situation, the services of a reliable interpreter will be requested. The interpreter must be able to keep the confidentiality of the interview. In addition, it is recommended that the interpreter be of a different gender than that of the aggressor.
- **Adopting a tolerant behavior** – during meetings with the victim, the police officer has to avoid judging the victim, and avoid to express his opinion about the “naivety”, “lack of precautions”, or “careless behavior” of the victims. It is recommended to avoid any question related to the motivation of choices made in the chain of trafficking. The police officer shall pay attention and inform the victim that he/she is respected as a human being in full rights, that there are some persons to be blamed for this situation and to assure the victim that he/she has behaved as a survivor. Also, due to the fact that the victims are in a state of emotional unstableness, their declarations may change from a moment to another or they may lack information if the approach is aggressive.
- **Manifesting empathy towards the sufferings of the victims** – anxiety, fear and other psychological or somatic reactions the victims may exhibit must be understood by the investigating officer and treated as normal reactions in response to the bad treatments endured.
- **Understanding the fears and the need for protection expressed by the victims** – it is necessary for the victim to be assured that there are persons supporting her/him and providing protection. Therefore, the securing mechanisms must be strengthened both before the trial and after the case is closed in the court of law. Also, the victim must be encouraged to signal out immediately any kind of threat received from the traffickers.
- **Awareness raising with regard to their participation in gathering information** - the victims of human trafficking will be sensitized with regard to the value of the information

they provide about the trafficking structures they encountered on the way and especially in the sense of avoiding the victimization of other persons.

- **Performing alternative investigations** – with the support of the prosecutor, other methods may be employed in order to gather evidence from alternative sources.
- **Developing close cooperation with public or private social services** – the victims have complex needs (medical assistance, psychological counseling, social assistance, legal assistance) which can be provided by public social services (Child Protection Departments) or by NGOs and various community structures. The cooperation between the police officer and these services is very important for a coherent and continuous approach.
- **Maintaining international liaisons** – the international connotation of trafficking in human beings determines close contacts to other police forces in order to communicate the names of suspects, the recruitment methods and transportation networks.

Based on this comprehensive framework, there is a series of principles that the police officers must respect and promote in relation to the victims of human trafficking:

The right of the victim to be believed in – the role of assessing the truth in the victims' narrations is assigned to the courts of law. The police officers have the task of taking declarations and gathering evidence.

The right to be assured of their own innocence – all the professionals involved in the process of social recuperation and reintegration of the victims must make sure that they place the responsibility for criminal offences upon the perpetrators and must explicitly declare that the victims are not to be condemned.

The right to be listened to – accepting all the narrations of the victims will allow the police officers to gather the most relevant and detailed evidence.

The right to confidentiality – explaining the limits of confidentiality will allow the victims to openly discuss all the subjects on the matter.

The right to be in control over the current situation – the police officer assists the victims in their subsequent actions and he/she will explain the victims the next procedure in order to obtain their consent.

The right to be informed – victims should benefit from a clear explanation of the various roles, responsibilities and powers of the police, prosecutor, judge and jury.

Consideration errors

The professionals in the police force are to avoid errors in judging the victims of human trafficking and they should approach the cases from the perspective of some objective deontological standards. In this respect, several stereotypes are to be avoided:

- **Victims who were sexually exploited are considered adults even if they are aged under 18.** Any person under 18 years old must be treated as a minor both in terms of legal proceedings and in the manner of relating to the respective person.

- **Victims of human trafficking are prostitutes** – one should bear in mind that trafficking means exploitation and it is associated with constraining the victim to perform certain acts. In addition, in case of minors, their involvement in prostitution cannot be considered as a matter of personal choice.
- **The victims of trafficking have had financial benefits**, and therefore they deserve what they got. At the moment of their return to the country, the victims do not have any financial resources since the traffickers do not allow them to retain any kind of financial resources.
- **The victims were not willing to escape the chain of trafficking** – many victims are trying to escape but the permanent monitoring from the traffickers makes it very difficult. Besides, the use of aggressiveness (physical and verbal) and sometimes of drugs, leads to an attitude of resignation from the part of the victim and mistrust in the chances to escape from the exploitation networks.

Referral to social services

In view of the victim's recuperation and reintegration, it is necessary for the public social services or the specialized NGOs to intervene. That is why it is very important that the police structures be familiar with and contact the institutions which provide services tailored to the needs of the victims (psychological counseling, social assistance, legal advice, material support). It is recommended that such institutions be contacted prior to the victim's repatriation in order to discuss certain details with regard to the recuperation period to follow (if family reintegration is possible, where the victim shall be accommodated, what kind of protection does the victim need, etc.).

Therefore, the cooperation between the police officer and the team which will assist the victim in the reintegration process must begin even from the moment in which the notification was received and the repatriation procedures were initialized. Also, the psychologist assisting the victim may participate in the interrogation of the victim, having the role of a mediator (especially if a trustful relationship has been already established between the psychologist and the victim).

Monitoring

The mission of the police officer is not accomplished once the penal file has been completed. If the traffickers were identified and prosecuted, the protection ensured by the police is very important for the victim to testify. The traumas experienced by the victim and the fact that the victim is easily impressionable must be taken into account since the penal trial might be affected.

We must also underline the fact that the victims of human trafficking are at a high risk of being re-trafficked especially when the traffickers' network has not been identified and punished by the law. That is why the police officer has to take into account the long term monitoring of the case. This can be achieved by providing the victim or the social assistant in charge with the necessary communication tools to signal out any risk situation. Depending on the resources available (time

and financial resources), it is recommended to pay a visit to the victim at certain time intervals and evaluate the risk factors.

Selecting and training the police officers

The police officers instrumenting cases of human trafficking must benefit from training in this field but at the same time they must be endowed with certain qualities:

- Manifest flexible thinking
- Capable of showing empathy to the victims, acting and behaving accordingly.
- Avoid negative considerations with regard to other persons
- Capable of interpreting the non verbal language of other persons

Police structures specialized in intervention in cases of human trafficking should elaborate and implement sectoral strategies and policies to train their officers in the following fields: the trauma of victimization, first emotional aid, the modality to work with victims in practical situations, operating with various types of victims and using the victimization assessment declaration.

The police officer must be capable of distinguishing, explaining and recognizing the main consequences of the trauma experienced by the victim and it is recommended that he/she employ different playing roles in order to experience the victim's feelings and coordinate his/her efforts to:

- Understand the fact that being victimized has immediate effects upon the life of victims and of their families and friends;
- Evaluate the consequences of criminality;
- Recognize normal and crises reaction following a trauma, including physical and emotional crisis reactions;
- Efficient and constructive communication with the victims and support them to overcome the trauma;
- Awareness with regard to the risk to produce a re-victimization due to an inappropriate behavior.

