



Global Monitoring

status of action against commercial
sexual exploitation of children

ROMANIA

2nd EDITION

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This publication was compiled by Hannah Darnton with the assistance of Francois-Xavier Souchet, Patchareeboon Sakulpitakphon, Anjan Bose, Jake Lucchi, Lara Green and Mark Capaldi. This report was also developed in collaboration with Save the Children Romania, the ECPAT group in the country.



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Design by: Manida Naebklang

ECPAT International
(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)
328/1 Phayathai Road, Bangkok 10400, Thailand
www.ecpat.net
info@ecpat.net

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GLOSSARY OF TERMS AND ACRONYMS

- **AEPC** - Association of European Police Colleges
- **ANAT** – National Association of Travel Agencies
- **ANITP** – National Agency Against Trafficking in Persons
- **CANEE** - Child Abuse and Neglect in Eastern Europe
- **CEPOL** – European Police College
- **CGI** – computer generated images
- **CRC** – Convention on the Rights of the Child
- **CSEC** – Commercial Sexual Exploitation of Children
- **DICOOCT** - Department for the Investigation of Criminal Offences of organized Criminality and Terrorism
- **DGPC**- Directorate for Protection of Children's Rights
- **EC** – European Commission
- **ECPAT** – End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes
- **EFC** – European Financial Coalition
- **FBI** – United States Federal Bureau of Investigation
- **FIHR** – Romanian Hotel and Restaurant Federation
- **FOCUS** - Romanian Centre for Missing and Exploited Children
- **GDCOC** - General Directorate for Combating Organised Criminality
- **GDSCCP** - General Directorate of Social Assistance and Child Protection
- **GIL** - Inter-Agency Working Group for Coordinating and Assessing the Preventing and Combating of Trafficking in Human Beings
- **ICMEC** – International Centre for Missing and Exploited Children
- **ICMPD** – International Centre for Migration and Policy Development
- **IOM** – International Organization for Migration
- **ISP** – Internet service provider
- **JIM** – Joint Inclusion Memorandum
- **JIT** – Joint Investigation Team
- **NAFP** - National Family Protection Agency
- **NEA** – National Employment Agency
- **NGO** – non-governmental organisation
- **NPA** – National Plan of Action
- **OPSC** – Optional Protocol on the sale of children, child prostitution and child pornography
- **OSCE** – Organization for Security and Co-operation in Europe
- **TIP** – United States Trafficking in Persons Report
- **UN** – United Nations
- **UNDP** – United Nations Development Programme
- **UNHCR** – Office of the United Nations High Commissioner for Refugees
- **UNICEF** – United Nations Children's Fund
- **UNWTO** – United Nations World Tourism Organisation

FOREWORD

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global crime of epidemic proportions. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress in order to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). Adopted in 2000 as a legally binding treaty of the United Nations, the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, convened in Yokohama for the Second World Congress to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven

years later, the World Congress III in Rio de Janeiro provided the largest global platform to date for delegates from 137 governments to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing international human rights and child rights instruments. It also offers a framework for the accountability of all duty-bearers of children's rights, particularly governments, in the fight against sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

This report, as part of the Second Edition series of country monitoring reports produced by ECPAT International, provides a comprehensive baseline of information on all manifestations of CSEC in the country and an assessment of achievements and challenges in implementing counteractions (including the participation of children and young people themselves) to eliminate CSEC. The report, which follows the framework of the Stockholm Agenda for Action, serves as an instrument for the sharing of information and experiences among various stakeholders and duty-bearers within the country as well as internationally. It also suggests

concrete priority actions urgently needed to proactively advance the national fight against CSEC. Furthermore, this report enables the monitoring of the implementation of international instruments on child rights, related to commercial sexual exploitation that have been ratified by the concerned state.

The production of this report is achieved through extensive collaboration within the ECPAT global network. ECPAT International would like to thank ECPAT member groups in the countries assessed, local and global experts and other

organisations for their invaluable inputs to this report. ECPAT International would also like to express its profound appreciation of all the hard work of its dedicated team from within the Secretariat and for the generous support of its donors that helped make the finalisation of this report possible. The contributions of all involved have greatly strengthened the monitoring of the Agenda for Action and the heightened collaboration needed to fight the new and evolving complex manifestations of commercial sexual exploitation of children.

METHODOLOGY

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global pandemic that requires the urgent and concerted efforts of all duty-bearers (from local, national to global levels) to eliminate this heinous crime. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress so as to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) which was adopted in 2000 as a legally binding treaty of the United Nations. The adoption of the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, came together at the Second World Congress held in Yokohama to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven years later, the World Congress

III held in Rio de Janeiro in 2008 provided the largest global platform to date for delegates from 137 governments to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing human rights and child rights international instruments. It also offers a framework for the accountability of all duty bearers of children's rights, in particular governments, in their responsibilities to address all forms of sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

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proactively advance the fight against CSEC at the national level. Furthermore, this report enables the monitoring of the implementation of existing international instruments on child rights, related to actions against commercial sexual exploitation, as ratified by the concerned state.

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ROMANIA



INTRODUCTION

Romania, a country of approximately 22.2 million, is a constitutional democracy with a multiparty, bicameral parliamentary system composed of the Senate (Senat) and the Chamber of Deputies (Camera Deputatilor). Despite classification as a 'high' development country under the UN Development Programme's (UNDP) human development index, the slow pace of economic reform following the global crisis has increased the incidence of poverty, further handicapped by internal corruption and bureaucratic red tape.¹

Over the past 20 years, government reforms have generated notable improvements to Romania's childcare system, particularly through a renewed emphasis on foster care and other family-type care arrangements, the closure of large institutions, an amended legal framework, and a reorganisation of child welfare services under the supervision of county authorities.²

