



Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings

Recommendation CP(2016)11
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Romania

*adopted at the 19th meeting of the Committee of the Parties
on 4 November 2016*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Romania on 21 August 2006;

Recalling Committee of the Parties' Recommendation CP(2012)7 of 11 June 2012 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania and the report of the Romanian authorities on measures taken to comply with this recommendation, submitted on 27 June 2014;

Having examined the second report concerning the implementation of the Convention by Romania, adopted by GRETA at its 26th meeting (4-8 July 2016), as well as the comments of the Romanian Government received on 9 September 2016;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings;
 - the steps taken to provide training on human trafficking to relevant professionals and to expand the categories of staff targeted, including professionals working with children and health-care staff;
 - the steps taken to raise general awareness of trafficking in human beings and to target vulnerable groups, in particular Roma communities, through campaigns and projects in the areas of health, education and anti-discrimination;
 - the efforts made to prevent trafficking in children, through amendments of the legislation relevant to birth registration and measures directed to children in street situations;

- the adoption of policy documents and actions plans in the areas of gender equality and the protection of children's rights, which have the potential of preventing human trafficking by tackling the root causes of this phenomenon;
- the high rate of convictions for trafficking in human beings and the setting up of the National Agency for the Management of Seized Assets;
- the efforts made in the area of international co-operation, both when it comes to co-operation in the investigation of trafficking cases and participation in projects aimed at improving the prevention of human trafficking and protecting the rights of victims.

2. Recommends that the Romanian authorities take measures to address the following issues for immediate action identified in GRETA's report:

- intensify their efforts to prevent trafficking for the purpose of labour exploitation, in particular by:
 - training labour inspectors, law enforcement officers, prosecutors and judges about THB for the purpose of labour exploitation and the rights of victims;
 - expanding the mandate of labour inspectors so that they can be actively engaged in the prevention of THB, including in domestic households;
 - strengthening the monitoring of recruitment and temporary work agencies and supply chains and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;
 - working closely with the private sector, in line with the Guiding Principles on Business and Human Rights.
- intensify their efforts to prevent trafficking in children, in particular by sensitising and training child protection professionals across the country, raising awareness of children through education, and paying special attention to Roma communities and migrant children.
- take further steps to improve the timely identification of victims of THB, and in particular by:
 - ensuring that the National Mechanism for Identification and Referral of Victims of Trafficking in Persons (NIRM) is effectively implemented in practice, including by backing it up with adequate funding and periodically training all relevant professionals on the NIRM;
 - making sure that whenever there are reasonable grounds to believe that a person is a victim of THB, he or she is identified as a victim of THB and provided with the assistance and protection measures provided for in the Convention, regardless of whether an investigation into trafficking is opened and whether the person co-operates with the investigation;
 - increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation, by reinforcing the capacity and training of labour inspectors to effectively prevent and combat THB;
 - paying increased attention to detecting victims of trafficking among foreign workers and asylum seekers and expand the use of the tools available for this purpose. In this context, training on the identification of victims of THB and their rights should be provided to staff of the Directorate for Asylum and Integration of the Ministry of the Interior.
- step up their efforts to provide assistance to victims of trafficking, regardless of their nationality, in particular by:
 - ensuring that any person identified as a presumed victim of THB is provided with the assistance and protection measures provided for in the Convention, regardless of whether an investigation into human trafficking is opened or the victim co-operation therein;

- ensuring that all assistance measures provided in law are guaranteed in practice; when assistance is delegated to NGOs as service providers, the state has an obligation to provide adequate financing and to ensure the quality of the services delivered;
 - providing a sufficient number of shelter places around the country for all victims of trafficking who need safe accommodation for the duration necessary to achieve their recovery, based on individual needs assessment;
 - ensuring that foreign victims of trafficking are moved from administrative detention centres and are accommodated in specialised shelters for victims of trafficking;
 - ensuring adequate funding and staff to work with victims of THB and facilitate the reintegration of victims of trafficking into society by providing them with vocational training and access to the labour market;
 - guaranteeing access to health care to all victims of THB.
- improve the identification of and assistance to child victims of trafficking, in particular by:
- ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB by paying particular attention to children in care institutions, Roma children and unaccompanied foreign minors;
 - providing further training and resources to stakeholders (police, service providers, NGOs, child protection authorities, social workers), especially in rural areas, as well as guidance on the identification of child victims of THB for the purpose of all forms of exploitation, including forced begging and forced criminality;
 - providing adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training;
 - ensuring long-term monitoring of the reintegration of child victims of trafficking;
 - ensuring that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child;
 - reviewing the application of the guardianship system for child victims of trafficking and paying increased attention to children who are trafficked by their parents or other family members;
- abandon the practice of making the names and addresses of victims of trafficking publicly available.
- increase their efforts to facilitate and guarantee access to compensation to victims of THB, and in particular by:
- providing information to all victims of THB on their right to compensation and the ways to assess it, and ensure that victims have effective access to legal aid in this respect;
 - enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation;
 - include victim compensation in training programmes for law enforcement officials, prosecutors and judges;
 - ensuring that all victims of human trafficking, regardless of nationality and residential status, are eligible for compensation from the State. This is particularly important when compensation from traffickers cannot be enforced because they are insolvent.

3. Requests the Government of Romania to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 4 November 2017.

4. Recommends that the Government of Romania takes measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of Romania to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.