JURIDICAL ASPECTS OF TRAFFICKING IN CHILDREN

Iulia Nițulescu
Petre Matei

The increase of trafficking in human beings and trafficking in minors, with devastating effects both upon the victims and the society, required the creation of some legal instruments to prevent and combat such a phenomenon.

In Romania, until the year 2001, the legal provisions regarding trafficking in human beings were resuming to the second paragraph, article 329 in the Penal Code. After signing the Palermo Protocol (in November 2000), Romania has developed a legal framework, which contains the means to prevent, define and punish the criminal offences as well as modalities to support the victims of trafficking.

The present chapter is focusing on the penal aspect of trafficking in human beings, providing a holistic image of the proceedings in which the victim, assisted by the plury-disciplinary team, is the plaintiff.

In the Romanian penal law the main criterion used for the classification of offences, both those contained by the penal code and those stipulated in special laws, is the criterion of juridical object, understanding by “juridical object” of the offence those social values that are protected under the penal law and which are being breached or endangered by the incriminated actions.

If we analyze from this perspective the general provisions of the law no 678/2001 regarding prevention and combat of trafficking in human beings it appears that the offence of trafficking in human beings, although regulated by a special law but not being reflected by the current Penal Code, is an offence **against the person**. In this respect, delimitation is necessary to be made between the generic juridical object of offences against the person and the one specific to the criminal offence of trafficking in human beings. By analyzing the generic juridical object of the offences against the person it comes out that it is represented by the ensemble of social relations, which constitute themselves and take place in relation to the person’s defense regarded under all its attributions (the life, physical integrity, sexual inviolability, freedom, dignity). It is well known that these criminal offences exhibit a high generic degree of social danger which is determined on one hand by the importance of social values to be protected and the severe consequences these offences may have upon the community, and on the other hand, by the fact that offences against the person are usually committed by use of violent means or methods and are often of a higher frequency than other categories of offences.¹

¹ V.P. Dongoroz, S.Kahane, S. Oancea, I. Fodor, N. Iliescu, C. Bulai, R. Stanoiu, V. Rosca – “Theoretical Explanations of the Romanian Penal Code”, third volume, Romanian Academy pub, Buc., 1971, p.171

Defining the notion of trafficking in persons – Law 678/2001

The provisions contained by the **Law 678/2001** are exhaustively defining the notions of trafficking in persons, trafficking in minors and exploitation.

Such is that **article 12** stipulates: the offence of trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons by threat or use of force or coercion, abduction, fraud, deception, abuse of positions of power or abuse of positions of vulnerability or by offering or accepting payments or privileges in order to obtain the consent of a person who has authority over another person, to the purpose of sexual exploitation.” The sanction shall be imprisonment from 3 to 12 years and denial of some rights. In those situations in which two or several persons together have committed a trafficking offence, or in which the victim has suffered severe physical injuries, the sanction shall be from 15 up to 25 years of imprisonment.

Article **14** of the **Law 678/2001** stipulates a cause for aggravating the responsibility for committing a trafficking offence in the sense that, in case the offence was committed by a person belonging to an organized group or in case the respective person has produced for itself or for a third party important material benefits, then the imprisonment sentence may be increased with three more years.

In its preamble, in article 2, the normative act defines the ***notion of exploitation*** of the person since both the offence of trafficking in persons and that of trafficking in minors are offenses committed intentionally, directly or indirectly and the subjective aspect of the offence is qualified by the purpose pursued by the offender on the occasion of taking the resolution of the offence and performing the incriminated activities. Therefore, the exploitation of the person is defined as:

- performing forced labor or services with the infringement of legal provisions regarding working conditions, wages, health and security;
- enslaving or using similar methods to deprive a person from its freedom;
- forcing a person to practice prostitution and pornography to the purpose of producing and disseminating pornographic materials or other forms of sexual exploitation;
- removal of organs;
- Performing other similar activities through which the fundamental human rights and freedoms are infringed.

It is to be noticed the lawful intention to explicitly regulate the constitutional content of the offence, rigorously individualizing both the actions performed in a trafficking offence and the modalities and means employed in committing the incriminated acts. In this way, the sphere of the activities performed in a trafficking offence is large enough to include a series of illegal activities regarded as distinct offences but which undoubtedly are favoring the trafficking in persons to exploitation purposes.

Juridical differences between criminal offences such as prostitution, proxenetism, and human trafficking

Until the issuance of special regulations regarding trafficking in persons contained by the Law 678/2001, the offences related to exploitation and trafficking in persons were laconically incriminated in the Penal Code but the sphere of these actions was much more limited and the actions sanctioned were only:

- *Illegal deprivation of freedom (art. 189)*
- *Slavery (art. 190)*
- *Forced or bonded labor (art. 191)*
- *Proxenetism (Art. 392)*

Within this juridical framework, on one hand a series of illegal activities committed with the purpose of trafficking in persons remained unsanctioned and, on the other hand, an efficient juridical protection against all forms of actions susceptible to lead to human beings exploitation and trading was not ensured.

A comparative analysis between the offence of trafficking in persons, respectively in minors and the other offences contained in the Penal Code reveals that the relation between them is the same with the relation between **general and particular**. The essential differences reside in the fact that, in the juridical content of the trafficking offence, all the illegal activities susceptible to contribute to committing the trafficking offence and all forms of exploitation are included, whereas in the content of the offences in the Penal Code only certain activities are mentioned (such as, **encouraging or facilitating the practice of prostitution**, or, **recruiting a person to the purpose of practicing prostitution**, the offence of **proxenetism** or **forcing a person to perform a work against his/her wish, in case of the offence of forced or bonded labor**, etc) and distinct forms of human exploitation are taken into account (sexual exploitation, labor exploitation, etc)

Penal charges and the trial of lawsuits on trafficking in persons and proxenetism

To the purpose of aligning the Romanian legislation on human trafficking to the European and international standard legislation and in order to increase the accuracy of the act of justice whose final mission is to sanction such crimes, the Law No 678/2001 stipulates a special procedure, derogated from the common law, regarding the penal investigation and prosecution procedures of such cases.