During the communist regime, the government encouraged large families and prohibited contraception and abortion, thus leading to a large growth in the number of children in Romania over a short period of time. Many of these children were born into families unable to support them, and the state thus intervened, promising to take legal responsibility for the children. Thus, the state created large generic institutions and encouraged families who could not provide for their children to leave them with the staff of these new establishments. Throughout the

country the government opened 'swings,' or orphanages, for children up to three years old. After the age of three, the children were moved to different institutions, irrespective of the child's individual situation. The continuous process of uprooting - separating siblings and moving the child far from their hometown - took place until the age of 18, when the child was released from the system. The endemic nature of the problem only grew with the decline of the Romanian economy and the lack of specialised staff in the field of child care. It is estimated that in the early 1990s there were approximately 100,000 children within these institutions.³

In 1997 a protection system was established and responsibility was transferred from a central body to 41 County Departments, and a Department in each of the 6 sectors of Bucharest was created for child protection, each financially and operationally responsible for children within the care institutions in their respective county. This decentralised approach aimed to prevent institutionalisation by providing support to families and closing the large institutions while finding alternative means of child care. The establishment of the Department for Child Protection, the central policy coordinating institution, in 2000, and the National Authority for Protection of Children's Rights (now known as the Directorate for the Protection of Children's Rights (DGPC)), responsible for coordinating national reform and developing

child policies and programs nationally and internationally, accelerated the pace of child protection reform in the country.⁴

Several main elements were included in the child protection reform. The first, the 'Government Strategy on the Protection of Children in Need 2001-2004', meant to adopt numerous radical reforms to bring Romania up to date with international standards and change the 'institutionalized' into 'family'. During this time period large institutions were closed and replaced with alternative services, preventing separation of children from their families through the development of support services and the elevation of the Romanian child protection system to European standards. *Law 272 concerning the Protection and Promotion of Child Rights* entered into force in 2005 and brought public authorities, civil society and parents into the ring of responsibility for a child's well-being, intending to change the idea that the state could replace parental care.⁵

Following these reforms, the number of children in institutions has declined, while the number of children in foster families is steadily growing. The number of children abandoned in hospitals is also rapidly declining. According to the DGPC, results from the reform of the child protection system are evident in all areas of the sector and the 2009 Romanian Statistical Yearbook shows 69,246 children in state care and 23,696 children in institutions.⁶

In preparation for accession to the European Union in January 2007, Romania also passed a number of reforms intended to align national legislation with European and International laws and standards. The Joint Inclusion Memorandum (JIM), the

2007-2013 National Development Plan and the corresponding Operational Programme gave Romania access to approximately three billion EUR in EU structural funds intended for social sector funding and reforms. The JIM in particular targeted the Roma population and at-risk children and recognises key issues in poverty reduction, health, education and child protection.⁷ The resulting reforms substantially strengthened child protection legislation in the years preceding accession;⁸ however, the official absorption into the EU and the subsequent opening of borders, coupled with the increased incidence of poverty within the country, led to a nearly immediate surge in migration out of the country. According to the National Employment Agency and the Labour Inspectorate, approximately 61,400 individuals emigrated in 2008 under short-term employment contracts, up 11% from 2007.⁹

With one or both parents living and working abroad, children are often without adult care and supervision and many times end up vulnerable on the street.¹⁰ Thus, despite these changes in legislation, the number of children living apart from their parents, susceptible to exploitation, remains extremely high, estimated around 70,000.¹¹ There remains a focus on protection of children within the welfare system, rather than efforts to prevent the child being separated from his or her family. Local authorities are understaffed and lack the resources and training to adequately address the problems, and the rural areas requiring the most attention are hard-pressed to recruit competent social professionals to move into impoverished areas.¹² Efforts must be made to shift the national mentality from the idea that a baby from a poor background would fare better in institutional care.

The Romanian domestic legal framework does not fully comply with international standards for the elimination of trafficking; however, the government has made concerted efforts to fulfil international legal requirements in recent years. Over the past year the number of victims identified increased, and the trafficking legislation was revised to clearly prohibit forced begging. However, the US Trafficking in Persons (TIP) report also noted an increased number of Romanian boys found victim of sex trafficking, and there are several worrying accounts of prosecutors bringing prostitution charges against trafficking victims.¹³

Recent statistics display the continuing vulnerability of children to trafficking: 319 children victims in 2011. Of that 319, the majority, 224 children, were victims of internal trafficking. The main destinations for external trafficking are: Italy-33 children, Germany-15 children, Spain-14 children, France-11 children, and Greece-8 children. Most vulnerable are children aged between 14-17 years old; more than 90% of victims identified in 2011 are in this age category. Children from two-parent families were recruited directly by known persons or friends with the promise of a job abroad or for prostitution.¹⁴

Major risk factors for children include coming from violent or abusive family backgrounds. Recruiters prefer areas near schools and favourite locations of teenagers, such as pubs and discos. Many families or other legal guardians are tricked by traffickers in order to gain their legal permission to leave the country. The "Love boy" phenomenon prevalent in some other European contexts, notably the Netherlands, is also common, in which girls entering a relationship with the promise of marriage are pressured into

involvement in prostitution in Romania. Many are later sent abroad to be exploited on streets and in night clubs. Of 2011 victims, the following forms of exploitation were reported: prostitution - 255, begging- 21, labour-12, child pornography-9, thefts-2.¹⁵

Romanian Justice Minister Catalin Marian Predoiu stated that Romania has prioritised combating and preventing human trafficking, most notably through the development of a comprehensive and long-term legislative framework consistent with international and European standards, including the new *Criminal Code*, which will come into effect in 2013.¹⁶

The former OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Eva Biaudet, openly recognised Romania's efforts to combat human trafficking; however, concerns were voiced in regards to the full implementation of anti-trafficking legislation, and the identification of victims, specifically child victims.¹⁷ According to investigations carried out in both Romania and Bulgaria, child trafficking significantly increased following accession to the European Union. Free movement within the continent facilitated child trafficking channels and allowed for further development of trafficking networks.¹⁸ These claims are substantiated by recent surveys carried out by World Vision, proving a strong correlation between the risk of trafficking and migration. This correlation is particularly evident in the poor rural areas of Lasi County in northeastern Romania, where the population faces higher risk due to a lack of economic opportunity.¹⁹

As discussed above, children with one or both parents living abroad are also considered at risk of becoming victims due to neglect and deteriorated family relationships. Many

youth who leave foster care centres or attend vocational schools have also been found to be at greater risk of trafficking, as they have lower levels of education and come from families with no economic opportunity, compelling many to seek work abroad and risk being trafficked.²⁰

A recent report by the European commission states that the Romanian government identified 780 victims of trafficking in 2009 compared to 1,240 victims in 2008. Of the victims identified in 2009, 176 were children, victims of both labour and sexual exploitation.²¹

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in Tier 3.