- The criminal charges for the offences foreseen under this law must be brought by the prosecutor (art. 21 in Law 678/2001) and not by the other bodies in charge with penal prosecution under the supervision of the prosecutor such as in the case of common law.
- cases will be judged by a tribunal as a court of first instance (trial court) and in case of trafficking in minors and infantile pornography offences, the court sessions are not opened for the public.
- In judging the offences foreseen under articles 12 and 17 of the Law No 678/2001, the court may declare the session secret if the plaintiff so requests to the purpose of protecting the image and dignity of the victim of such offences. The measure is not mandatory and left for consideration to the judge.
- The impunity clause

Article 20 of the Law No 378/2001 stipulates an impunity clause, respectively, the person who was a victim of trafficking but who committed the offence of prostituting stipulated under the article 328 of the penal Code², shall not be punished if previously to the commencement of the

² “Article 328 – the deed of that person who earns the means of a living or the main means of a living by practicing sexual intercourse with various persons is punished with 3 months up to three years in prison” –The Romanian Penal Code

penal investigation for the offence of trafficking, the person has informed the relevant authorities or, if after the commencement of the penal investigation or after the offenders have been disclosed, the respective person facilitates their arrest.

This is a very important provision because it facilitates the penal investigation and the prosecution of the offenders and most of the times the victim plays an important role in the development of the penal investigation on the offenders and finally in their conviction.

Regarding the offences of proxenetism, prostitution as well as in the case of all the other offences related to trafficking in persons and which were analyzed in the above section, the **penal investigation is conducted by the penal investigation bodies**, i.e., by the police penal investigation bodies and the special investigation bodies stipulated under article 208 of the Penal Code, and **under the supervision of the prosecutor** except for the offences of illegal deprivation of a person's freedom in aggravated forms (article 189, paragraph 3-5c. of the Penal Code), rape, slavery, forced or bonded labor. The competence of judging these cases in first instance belongs to the tribunal except for the offences of illegal deprivation of a person's liberty to the purpose of practicing prostitution (art. 189, third paragraph), of slavery, rape when the victim is younger than 15 years old or when the rape resulted in the victim's death or suicidal (art. 197, third paragraph of the Penal Code). In such cases the first instance competence belongs to the court of law.

Starting with the first of January 2004, the date of entering to force of the amendments brought to the Penal Procedure Code by the **Law No 281/24.06.2003**, the penal investigation is conducted by the prosecutor also in cases of association in view of committing criminal offences. **In all situations where there is connection or indivisibility** between two or more offences, out of which, for one of them the first instance competence belongs to the court of law and for the others, the competence belongs to the tribunal or in case the offences concur and disjunction is not possible, the trial shall be taken to the superior court of law.

In all the cases analyzed above, the offences are **investigated ex officio** except for the offence of rape in a typical form, which is investigated based on the prior complaint of the victim.

The court of law shall be notified by the prosecutor's requisitory in those situations in which the investigation records clearly indicate the commission of the offence by the defendant and that the defendant can be held responsible. In other situations in which the prosecutor concludes there is no one to blame, he orders the case to be dismissed.

In case the conclusion is that the incriminated offence has not been committed by the defendant, or the offence is not stipulated by the penal law or it does not exhibit the same degree of social danger as a criminal offence or whenever the offence lacks one of its ingredients or there is a cause which repeals the penal character of the offence, in such cases, the prosecutor shall issue an ordinance to end the penal investigation.

Also, in cases where the prior penal complaint is missing or amnesty, prescription or the death of the offender has occurred, the complaint has been withdrawn or the parties reconciled, when the penal liability has been replaced, the prosecutor shall also issue an ordinance to end the penal trial proceedings (article 11 confronted with article 10 c. of the penal procedure code)

According to the current version of the Penal Procedure Code, valid until the first of January 2004 when the amendments brought by the Law No 281 and the Government Emergency Ordinance No 66/2003 have entered into force, it was possible to file a complaint against the actions of the prosecutor, including the ones by which the prosecutor instructed not to send the case to trial, only to the prime prosecutor's office within the respective territory and in case the actions were performed by the prime prosecutor himself or upon his order, then the complaint

was directed to the superior prosecutor in hierarchy without any procedural means to appeal the legality of these measures to a court of law.

Such a situation was severely contravening the European standards regarding free access to justice as well as the competence plenitude of the judicial power to censor the documents issued by the other state powers. Therefore, the last amendments to the Penal Procedure Code introduced article **278(1)** which explicitly consecrates the right of any person whose lawful interests are impaired by the prosecutor's resolutions or ordinances commanding the perpetrator's not sending to trial, to formulate a complaint to the competent court of law which should be judging the case in the first instance.

Taking into account the special social danger actually represented by such criminal offences, in most of the cases the perpetrators are investigated in a status of **preventive arrest**, and the court of law is responsible for verifying the lawfulness of the arresting warrant as well as for pronouncing itself every 30 days upon the necessity of maintaining the measure of preventive arrest.

In the trial phase, the evidence under its penal aspect side, that is, under the aspect of evidence in reference with the being of the offence and of the incrimination requested by the law, is administered on the initiative of the Prosecuting authority, and the injured party may administer evidence only under the aspect of the existence and the scope of the prejudice suffered as a result of the commission of incriminated offence.

The trial court shall solve both the penal file and the civil one if the latter has been added to the penal file in accordance with the provisions of article 345 and abiding by the Penal Procedure Code, under the aspect of the penal side, pronouncing either the conviction of the defendant, or the acquittal or the end of the penal investigation accordingly under the provisions of article 11 confronted to article 10 of the Penal procedure Code, or the replacement of the penal liability.

The sentence pronounced by the first instance court of law regarding all the analyzed offences may be appealed in due course of a period of 10 days since the pronouncing of the sentence. The civil party and the civil liable party may criticize the verdict exclusively under the aspect of the modality of solving the civil aspect (**art. 362 paragraph. 1 c. C. Penal Procedure Code**). These provisions are also applicable on the occasion of judging the appeal against the court's sentence. The sentence is also to be pronounced in 10 days.

A similar situation is presented by those penal causes in which the defendants are minors, circumstance in which the provisions of art. 480 and of the Penal Procedure Code are applicable with regard to:

- performing the social inquiry is mandatory,
- providing legal assistance is mandatory,
- summon the legal guardian and the parents of the minor when presenting the penal investigation materials and to the court of law
- the jury consists of specially appointed judges,
- trial sessions are not open for the public.

The defendant who committed the offence while being a minor but who turned 18 at the time the court was notified shall be judged according to regular proceedings.

Civil action added to penal action

Due to the fact that, in cases of trafficking offences, the penal investigation is carried out by the prosecutor and the penal action is forwarded through requisitory and not through a prior complaint from the injured party, the injured party may also constitute a civil party requesting moral and material compensation both during the penal investigation and before the court. Until the notification act is read, the civil action added to the penal one is free of charge.

A mention should be made, that during the proceedings in the trial court the injured party constituting also a civil party may not pose conclusions except under the civil side aspect and in appealing the cause may not criticize the sentence except with regard to the civil action verdict. Also, the injured party may choose the option for a civil lawsuit to recuperate the loss suffered but only against paying the respective judicial fee. With regard to the two procedural ways admitted by the law for the victim in reparation of the prejudice, we must point out that the civil action cannot be solved, in a civil court, until the final sentence is given in the penal trial according to the principle “the penal holds back the civil”. After closing the penal trial, the final sentence has the power of a judged fact over the civil side regarding the being of the deed, of the perpetrator, and of the perpetrator’s guilt. The reciprocal is not valid. Also, the injured party may choose the option of introducing a civil action in a civil court in the situation in which the penal trial was suspended, although the injured party constituted itself in a civil party and/or the civil action was initiated ex officio.

Article 19, paragraph 3 of the Penal Procedure Code stipulates that, if the penal trial is again considered, then, the action in the civil court shall be suspended according to the above mentioned principle.

The injured person introducing the action before a civil court may abandon the respective court and address the penal investigation bodies or the penal court if the penal action was forwarded later on or if the penal trial has been again considered after suspension. The abandonment of the civil court may not be possible in case the court has already pronounced a sentence.

The object of the civil action is the civil prosecution of the defendant, as well as of the civil liable party. The latter may be the legal representative, in the situation in which the perpetrator is a minor, or the person, and respectively the entity toward which the perpetrator finds himself in a subordination relation. In such case the liability of the incriminated party resides, according to the civil law in the fact and circumstances of assigning the perpetrator with a certain task. A possible example of such a situation could be the case of a defendant working in an international carrier company and who would make use of the company’s vehicles for the trafficking of the injured party.

The reparations for the losses suffered by the injured party who also constitutes a civil party may be achieved in two ways, according to the provisions of the civil law: in nature, by returning the object, by reestablishing the prior situation, by totally or partially destroying a written document and by any other reparation means by equivalence, respectively by paying a financial compensation. Paragraph 4 of the article 14 of the Penal Procedure Code explicitly stipulates the granting of financial compensations for the advantages of which the injured part was deprived. By passing the Law No 281/2003 a new provision was added: it is possible to charge the defendant for moral reparations, according to civil law. These provisions are only entering into force starting with 01.01.2004.

The civil action exerted ex officio

- The penal procedure Code (art. 17) stipulates that the civil action may be forwarded and exerted ex officio, whenever the injured person is one of the entities foreseen under article 145 of the penal Code, and **in the situation in which the injured party is a minor**. The same article also foresees that the **trial court itself must pronounce ex officio upon the reparation for the damage**, even if the injured party is not also a civil party, according to the law.
- The amendments brought by Law 281/2003 explicitly stipulate that the **court of law is compelled, under such circumstances, to pronounce itself on the moral compensations**.
- Article 18 of the Penal Procedure Code stipulates that the prosecutor may plead for the civil action put forth by the injured party and, in case the injured party is a minor, the prosecutor is even compelled to sustain the civil interests of the minor even if the minor does not constitute a civil party.

The solutions of the penal court on the civil side

- **Article 20 of the Penal Procedure Code stipulates special cases of solving the civil action.**
 - The injured party (the victim of trafficking) who constitutes a civil party in the penal trial may initiate action in a civil court if the penal court, pronouncing a final sentence has left unsolved the civil action.
 - In cases in which the civil action has been exerted ex officio, if new evidence is brought to sustain that the reparation for damage has not been completely paid, the remaining may be required in an action taken to the civil court
 - A special case is the one in which the injured party may put forth a civil action to claim for reparations of damages born or discovered after the tribunal court has pronounced the penal sentence.

Article 21 of the Penal Procedure Code shows that **the civil action remains in the competence of the penal court** in case one of the parties is deceased and the legal heirs of the respective party are introduced in the trial. In case one of the parties is a juridical entity, and in case of its reorganizing, a rightful successor juridical entity is introduced and in case of dissolving or liquidation, the liquidators are introduced.

- **Solving the civil action** is differentiated according to article 346 of the Penal Procedure Code. Therefore, in case of **conviction, acquittal or ending of the penal trial**, the court shall pronounce a sentence also on the civil action. When the acquittal has been pronounced because the deed did not exhibit the degree of social danger corresponding to an offence, or because the court admitted the existence of a cause removing the penal character of the deed or because one of the ingredients of the offence is missing, then the **court may oblige the defendant to pay reparations**, according to civil law.

In exchange, civil repayments may not be granted in case the acquittal was pronounced due to the fact that the incriminated offence did not exist or was not perpetrated by the defendant and the court leaves the civil action unsolved when pronouncing the acquittal on the grounds of the fact that the respective deed is not foreseen under the penal law or when the court decides the closure of the penal trial because the prior complaint of the victim is missing or any other condition stipulated by the law and requiring the put forth of the penal action or because there exists authority of judged fact. In such situations, the injured party may follow the path of an action in

a civil court. The civil liability can be claimed only if the conditions presented below are fulfilled.

- The court may decide **the disjunction of the civil action** and **postponing its trial** to another session in case the civil claims would delay the sentence of the penal trial. Article 348, in accordance with article 17 of the penal procedure code, stipulates that the court may decide on reparations for material damage (but also moral, after the entering into force of the Law 281/2003) in those cases foreseen under article 17, and other cases the court decides so only with respect to cases of in nature reparations of the prejudice.

In all cases, both material and moral prejudices can be covered, being cumulated. Law No 281/2003 explicitly stipulates that the moral prejudice is also to be covered.

The civil party has the task to probate the scope of the material prejudice, especially by written documents proving the amount of spending involved by the removal of the consequences of the illegal deed. ***The material prejudice must also be covered in the situation in which this spending was supported by another person or entity (an NGO, for example) as long as there is evidence to probate that the amounts were exclusively destined for helping the victim and not to the purpose of absolving the perpetrator from paying such costs.***

With regard to sentencing the civil action in the civil court, we must point out that the victim must prove the fulfillment of several cumulated conditions stipulated under article 998 and follow up articles of the Civil Code in order to claim the civil responsibility of the perpetrator. Fulfillment of all these conditions must be probated in all cases, except for the situation in which the penal side was already solved and the final sentence has authority of a judged fact over the penal offence, over the perpetrator and over its guilt.