In the 2012 report, Romania was placed in **Tier 2**.²²

Child prostitution

Information and data on children involved in prostitution in Romania is limited. The General Directorate of Social Assistance and Child Protection (GDSCCP) report from 2003-2007 states that out of 1,016 child labour cases, 18 involved prostitution,²³ while the more recent 2010 Country Report on Human Rights Practices states that out of 964 cases, 23 involved prostitution.²⁴ However, there are approximately 100,000 homeless children throughout Eastern Europe, with over 2,000 in Romania. These homeless or ‘street’ children frequently fall victim to both child trafficking and child prostitution, and estimates have stated that roughly five percent of the homeless children in Romania are forced into prostitution. In Bucharest, 30% of the sex workers are under the age of 18.²⁵

The 2011 US Department of State TIP report

described large amounts of forced begging and forced prostitution within the country, and mentions several investigations and the detention of at least one police officer for recruiting children for forced prostitution.²⁶ However, there remains a general lack of data about the prevalence of child prostitution.

While the *Criminal Code* has been modified to comply with the Optional Protocol on the sale of children, child prostitution and child pornography, many foreign and national child victims of CSEC are seen and treated as criminals.²⁷ Amendments must be made to current legislation to ensure that all children are considered victims of criminal practices, such as prostitution, and adequate provisions are incorporated to ensure access to recovery and reintegration services.

Sexual exploitation of children in travel and tourism

Romania is an established destination country for child sex tourists. Several cases of child sex tourism have been documented in Romania, concerning both foreign nationals committing offences within the country, as well as Romanian citizens found exploiting children outside national borders. In 2012 the Lost Boy international pornography ring was

discovered thanks to a lead on a US citizen seeking information on how to engage in child sex tourism in Romania.²⁸ Although much of this data has not been compiled in a central database, numerous offenders have been arrested and prosecuted within the country.

Child pornography / child abuse images

Information pertaining to the occurrence of child pornography within Romania is largely lacking. Despite several recent cases attesting to the production and dissemination of child abuse images within national borders, it is only in the past few years that Romania has expanded its resources to include up-to-date filtering and online law enforcement tools. Romanian legislation specifically criminalises the mere possession of child abuse images on

computer systems or data storage mediums; however, laws regarding the mere possession of any form of child abuse image (e.g. those not found on the computer) are vague, and the issue is not covered within the *Criminal Code*.²⁹ Thus, despite recent efforts to expand legislation, the government must ensure that it addresses the issue of child abuse images in all forms, rather than focusing specifically on computer devices.

Other issues/factors leading to CSEC

Discrimination is a significant problem in Romania, inhibiting particularly vulnerable groups, such as street children, Roma children, and HIV-positive children from accessing the necessary support services.³⁰

Poverty, social exclusion, discrimination and stigmatisation are root causes and aggravating factors of vulnerability to trafficking and sexual exploitation. Groups such as street children, Roma children, victims of sexual abuse and domestic violence, children in institutions or those who recently left institutions, and those from poor families with a low level of education are exposed to higher risks. Following the 2004 visit of the Special Rapporteur on the sale of children, child prostitution and child pornography, the rapporteur suggested urgent measures to target these groups, particularly street children and youth implicated in prostitution.³¹

Campaigns such as the 'Dosta! Go beyond prejudice, discover the Roma' introduced by the Council of Europe have attempted to break down stereotypes and recognise vulnerable groups such as the Roma as full-fledged citizens, while embracing their unique background and culture.³²

NATIONAL PLAN OF ACTION

Following the 1996 Stockholm and the 2001 Yokohama global forums on commercial sexual exploitation of children, Romania reaffirmed its commitments at the 2008 World Congress III against Sexual Exploitation of Children and Adolescents, in Rio de Janeiro, Brasil. The World Congress III renewed global commitment and galvanised international resolve to combat sexual exploitation of children and adolescents.

Romania's strategies and mechanisms to address the commercial sexual exploitation of children (CSEC) are embodied within the *National Strategy for the Protection and Promotion of Children's Rights for 2008-2013* and the corresponding Operational Plan for its implementation.

This National Strategy is Romania's first comprehensive plan of action, incorporating all dimensions of child rights, in line with Convention on the Rights of the Child (CRC) as well as other international conventions of which Romania is a signatory, such as the ILO Convention on the Worst Forms of Child Labour.³³

Romania has also developed but not yet approved a new National Integrated Action Plan for the prevention and combating of violence against the child (2010 -2013). However, in 2010 two important new child protection methodologies have been approved: multidisciplinary and interinstitutional intervention for children at risk or exploited through labour, child victims of trafficking and migrant children victims of violence.³⁴

In the past, Romania had focused heavily on anti-trafficking through the *National Strategy Against Trafficking in Persons (2006-2010)*, resulting in a lack of attention to other

manifestations of CSEC; however, as the National Strategy on Trafficking reached its conclusion in 2010, Romania appears to have shifted to a more balanced approach towards the elimination of all forms of commercial sexual exploitation of children.