The conditions required by the civil legislation in order to claim civil offense liability are:

- the existence of the prejudice, which must be certain and determined or at least determinable,
- the existence of the illegal deed
- the causality link between the illegal deed and the prejudice
- the guilt of the perpetrator. There must be mentioned, however, that guilt, in terms of civil law, has a much larger scope and in some cases guilt exists even in the form of the simplest faults.

Enforcing the penal law in time and space with regard to human trafficking crimes

The penal law in general, as well as with regard to the offence of trafficking in persons applies to offences committed on Romanian territory as well as to offences committed abroad if the perpetrator is a Romanian citizen or if, having no particular citizenship he resides in Romania. Also, the penal law applies to offences committed abroad against the life of a Romanian citizen or through which a severe injury has been brought to the physical integrity or health of a Romanian citizen. When such offences are committed by a non-citizen or by a person without citizenship and non-resident, the penal action is put forth only with the prior authorization of the general prosecutor.

The penal law applies also to other offences than the one presented above, offences committed abroad by a foreign citizen or a by person without citizenship non-resident, if the deed is also stipulated as an offence by the penal law of the respective country or if the perpetrator is to be found in that country. For offences committed against a Romanian citizen, the perpetrator can be

prosecuted even in the case of his extradition. These provision are not valid in the case in which, according to the law of the state in which the offence was committed, there is a cause to impede on the put forth of the penal action or the continuation of the penal trial, or the carrying out of the punishment sentence, or when the punishment has been carried out or considered so. Article 7 of the Penal code explicitly stipulates that the above mentioned provisions are applicable only in case it is not stipulated otherwise by some international convention, and article 8 stipulates that the penal law is not applicable to offences committed by diplomatic personnel or by any other persons who are not under Romanian criminal jurisdiction, according to international conventions.

As regards *the competence, from a territorial point of view*, it is determined by:

- the place where the offence was committed
- the place where the perpetrator was caught
- the perpetrator's place of residence
- the victim's place of residence

Trial of the case is in the task of the competent courts, according to the facts mentioned above, within whose territory the penal investigation was conducted.

By the place where the offence was committed, it is understood the place where the criminal activity totally or partially took place, or the place where the result of such activity was produced.

Regarding the offences committed abroad, they are to be taken to the appropriate courts from within the territory of the perpetrator's domicile or place of residence. Article 31 of the Penal Code stipulates that in case the perpetrator does not reside and live in Romania and the offence is of the competence of the tribunal, then the Tribunal of the Second District shall trial the case and all the other cases shall be taken to the competent court of law in Bucharest according to the matter and the quality of the person.

The criminal offence committed on a vessel is of the competence of that court of law within whose territory the vessel has anchored in the first Romanian harbor, except for the case when a special regulation decides otherwise, and the offence committed in an airplane is of the competence of that court of law within whose territory the airplane has first landed on Romanian land.

Regarding the time enforcement of the penal law, article 10 of the Penal code shows that the law applies to offences committed during the time of its enforcement, and article 11 consecrates the principle of non-retroactivity of the penal law, meaning that the law is not applicable to facts which, at the time of their commission, were not seen as offences.

Also, the penal law is not applicable to offences committed under the old legislation, unless they are stipulated also by the new law. In this case the carrying out of the punishment, of the safety and educational measures pronounced on the grounds of the old law, as well as all the penal consequences of the court's decisions, cease to have effect once the new law has entered into force. In return, the law stipulating safety or educational measures is applicable also to those offences which have not been finally sentenced at the time of entering into force of the new law.

Article 16 of the penal Code, stipulates the possibility of applying the temporary penal law to offences committed during the time when the law was in force, even if the offence was not prosecuted or tried during that time interval.

LIST OF PRIVATE SOCIAL SERVICES

I. Organizations carrying out projects focused on trafficking

Social Alternatives Association, Iași

Address: Șoseaua Nicolina nr. 24,

Bl. 949, Iași, 6600, jud. Iași

Phone: 0232/ 262 814

Fax: 0232 218 232

E-mail: altersoc@mail.dntis.ro

Contact person: Cătălin Luca

ȘEF Foundation, Iași

Address: Str. Împăcării nr. 17, Bl. 913, Tr. 1, Et. 1, ap. 3, Iași, 6600, Jud. Iași

Phone: 0232 211 713

Fax: 0232 211 713

E-mail: sef@mail.dntis.ro

Website: www.sef.ro

Contact person: Andreea Leițoiu

Save the Children, Suceava

Address: Str. Stefan cel Mare nr.53, bl. G, sc.C, ap.3, Suceava, 5800, jud. Suceava

Phone: 0230 524 782

Fax: 0230 217 132

E-mail: oscsv@assist.ro

Director/President: Camelia Iordache

Save the Children, București

Address: Bd. Maresal Averescu nr.17, București sect.1

Phone: 021 260 01 63

Fax: 021 312 44 86

E-mail: rosc@mb.roknet.ro

Contact person: Gabriela Alexandrescu

Partnership for Equity Center

Address: Căderea Bastiliei 33, București, sector 1

Phone: 212 11 96; 212 11 97

Fax: 212 1035

E-mail: info@gender.ro

Website: www.gender.ro

Director/President: Roxana Tesiu

Reaching Out

Tel /Fax: 0248 638 371

E-mail: reachingoutrom@yahoo.com

E-mail: President: Iana Matei

II. Organizations which do not carry out projects on trafficking but provide assistance to the victims of trafficking within the framework of projects for assisting the victims of violence

Synergies Association – Family Support center in Medias

Address: Str. 1 Decembrie nr. 34, 551101 Mediaș

Phone: 0269 838 602

Fax: 0269 838 602

E-mail: sinergii@birotec.ro

Website: www.sinergii.ro, www.birotec.ro

Director/Președinte: Dana Crișan

Synergies Association, Bucharest

Address: Str. A. D. Xenopol nr. 1, sector 1, București, cod 70181

Phone: 021 211 8 183

Fax

E-mail: sinergii@dnt.ro

President: Mihaela Duiculescu

Synergies Association, Timisoara

Address: Str. Platanilor nr. 2 Timișoara, 1900, jud. Timiș

Phone: 0256 217 046

Fax: 0256 217 046

E-mail: sinergii@hosted.regionalnet.org

President: Aurelia Anciu

CARITAS Satu Mare

Address: Str. Luko Bela, 15, 3900, Satu Mare, jud. Satu Mare

Phone l: 0261 711 747

Fax: 0261 711 747

E-mail: rfa@caritas.p5net.ro

President: Csirak Dalma

The Association for Community Partnership

Address: B-dul Unirii nr. 18, 5300 Focșani, Jud. Vrancea

Phone: 0237 237 840

Fax: 0237 237 840

E-mail: fpc@estcomp.ro

Contact Person: Doina Zlota

A Family for Every Child Association - Reșița

Address: B-dul Al. I. Cuza nr. 39, Reșița, Caraș-Severin

Phone: 0255 210 648

Fax: 0255 210 648

E-mail: pfcf@cs.ro

Website: www.childs-hop.megapage.d

Director: Angela Bălan

President: Maria Volintiru

„Areta Tătărescu” Women’s League from Gorj County

Address: Str. Traian nr. 5, 1400 Tg. Jiu, Județul Gorj

Phone : 0253 213 209

Fax: 0253 213 209

Director/President: Gabriela Popescu

A.F.I.V. Artemis Baia Mare

Address: Str. Republicii 15/45, 4800 Baia Mare, Jud. Maramureș

Phone: 0262 250 770

Fax: 0262 250 770

E-mail: sorinab@sintec.ro

Contact Person: Sorina Birle

Artemis Cluj

Address: Str. Baba Novac nr. 23/I, Cluj, 3400, Napoca, jud. Cluj

Phone: 0264 192 689

Fax: 0264 192 689

E-mail: artemis@rdslink.ro

Contact Person: Sorina Bumbulut

Scop Timisoara

Address: Str. Milcov nr. 4, bl. 10, ap. 6, Timisoara

Phone: 0256 293176; 0256 194 985

Fax: 0256 293 176

E-mail: cepcopil@rdslink.ro

President: Ana Munteanu

ANMRF Brăila

Address: str. Plevna nr.12, bl.A5, ap.6, Braila 6100, jud. Braila

Phone: 0239 612 074

Fax: 0239 631 730

E-mail: anmrf_braila@yahoo.com

Website: www.flex.ro

Director/Preident: Adriana Vădeanu

ANMRF Craiova (Louis Pasteur Mutual Association Dej –Craiova Branch)

Address: Str. Carol I nr. 120 (108), Craiova

Phone: 0251 431 348

Fax: 0251 431 348

E-mail: Mirelaghi@yahoo.com
Director/President: Mirela Ghinea

Avicenna Foundation, Bacău

Address: Aleea Ghiocilor nr.13, sc.B, ap.7, Bacau, 5500, jud. Bacau
Phone: 0745 207 720
Fax: 0234 111 686
E-mail: avicennaro@yahoo.com
Director/President: Alina Ursinschi

Connections Foundation , Deva

Address: Str. Dorobanti nr. 25/12, Deva, 2700, jud. Hunedoara
Phone: 0254 230 359
Fax: 0254 230 359
E-mail: social@mail.recep.ro
Director/President: Lenuta Angalita



**COUNSELING AND
REINTEGRATION CENTER FOR
VICTIMS OF TRAFFICKING,
BUCHAREST**

No. / date

PRELIMINARY FORM

I. Identification data:

Surname Name Age Sex M/F
 Address phone
 Mother Occupation age
 Father Occupation age
 Other family relatives

II. Referent
 Other accessed services period

III. the problem for which the services are required

.....

IV. the history of the problem

.....

V. Medical data

.....

VI. School records

.....

VII. Comments and recommendations

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Examined by



**COUNSELING AND
REINTEGRATION CENTER
FOR VICTIMS OF
TRAFFICKING,
BUCHAREST**

FORM FOR THE ASSISTED PERSON

I. REFERENT
Destination country
Date of entering into assistance
Data of exit from assistance

II. Identification data

Surname **Name** **Age**
Address **Phone**

Family situation

Incomes

Studies

Professional experience:

Health status:

III. Assistance in view of social reintegration:

[illegible]

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2. Psychological assistance

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3. Medical assistance

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4. School counseling and occupational guidance

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5. legal assistance

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IV CONCLUSIONS

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Case Manager

Psychologist

Social Assistant

Legal advisor

QUESTIONNAIRE FOR TRAFFICKED PERSONS³ (MINORS)

Section A: Personal data

1. Surname _____
2. Name _____
3. Nickname _____
4. Date of birth _____
5. Place of birth _____
6. Nationality _____
7. Gender ☐ M / ☐ F
8. Parents name _____
9. Address in the origin country _____

10. Address in the country actually residing in (if different from the above)

11. The minor shall indicate:
- The names of the neighbors, schoolmates, friends, educators, teachers, etc, _____

 - Name of the streets neighboring the dwelling of his/her family _____
 - _____
 - Name of the relatives from the native locality or other localities indicating the relationship _____
 - Name of some neighboring localities and the closest town _____
 - name of the police officer from the native locality _____
 - indicate some regionalisms used in the native locality for: corn, potato, bread, green pepper, etc. (when the initial hearing is conducted by a police officer)

12. Personal Numeric Code | | | | | | | | | |

Section B: Social status

13. The level of education : ☐ compulsory school ☐ high school
☐ without education ☐ vocational school
☐ other _____
14. The degree of knowledge of the language: ☐ elementary ☐ medium ☐ fluent

³ TO THE PURPOSE OF SEXUAL EXPLOITATION

15. Have you ever been out of the country prior to this event? (where, in which period, to what purpose and if forced to prostitute)

Section C: Modality of recruitment

16. You left the origin country:

- a. ☐ upon your own will
- b. ☐ upon constraint (forced)

15. Who was involved in your recruitment?:

- a. ☐ parents
- b. ☐ persons in your entourage
- c. ☐ other relatives
- d. ☐ family friends
- e. ☐ boyfriend
- f. ☐ concubine
- g. ☐ husband
- h. ☐ school mates
- i. ☐ neighbor
- j. ☐ other persons (specify) _____

16. If you have ever been recruited by an commercial company, give details about it

17. What type of job were you promised, where and by whom ? _____

18. Were you aware that the respective job implied also sexual activities?

- ☐ Yes ☐ No

19. Did you acknowledge that you were sold in exchange for money or other advantages?

- ☐ Yes (for what amount, how many times and to whom?) _____

- ☐ No

20. If you were forced to prostitute, describe the circumstances (when how and by whom?)

Section D: Traveling

21. When did you leave the origin country? _____

22. Why did you leave the origin country? _____

23. Who organized the travel and under which circumstances? _____

24. Did you have a passport? ☐ Yes ☐ No

25. Who obtained your passport? _____

26. Where is your passport now ? _____

27. Which was the first destination country? _____
28. In what point and in what way did you cross the Romanian state border? _____

29. How did you travel? (Name the countries, the border points you passed through and the transportation means used) _____

30. Who else did you travel with? _____

Section E: About the type of trafficking/ exploitation

31. Did you work in any of the countries you passed through?
☐ Yes (indicate where and what type of activity you performed) _____
☐ No
32. When did you reach the final destination? _____
33. Where did you live and in whose place? (name of the locality) _____

34. Where did you work? (name of the bar/club, other place of work) _____

35. Describe the activity performed and the way of performing it:

36. The approximate number of persons per day you were forced to have intercourse with:

37. Who were these persons ?
☐ natives (civilians)
☐ military from the local army forces
☐ international peace keeping missions personnel
☐ others _____
38. How many persons were in the same situation as yours (working with you) ? _____
39. Where did these persons come from and how did they end up in this situation?