The National Strategy (hereafter referred to as national plan of action, or NPA) and the Operational Plan were approved through Romanian government decision number 860/2008. Broken down into three stages of operation (2008-2009; 2010-2011; 2012-2013), the overall objective of the NPA is to mobilize the necessary resources and ensure accountable and effective partnerships as the government, public and private institutions, international organizations, NGOs, and civil society strive to protect and respect children's rights and improve the condition of children in Romanian society.³⁵

The government, through designated authorities, will carry out the coordination and monitoring of the NPA, and act as a guiding body and catalyst for all institution-centred initiatives comprised within the plan. The NPA details the role of these authorities, both at the local and national level, as well as those of the various institutions and organizations responsible for carrying out the principal activities, namely the various government ministries, the Ombudsman, NGOs, and international organisations.

Eleven main objectives are laid out within the NPA. These include: 1. Empowering families to raise, care and educate their children; 2. Promote and respect children's rights and civil liberties; 3. Increase access to health services and medical services and adapt healthcare to the needs of children; 4. Achieve equal access to education for all children; 5. Respect the child's right to rest and leisure and cultural

activities; 6. Respect the child's right to protection and intervention in the case of abuse, neglect and exploitation; 7. Promote training in children's rights; 8. Prevent the separation of parents and offer special protection to those children already separated from their parents; 9. Empower local communities to prevent the separation of parents and support families to raise, care for and educate their children; 10. Further reform social services for children and families; 11. Protect vulnerable groups of children and youth who require special attention, such as street children, delinquent children, children with disabilities, those with HIV/AIDS or serious/chronic illnesses, as well as those who leave the protection system.³⁶

The Operational Plan breaks down each of these main objectives and assigns each one operational goals, specific activities or actions to be taken, entities responsible for carrying out these activities, as well as partner organisations, a timeline for realisation, and final indicators or results.³⁷ The operational plan for each stage will be developed following the evaluation of the previous stage. Financing for the NPA comes principally from the state budget, the budgets of the ministries involved, and the authorities and institutions responsible for the financing of national programs for protection of child rights. Additional funding is provided through the Bucharest district budget, local budgets of communes, towns and cities, as well as bilateral programs and reimbursable state grants. Funding for development and professional training, public awareness campaigns, and field research is provided primarily through international organisations.³⁸

Despite approval by 15 central institutions, all of whom assumed responsibility for the proposed activities,³⁹ Romania has noted several constraints which may hinder the realisation of optimal results. The majority of concerns are related to the lack of experience of particular sectors or lack of

trained personnel. The administrative branch has shown reluctance to transfer authority to local entities due to an apparent lack of experience in management and organisation of social services in local branches. However, the lack of experience also applies to the local communities; businesses and citizens, as well as personnel within the education, health, and government sectors. The lack of funding for a coherent professional training structure has stifled progress in the area, and the difference in salaries prevents more qualified personnel from relocating to supervise a transfer of authority to local branches. Funding has been further restricted due a misperception of an overlap in child protection and the promotion of child rights activities, leading to a reduction of funding from external donors.⁴⁰

The NPA also mentions the effect of slow reforms, both in the sectors complementing the child protection system, as well as in the economic sector, leading to continually high rates of poverty.⁴¹

Notwithstanding these obstacles, the NPA is a significant improvement upon previous national plans concerning children's rights, which were heavily criticized for their lack of comprehensive services and benefits in response to the identified needs of the child.⁴² The fact that these obstacles are discussed in the NPA signifies that the state is cognizant of the problems at hand and has taken the steps to address them.

The Committee on the Rights of the Child, however, has expressed additional concerns that the NPA may insufficiently address the most vulnerable groups and recommends that special attention be paid to those children living in poverty, Roma children, children with disabilities, children with HIV/AIDS, street children, and children in need of alternative care.⁴³

As Romania's accession to the EU was contingent upon an improved child protection system, it has fully incorporated all necessary

facets of the Convention on the Rights of the Child into the NPA; however, there are still substantial gaps between the documented plans and the tangible distribution of resources. The national and local budgets are currently insufficient to meet the proposed goals, and the fulfillment of these goals is hindered by inadequate technical and administrative capacity and experience. Though, there were regular evaluations of the NPA up to the year 2010, the limitations of the national accountability and monitoring

systems inhibit evaluations and follow-up of the programs that are being carried out.⁴⁴ Multiple stakeholders outside government are involved in each step of preventing and combating child trafficking. The NPA also contains strategies, such as campaigns, to reduce demand from child sex offenders. The new NPA also aims to harmonise national laws with those in the EU and seek child and youth participation in the development of prevention campaigns.⁴⁵

COORDINATION AND COOPERATION

Local and national levels

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm Declaration, close interaction and cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

The DGPC, established in 2004 through Federal Statute 275/2004 and Governmental Decision 1432/2004, is the primary body responsible for the coordination and monitoring of all activities under the National Strategy for the Protection and Promotion of Child Rights, discussed above.⁴⁶

The DGPC, as part of its mandate, collaborates with numerous national NGOs as well as international organisations. Partnerships with national NGOs include a cooperation agreement with the NGO Gavroche Bucharest, establishing a pilot centre which takes in unaccompanied Romanian children and child victims of trafficking entering the country through airports or borders close to Bucharest. Through funding provided by the DGPC, the NGO Save the Children Romania (Salvati

Copiii - the ECPAT network affiliate group in Romania), was able to aid in the creation of the first transit centres for unaccompanied children and child victims of trafficking.⁴⁷

The DGPC also works closely with the National Agency against Trafficking in Persons (ANITP), established through government decision no. 1584 in 2005. ANITP holds legal status as a specialised body of the central public administration, under coordination of the Ministry of the Administration and the Interior. ANITP works to coordinate, evaluate, and monitor implementation of human trafficking by public institutions at the national level, as well as those working in victim protection and victim assistance.⁴⁸

The Inter-Agency Working Group for Coordinating and Assessing the Preventing and Combating of Trafficking in Human Beings (GIL) works under the authority of the National Agency Against Trafficking in Persons (ANITP) and is specifically responsible for the implementation of all policies concerning trafficking in human beings and cooperation between key actors,⁴⁹ as well as evaluating the impact

of these policies, and the development of subsequent strategies.⁵⁰ The GIL includes representatives from the Ministry of Internal Affairs and Administrative Reform, the Central Department for Organised Crime and Anti-Drug Action, the Ministry of Justice, the Ministry of Foreign Affairs, the Public Ministry, the Ministry of Labour and Social Solidarity, the Ministry for Education and Research, the Ministry of Public Administration, the Ministry for Health and Family, the Ministry of Youth and Sports, the Ministry of Culture, the DGPC, and NGOs working with trafficking and trafficking victims.⁵¹ In November 2003, a subgroup of GIL was established within the Inter-ministerial Working Group to focus specifically on combating trafficking in children.⁵²

The ANITP and the DGPC are responsible for monitoring and implementing assistance

to trafficking victims, with a thematic working group to coordinate activities concerning the protection and assistance of trafficking victims. However, prior the National Referral Mechanism, adopted in 2008, there was no integrated system to identify and support human trafficking victims, making provision of services difficult. The process of identification was contingent on a multitude of legal provisions, considered on a case-by-case basis and carried out by the Inspectorate General of the Romanian Police, the Inspectorate General of the Border Police, NGOs and social services.⁵³

All institutions and organisations working in anti-trafficking are bound by a Memorandum of Cooperation and work under this GIL, or in tangent with the DGPC.⁵⁴ These collaborative efforts between the DGPC, the ANITP, and other ministries and agencies are regulated by law.⁵⁵

Data collection

Several data collection systems were instated shortly after the inauguration of both ANITP and DGPC. ANITP developed a national system, collecting data on trafficking in adults and children. Structured as a central database with a search application and a web interface, specific protocols ensure that only one department within the ANITP – the Service for Monitoring, Evaluation and Research and Regional Centres –and certain public institutions have access. All personal data entered into the system can only be accessed by the author, and the accessibility of statistical data is dependent on the clearance level of the individual.⁵⁶

A separate but similar database was created by the DGPC exclusively for child trafficking. The system gathers information from the small database of Romanian children found

unaccompanied abroad, and those repatriated child victims or victims of child trafficking, along with the national data collection of child victims of internal trafficking, kept by the child protection authorities from each county.⁵⁷

Furthermore, a mechanism for data collection on case law is currently in place. The Department for the Investigation of Criminal Offences of organized Criminality and Terrorism (DICO OCT) consolidates and conveys the data to the Centre of Resources for Combating Trafficking in Persons with the General Directorate for Combating Organised Criminality (CRCTP within GDCOC); however, the data gathered on criminal offences within this field is not disaggregated by age.⁵⁸

Following the creation of the databases, DGPC and the ANITP signed a cooperation agreement, agreeing to freely exchange data and information pertaining to common interests, particularly when concerning trafficking in children, although both organisations follow strict legal provisions on the protection of personal data.⁵⁹

However, coordination efforts to develop a unified data collection mechanism for recording data on trafficking victims remain insufficient. Due to a lack of interagency communication, data is often recorded twice by the separate agencies, or occasionally not registered at all, gravely affecting the accuracy of statistics.⁶⁰

The NPA, discussed above, requires heavy coordination between local and national authorities, including many of the government ministries. Local city councils, public and social services and commission for child protection, are all listed principal bodies of implementation of the *National Strategy for the Protection and Promotion of Children's Rights for 2008–2013* within their respective regions, whereas county councils, the Romanian Secretary General, and general directorate of social assistance and child welfare, as well as the Mayor of Bucharest were appointed principal implementing authorities at a national level.⁶¹

The Ministry of Foreign Affairs, the Ministry of Education and Research, the Directorate General and Social Inclusion, National Family Protection Agency (NAFP), and the National Employment Agency have also been designated as key agencies for the execution of the *National Strategy for the Protection and Promotion of Children's Rights for 2008–2013*. The Ministry of Foreign Affairs will focus specifically on the presence of unaccompanied Romanian children in other countries, as well as repatriated children and refugee children, primarily through communication with foreign authorities, and collaboration with other Romanian authorities such as

the Ministry of Interior and Administrative Reform, the Ministry of Justice and the DGPC. As part of their mandate, the Ministry of Foreign Affairs will also help raise awareness on trafficking in children in destination countries, and advocate for stronger involvement of these authorities, particularly in the repatriation of children.⁶²

The Ministry of Education and Research, will aid in continued training to meet the current requirements of the protection and promotion of child rights, while the Directorate General and Social Inclusion, will focus on institutional reform and the development of a coherent framework to present the strategy and harmonize legislation. Additionally, the Directorate General and Social Inclusion will promote and support legislation and the continuation of services, for young people leaving the child protection system.⁶³

The National Family Protection Agency (NAFP) will continue its policy of developing services needed to prevent and combat domestic violence, to promote direct cooperation with the authorities and specialized services for child victims of abuse, neglect and exploitation, in addition to the harmonisation of legislation on social assistance and child protection and justice, especially in terms of quality standards for services for victims, shelters and recovery centres and counselling offenders. Taking into account the increased vulnerability of children left unaccompanied when parents leave to work abroad, the National Employment Agency (NEA), in conjunction with other government agencies, will monitor children whose parents are abroad, and pursue the necessary measures to maintain contact between parent and child in order to avoid the negative consequences of separation.⁶⁴

The Ministry of Health will also play a vital role in integrating and expanding the health services within social care and the child protection system, improving upon the methodological coordination within the

health system to eliminate duplication and to educate medical staff on changes in the protection and promotion of child rights, legislation, and the applicability of child protection within healthcare, including compulsory notification of cases of neglect and exploitation.⁶⁵

The Ministry of Justice will consider the possibility of establishing special courts for cases involving minors and family members, and the implementation of special procedural provisions, simplifying and improving existing procedural safeguards for children, according to Romanian and European standards in the field of child rights.⁶⁶

The Ombudsman functions as the institution that protects the rights and freedoms of citizens in their relations with public authorities, including handling requests for violations of child rights, family, youth, and persons with disabilities and the monitoring of the DGPC and implementation of the NPA. Seven regional offices are currently up and running.⁶⁷