40. Is there any clear evidence about the complicity between the traffickers and the local authorities?

☐ Yes ☐ No

41. What amounts of money/values did you obtained in this period? _____

42. Were you allowed to keep the obtained amounts of money/values?

☐ Yes ☐ No

43. How were you paying your debts to the traffickers? _____

45. Did you have freedom to move?

☐ Yes

☐ No (under which conditions ?) _____

46. What prevented you from running away? _____

47. Did you stay in contact with another person from outside the network who might be able to provide details regarding your situation in there? _____

48. Which were the circumstances of your escape? _____

Section F: Liaison organization

49. The name of the organization contacted by you:

☐ UNICEF;

☐ The International Organization for Migration;

☐ Governmental institution (Police, Border Police, Customs Authority, etc.);

☐ Other local or international organizations _____

Section G: Return to the country of origin

(only for children of another origin)

50. Would you like to go back to your country? ☐ Yes ☐ No

51. What do you plan for the future?

52. Do you expect to encounter problems upon your return to the origin country/zone?

☐ Yes ☐ No

53. Are there any additional data you would like to mention and which were not contained by the questionnaire?

Signature

Date and place of filling in the questionnaire _____

Rank, name and surname of the officer conducting the
interview _____

Comments _____

PROCEEDINGS OF THE IOM IN ROMANIA

The International Organization for Migration (IOM) is one of the international bodies attempting to combat and prevent trafficking in human beings at a global level.

In Romania, the IOM is carrying out a assistance programme for the victims of trafficking. In the framework of this programme, during January 2000 and December 2003, more than 780 persons were voluntarily repatriated and provided with the necessary support to begin a new normal life. At the same time, the IOM pays a special attention to awareness raising campaigns to inform and warn about the perils generated by this phenomenon.

The IOM programmes for assisting the victims of trafficking in human beings have the following components:

- a) voluntary repatriation,
- b) pre-reintegration assistance (short term)
- c) reintegration (medium term)

The voluntary repatriation component includes activities such as assistance in view of preparing the repatriation, facilitating the travel documents and transit visas, and covering for the traveling costs, assistance upon arrival to the country and assistance in organizing the transportation in the country. Pre-reintegration (on a short term) includes temporary accommodation in a shelter and protection center for the victims of trafficking, medical assistance, psychological counseling and general social assistance, whereas reintegration on a medium term involves the facilitation of reintegration in the educational system, training courses, occupational guidance and counseling in view of professional reinsertion.

Voluntary repatriation

1. Preparing the repatriation

Many of the trafficked women and girls wish, more than anything else, to go back home and start a new life. In many cases they traveled illegally, without documents, with a fake visa or expired visas.

Therefore, in the process of repatriation, before the preparation of the victims for their return and reintegration, there is a series of problems to be taken into consideration.

1. Does the victim wish to be repatriated? Who does she think she will live with in the origin country?
2. What does the victim wish to do in the origin country? Does she have any alternatives?
3. Which are her plans for the future?
4. Which are the obstacles she foresees as problematic for her return?
5. Does she have enough information to make a decision?
6. Will she be prosecuted because of her status of an illegal migrant?
7. Has she the necessary travel documents?

In most of the cases, the victims do not possess travel documents anymore because they were confiscated by the traffickers. Therefore, once the victim has entered an IOM programme for assisting the victims of trafficking in persons in the destination country, the matter of the travel

documents becomes a priority in view of organizing a rapid and safe repatriation to the origin country. The IOM offices have established close contacts to the embassies of Romania and standard procedures in the countries where such programmes are carried out. The process of issuing temporary travel documents takes between three and five weeks, and sometimes even longer when the victim, during the period of her being trafficked has given birth to a child who is often unregistered. In such cases it is requisite the cooperation with local authorities as well as with municipalities or the birth records offices.

In accordance with its fundamental principles and on the grounds of the agreements signed with the governments of the states members, IOM provides assistance in view of repatriation only to those persons who voluntarily wish to repatriate and who are, in this respect, signing a declaration for voluntary repatriation.

If a person has traveled with a valid document but the visa expired meanwhile, then the problem is relatively simple. The IOM representative in the destination country shall negotiate with the embassy of the origin country the issuance of a visa for the victim, according to the legal procedures in force. If the respective person from the embassy charged with visa issuance (usually the consul) is aware he is dealing with case of trafficking, then the procedure is accelerated and simplified.

If the person has fake documents or no documents at all, the IOM shall contact the embassy and request the necessary travel documents. The victim has to prove she/he is a citizen of the respective country and the embassy may request in this respect the verification, in the origin country, of the family address and the victim's identity.

After obtaining the travel documents, the victim is assisted by the IOM representatives in making the traveling preparations such as coordination with other IOM missions regarding transit and arrival at the border point of the origin country. Reception and assistance are confirmed by the IOM mission in the respective country.

Before departure, the IOM mission in the origin country must be informed about the case and supplied with necessary documents on the victim such as the profile of the victim, the medical report as well as the anticipated reintegration plan. All this information is absolutely confidential and the IOM assistance teams which act in the destination country and in the origin country are granted access to this information.

The Bucharest IOM assistance team, based on the information mentioned above and received from the IOM mission in the destination country, informs the team from the shelter about the date of the victim's arrival and if the case is, about the urgent needs of the victim.

2. Assistance at the airport

The IOM operational and assistance team awaits the victim at the border point. The services provided at the border include: assistance in performing the check in formalities, psychological support, emergency medical care (if necessary), brief information about the options the victim has within the framework of the assistance programme offered by IOM in Bucharest. Depending on the victim's choice, she/he will be provided with transportation either to the transit and assistance center for victims of human trafficking in Bucharest, or to the train station/bus station.