In 2007, the Romanian Centre for Missing and Exploited Children (FOCUS) opened in Bucharest, Romania. A member of the global network created by the International Centre for Missing and Exploited Children (ICMEC), the Romanian branch of the ICMEC was established to combat the ever-growing problem of missing and exploited children within the country, including child trafficking and child prostitution.⁶⁸ Main objectives include the operation of a 24-hour call centre to receive round-the-clock reports of missing and exploited children, increased global communication and coordination with like-minded NGOs, development of a network of Romanian stakeholder and a system to monitor and track cases, as well as system to prevent children from falling victim to Internet child pornography. Additionally, the NGO hopes to establish a national volunteer base – trained and available for search operations, to increase

public awareness and education on child exploitation, and to provide technical support to professionals working with children.⁶⁹ As of April 2010 case managers have dealt with 1,491 cases, 1,344 of which were cases of disappearance. 1,103 of these cases have now been closed; however, 68 remain missing, and several others are in care and require further surveillance. Out of all cases, nine involved sexual exploitation and 13 were trafficking notifications.⁷⁰

Starting on 25 May 2009, FOCUS was designated the national operator of 116 000 – a European report line for missing children, now operational also in 16 other European countries. Operators receive calls on: notices of child disappearances, declarations regarding the presence of a child declared missing in a certain area, solicitation of information and offers to provide assistance.

In 2011 the line received 47,994 calls, fewer than the previous year (109,602 calls in 2010). This difference might be due to the lack of financial resources that led to a decrease in developing public information activities, a gap in collaboration with families of missing children and the authorities, and/or a reduction of non-valid calls. In 2011, FOCUS managed 580 cases of missing children with over 80% representing voluntary departures of children from home or placement centers.⁷¹

Of the total of identified children, 95% have been found in Romania and only 5% outside the borders. Italy is the main destination country for children who have crossed borders without permission of the legal representative. Based on FOCUS data, 18 children were found in Italy, 3 in Spain, and 2 in the Netherlands. At the end of 2011, FOCUS's current roster of cases were as follows: 427 closed cases (the child has been found and monitoring is not necessary or monitoring period was closed); 107 cases in monitoring period (the child has been found but is still monitored to prevent recidivism); 46 cases in which the child was still missing.

FOCUS has welcomed the participation of volunteers, including in the call centre. On 20 May 2011, the General Inspector of the

Romanian Police and FOCUS launched the mechanism “Amber Alert” in Romania as well.⁷²

Regional and international levels

At an international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted and coordinated approach is taken in eliminating CSEC.

Romania has shown concentrated efforts to improve regional collaboration, particularly in the area of anti-trafficking, through participation in numerous European and International partnerships and campaigns. CEPOL (European Police College), a European Union Agency created in 2005, facilitates cross-border collaboration between police officers in Europe through training activities and research. The Romania Police Academy, established in Bucharest in 1991, joined the Association of European Police Colleges (AEPC) in 2003 and has been a member of CEPOL since its inception. With 1,955 students, 1,440 Masters students, and 220 teaching staff, the academy has had a widespread influence on the training of law enforcement personnel within the area. In October 2006 the Bucharest branch organised the Heads of Training Centres Conference together with the AEPC, attended by Directors of Police Academies and Colleges for over 23 countries.⁷³

CEPOL's Common Curricula provides recommendations and insight into police training in specific domains, such as trafficking in human beings, and aims to build on the knowledge of officers supervising human trafficking investigations. The curriculum provides for training on the national and international context of

trafficking in human beings, its concept, trafficking legislation, and Europol and Eurojust anti-trafficking measures. Furthermore it provides the officers with training on links between trafficking in persons and other criminal networks, other forms of exploitation, trafficker and victim identification and prevention, and the specifics of child trafficking. The curriculum also improves evidence-gathering techniques and investigation techniques, and works to establish best practices concerning treatment of the victim.⁷⁴

The Federal Bureau of Investigation (FBI), part of the United States Department of Justice, also works jointly with Romanian Police, providing material, training, and general support. In 2010, the FBI supplied the Romanian Organized Crime Directorate with over USD 20,000 in ICT equipment for the investigation and prosecution of criminals. The FBI has also financed the training of 28 Romanian law enforcement officials at the FBI's National Academy, a 13-week executive law enforcement program in Quantico, Virginia, the attendance of two Romanian officers at the International Conference on Cyber Security and one officer to a one-month training course in the US as part of the FBI's annual International Crimes Against Children Task Force. This Romanian officer now leads Romania's Crimes Against Children (child pornography) initiative. Furthermore, the FBI has inserted an agent into the Romanian Directorate to further international collaboration on cybercrime investigations.⁷⁵

Eurojust, part of the European Union's Judicial Cooperation Unit, is dedicated to freedom, security and justice in the European Union (EU), principally through the establishment of "a more uniform immigration and asylum policy based on solidarity and on the reinforcement of the fight against trans-border crime by consolidating cooperation among authorities." Since the enlargement of the EU this had included the pursuit of numerous cooperation agreements and the exchange of judicial information and personal data with organizations such as Europol, the EC Anti-Fraud Office, CEPOL, The European Judicial Training Network, UN Office on Drugs and Crime, Iber-RED, and Romania.⁷⁶

Eurojust takes an active role in child safety and protection. Eurojust employs the principles of the CRC and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007). In 2007 Eurojust created a 'Contact Point' for Child Protection Issues. The delegate appointed to this position serves as the main liaison for matters such as missing children, sexual abuse of children, trafficking in children, and child pornography.⁷⁷

Statistics and data gathered from Eurojust cases between 2004 and September 30, 2011 have illustrated the prominence of CSEC crimes. The sexual abuse of children, including rape and sexual exploitation made up 30% of the cases, whereas trafficking in human beings and child abuse images accounted for 22% and 15% respectively.⁷⁸

Europol, the European law enforcement agency, also plays a large role in combating human trafficking and has partnered with many of the above organisations as well as law enforcement agencies in their fight against international crime. In November 2010, a Europol-supported Austrian and Hungarian police operation resulted in the rescue of five young Romanian and Hungarian women,

imprisoned and forced into prostitution in Austria after receiving false promises of employment. The operation also led to the arrest of two Hungarian nationals, organisers of a regional human trafficking network. During a search of the premises, evidence was found connecting the two with criminal activities over the past 10 years.⁷⁹

Europol also took part in a major operation led by the UK Metropolitan Police in 2010. The operation, entitled Operation Golf, involved a joint investigation team (JIT) with 26 Metropolitan Police officers and 320 Romanian Police⁸⁰ aiming to take down a Romanian crime network that was trafficking children from the Roma community.⁸¹ Europol provided expert input into the establishment of the JIT and assisted in the development of strategic and operational activities and intelligence gathering, in addition to analytical support including the identification and prioritization of both Romanian and UK targets.⁸² The operation identified approximately 168 Romanian children in the UK, forced into child prostitution, labour and begging,⁸³ and led to the arrest of 126.⁸⁴

Frontex, an EU agency tasked to coordinate operations in the area of border security, runs similar operations. Joint Operation Agelaus, in 2010, was the first Frontex operation dedicated to the irregular immigration of children into the EU. Involving 42 airports and 17 member states, the month-long fact finding mission aimed to increase awareness of irregular child migration and assist Member States to address trafficking of under-18s at EU external borders. As the focus of the operation was on child welfare, the mission concentrated on crime prevention rather than criminal investigation, including identification of at-risk children, and data collection on vulnerable nationalities and commonly used trafficking routes for the Frontex Risk Analysis Unit.

Operation Angelaus resulted in the

detection of 175 children under-18 irregularly immigrating into the EU, 143 of which were accompanied by adults and 32 unaccompanied. The operation involved officers from 17 EU member states, including Romania, and was carried out with assistance from the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).⁸⁵

Aside from regional operations, Frontex has also created a network of partnership Academies in nine Member States, one of which is located in Iasi, Romania. These centres use Frontex developed training material and standards to hold training courses and conferences that include human rights, ethics, languages and cultural sensitivity. While these do not intend to standardise the practices of member states, they facilitate cooperation and enhance regional effectiveness.⁸⁶

Romanian police also cooperate heavily with INTERPOL, the international police organisation, specifically in areas of cross-border crimes such as illegal immigration, financial fraud, and human trafficking. Following a meeting in early 2012 between Romania's Inspector General of Police, and the Secretary General of INTERPOL, relations have only deepened. During this meeting Romania was praised for its active participation in the arrest of Romanian national, Ioan Clampanu, further discussed in the Protection section of this report.⁸⁷

The INTERPOL National Central Bureau (NCB) for Romania is located in Bucharest and also played a large role in this arrest. In order to enhance national security and further prevent criminal activity in Romanian, INTERPOL Bucharest has, in recent years, incorporated INTERPOL's databases into the Romanian police network, providing police forces with instant access to INTERPOL information and facilitating

future collaboration. In 2010 INTERPOL Bucharest also connected the Romanian Special Bureau for Combating Organized Crime to INTERPOL's International Child Sexual Exploitation Image Database.⁸⁸

The International Centre for Migration Policy Development (ICMPD) further facilitates regional collaboration through work with governments, research institutes, international organizations, intergovernmental institutions and civil society. Focusing specifically on research, migration dialogues and capacity building, the ICMPD has six thematic issues, one of which is Trafficking in Human Beings. Capacity building concerning Trafficking in Human Beings is carried out at the ICMPD's Competence Centre for Trafficking in Human Beings, which provides anti-trafficking responses and measures based on regional and international standards and best practices.⁸⁹

The ICMPD also hosts the organizational support team of the Prague Process, a political process promoting migration partnerships, initiated at the Prague Ministerial Conference in 2009. This process involves 49 member states of the European Union, the Schengen Area, as well as countries throughout South Eastern and Eastern Europe as well as Central Asia, including Turkey. The leading states include the Czech Republic, Hungary, Poland, Romania and Slovakia.⁹⁰

The Prague Process is guided by the principles laid out in the "Building Migration Partnerships" Joint Declaration, which includes both raising-awareness and combating the trafficking of human beings and the criminal networks behind these illegal operations.⁹¹ The Building Migration Partnerships (BMP1) project intended to apply the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union, was implemented from May 2009 to June 2011 with funding from the European Commission

and direction for the Ministry of the Interior of the Czech Republic, Hungary, Poland, Romania and Slovakia. Principally geared towards the collection of information, the BMP1 aided the creation of an interactive online map which allows for universal access to information concerning the Prague Process.⁹² The project went into phase two “The Prague Process: continuation of the Building migration partnerships dialogue” (BMP2) on 1 July 2011. Objectives included maintaining and updating the established knowledge base, however, the BMP2 is also focused on the realisation of the BMP Joint Declaration from 2012 to 2016,⁹³ inaugurated at the 2nd Prague Process Ministerial Conference in Poznan on 3-4 November 2011.⁹⁴

The Southeast European Law Enforcement Center (SELEC), formerly the SECI Center, provides member States with support and facilitates coordination in preventing and combating of crime within the region. With a newly signed convention, SELEC has expanded its data system and increased the level of protection of personal data in accordance with EU stipulations, allowing for the improved realization of SELEC’s tasks, which include the exchange of information and operational assistance, strategic analysis and assessment and multi-national training and conferences.⁹⁵

Child Abuse and Neglect in Eastern Europe (CANEE) is a collaborative forum and centre for those working in child protection. Caneenet, the main website, came to life in 2011 with financial support of the Open Society Institute and is operated by the Nobody’s Children Foundation Poland, the ECPAT network affiliate group in Poland. The website itself builds off of the network developed during the 1995 Eastern European Child Abuse Prevention and Treatment Program and endeavours to circulate information, share research and experience, promote best practices, encourage and construct networks

and collaboration and recognise the efforts of both organizations and individuals.