3. Assistance in transit

The package of assistance in transit contains the following types of services and activities: accommodation, emergency medical assistance, preliminary investigation and local transportation. All victims may receive accommodation for one night in the transit and assistance

Center. Upon arrival at the Center, those persons suspected of having contagious diseases will be immediately granted emergency medical assistance.

At the Center, the IOM assistance team in Bucharest shall take the victim a preliminary interview. The interview is a very important component in working with the victims of trafficking, and the need to gather as much information as possible about the past and current situation of the victim is urgent for an accurate evaluation of the immediate needs of the victim.

Pre-reintegration assistance

This type of social assistance is provided for the victims of human trafficking within the transit and assistance Center.

The center for receipt and temporary accommodation, medical assistance and special counseling for repatriated women who were victims of human trafficking is operational as a result of the cooperation between The IOM in Romania, the Ministry of Administration and Internal Affairs (through the National Office for Refugees) and the Patriarchy of the Romanian Orthodox Church (through Church and Society Division). The assistance team working at the center is composed of five persons, social assistants and psychologists. The center may accommodate 12 victims for long term assistance and 4 victims for transit.

Entering the shelter

The assisted person discusses with the IOM assistance team about the situation and the perspectives available and is informed about the assistance programme she may benefit from. Depending on the circumstances, the assisted person shall decide whether to remain in the shelter or to go back home, in which case she will be referred to an NGO member of the IOM network for assisting the victims of human trafficking in the respective region.

Every person who decides to remain in the shelter is referred to the social assistant on duty who becomes responsible with the respective case. The social assistant shall present the assisted person the contract regarding the Center's regulations and informs her about the necessity to maintain the confidentiality of the shelter (its location, the activities undergoing in the shelter, who the beneficiaries of the assistance programme are, etc) The contract shall be signed by the assisted person.

In case the assisted person is a minor, she may remain in the shelter only with the consent of the parents. If they are unreachable, the IOM team shall notify the National Authority for Child protection and Adoptions (NACPA) which shall perform its own case evaluation and decide whether the child may remain in the shelter or shall be referred to an institution for minors or to the family.

Services provided within the transit and assistance center

Medical assistance

The assisted persons, who will remain in the shelter for a longer period of time, will be examined by the National Office for Refugees (NOR) medical doctor. The medical checks and gynecological check will be performed at the Clinic of the Ministry of Administration and Internal Affairs. The special medical checks will be performed, for those persons in need, within the above mention clinic upon referral by the NOR medical doctor. Those persons suffering from contagious diseases (tuberculosis, infectious diseases) are referred to hospitals in Bucharest undertaking national programmes to fight such diseases.

Activities within the shelter

Under the supervision of the center's assistance team and with the help of specialized volunteers, a series of activities are performed at the center such as residential activities (developing certain working skills – cooking, personal budget administration, searching for a job, etc); occupational therapy and art-therapy (IT courses, tailoring, painting, poetry, manufacturing, drama therapy, voluntary nursing in kindergartens); group discussions (sexual education, labor legislation, good manners, etc); leisure activities (theater performances, visits to museums, walks to the park, trips).

Referral to NGOs

The assisted person in the shelter shall be referred to an NGO in Bucharest by the IOM assistance team. The NGO shall design and implement the reintegration plan tailored to the needs of the victim, and focused on psychological counseling, vocational counseling, finding a job. The social assistant from the shelter (responsible with the case) is to stay in permanent contact with the representatives of the NGO.

The exit from the shelter takes place in two situations: upon the decision of the assisted person or at the moment in which the assistance team considers that all the conditions are fulfilled since the victim has reached a state of psychological balance and, after finding a job, may be able to financially support herself.

In the first situation, the assisted person leaves the shelter and refuses assistance from the IOM.

In the second situation, the IOM supports the victim in finding a job, renting an apartment and maintains permanent contact with the victim. One of the major issues the IOM assistance team is concerned with is the identification of a secure environment outside the shelter and in this respect, the family environment is preferred with an emphasis on the availability of the family members to sustain the reintegration process of the victim.

Reintegration on medium term

The IOM office in Bucharest cooperates with a number of 20 NGOs in Romania which provide assistance in view of socially reintegrating the victims of trafficking. Those victims who wish to go back home and be integrated in the assistance programme are referred to an NGO in the locality of residence (or nearby it).

The NGO specialists in coordination with the IOM assistance team in Bucharest are to design a reintegration plan based on the evaluation of the victim's needs. The budget allotted to the NGO for each case depends on the reintegration plan as well as on the project within whose framework the victim was repatriated. The budget is to be spent as follows: 15% for administrative spending of the NGO, 25% for NGO experts' fees and 60% for services provided to the victim.

The partner NGOs in the IOM programmes for assisting the victims of human trafficking in Bucharest are offering a long range of services such as:

- a) Medical assistance: gynecological checking, medical checks for tuberculosis, AIDS and other sexually transmitted diseases, ensuring the necessary treatment and medication.
- b) Psychological counseling: the overcoming of the trauma provoked by the trafficking experience; improving the ability of the assisted person to become independent and to make decisions; improving the relationship with the family.

- c) Family counseling: facilitating the integration of the assisted person into the family and community and the understanding of her problems by the family members.
- d) Vocational training courses, finding a job: the assisted person may be integrated in school or may attend short term vocational training courses in tailoring, cooking, office assistant computing, English language.
- e) Social insurances: mediating the relation with institutions such as the National Insurance House, the County Agency for Employment, Child Protection Department, etc.
- f) Material support: purchasing food, clothing, domestic animals in the household. The fact that many victims come from a poor area requires the ensuring of a material stability before the reintegration plan is implemented.
- g) Obtaining identity documents: as shown above, one of the methods used by traffickers to control the victims is the confiscation of their documents.
- h) Legal assistance: with regard to the experience of trafficking (human rights, the status of a victim, the status of a witness in a lawsuit against the traffickers) or in other fields (labor law, custody of children, etc.)

The NGO will draw up narrative reports on the activities performed in the process of reintegration and on the evolution of the case, as well as financial reports, every two months. The IOM Bucharest assistance team shall monitor the progresses of the individual cases by paying field visits, by maintaining a permanent contact with the victim and with the experts of the involved NGO.

The programmes of IOM in Bucharest to assist the victims of human trafficking and to prevent trafficking in Romania aim at strengthening the regional efforts to combat trafficking in human beings, by coordination the assistance activities provided to the victims, especially to girls and young women in Romania and at sensitizing the public opinion with regard to this increasing phenomenon.