In addition to involvement in regional and international organisations geared towards protection against child exploitation, Romania has also entered into cooperation agreements with neighbouring countries to ensure bilateral child protection. In 2006, Bulgaria and Romania signed a letter promising coordinated measures to aid children living on the street, child trafficking victims, and school dropouts. These efforts emphasised increased support for child care centres and steps to prevent child abandonment. The agreement also provided for the decentralisation of social services as well as the creation of common criteria for service provision, which the two countries have agreed to implement simultaneously along with the creation of a child protection information network.⁹⁶ As of 2004, Romania had also signed cooperation protocols to combat cross-border crimes, such as human trafficking, with Bulgaria, Greece, Albania, Armenia, Croatia, Moldova, Ukraine, Cyprus, the Czech Republic and Poland.⁹⁷ Further agreements have been signed with the member states of the Economic Cooperation on the Black Sea group and, in 2007, Romania also signed a memorandum of agreement concerning the protection of unaccompanied minors with France.⁹⁸ The stated purpose of this France-Romania agreement was “to promote the organisation and increase the number of repatriations to Romania” of minors experiencing difficulties in France and improve the “‘identification and protection’ of these minors in difficulty or who have been authors or victims of criminal offences.”⁹⁹

However, despite the well-intentioned appearance of these agreements, the provisions in place between countries such as France and Romania may actually work against unaccompanied Romanian children who, due to ‘difficulties’ in France, may be repatriated against their wishes

or without their best interests taken into consideration. Following inspection, the Conseil Constitutionnel in France – the judicial body reviewing constitutionality of French legislation – deemed the agreement to be unconstitutional in 2010;¹⁰⁰ however, other mechanisms are still in place to continue accompanied repatriation of Romanian youth

in France.¹⁰¹ Romania must ensure that all bilateral agreements focus on the well-being of the child, rather than on the political and economic interests of the country in question, and that their citizens are not being discriminated against through such agreements.

PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children while also addressing the root causes of CSEC such as poverty and lack of education.

Long term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and

improving access to education, health and social services. Effective short to medium term strategies include awareness raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, in particular in awareness raising activities.

Awareness raising

Much of the effort towards prevention of commercial sexual exploitation of children in Romania goes into awareness raising for both potential victims as well as the general public. ANITP in particular has executed numerous projects and campaigns in conjunction with various other stakeholders to raise awareness on trafficking in persons in Romania over the past few years.

These campaigns included the 2011 ‘Open your Eyes’ national campaign, conducted with the Ratiu Centre for Democracy, which aimed to educate young women on decisions made without proper information and how these decisions may affect them in the future. There were also several initiatives regarding employment, such as the ‘Job search via the

Internet’ and ‘Beware of ‘perfect’ opportunities with ‘perfect’ jobs’ campaign. ‘Notice: Selling Women’ brought ANITP and the theatre together to produce a play drawing public attention to the real side of human trafficking. Several others partner with neighbouring countries to bring trafficking into regional focus, such as ‘Trafficking in persons – forgive no one!’ and ‘Euro 2008 – trafficking in persons can be a game with a high stake, even your life’ during the 2008 European Football Championship.¹⁰²

From February to October 2010, Romania participated in ‘Reducing the number of Romanian and Bulgarian victims trafficked in Italy and Spain’.¹⁰³ Implemented by Bulgaria, this project has been implemented through

coordination with the Bulgarian National Anti-Trafficking Commission and the respective authorities from Romania, Italy, Spain and Britain.¹⁰⁴ Through this project, the prevention campaign 'Trafficking in persons - forgive no one' has been launched.¹⁰⁵

Key outputs from this initiative include:

1. Elaboration and dissemination of audio and television advertisements for raising awareness on the consequences of human trafficking (in Romania and Bulgaria) and for informing public on this phenomenon and on situation of victims (in Spain and Italy).
2. Elaboration of a good practices guide based on: recommendations made by the multinational team for coordinating the prevention campaign, including lessons learned during international conferences within this project, information from study visits and experience after implementing the campaign. The guide was disseminated in electronic format to actors involved in the fight against human trafficking from the partner states of the project.
3. Creation of a network of stakeholders from each participant country in the project, including a registry with the names of partners from each country and contact information for more efficient communication.
4. Contribution focused on improving cooperation within the referral mechanism for victims in order to ensure they receive needed assistance.

In 2009, the PHARE Twinning Project, entitled 'The Two Faced Man' was launched by the Romanian Police and ANITP to bring the institutional capacity of the agencies involved in the prevention of trafficking in human beings in line with best practices and current European Standards. The project was carried out in partnership with the Ludwig Boltzmann Institute of Human Rights,

the German Foundation for International Legal Cooperation and the European Public Law Centre (Greece). According to studies conducted prior to this campaign, women and girls aged 16 to 25 accounted for approximately 50% of identified trafficking victims and, thus, the goal of this particular project was to improve awareness of the risks associated to sexual exploitation and trafficking among that target demographic.¹⁰⁶

In 2008, ANITP also partnered with the Ludwig Boltzmann Institute in Austria to tackle the sexual exploitation and trafficking of women, including girls under the age of 18, through the 'Supporting the institutional capacity to prevent trafficking in human beings in Romania' project. The first part of the project addressed the question of how to conduct research on trafficking, which resulted in the publication of a study on child trafficking within the country as well as a handbook on carrying out research in the field of child trafficking. The second part of the project focused on prevention measures, such as the execution of a local and national awareness raising campaign as well as the development of a handbook on conducting prevention campaigns concerning trafficking. The third and final part of the project evaluated the agencies involved, and laid out potential further improvements and reported on progress of national identification, the referral mechanism, in addition to feasibility studies. Numerous trainings were held throughout the project for Romanian colleagues, including three study visits to Austria, Germany and Greece, in addition to internships at the European Fundamental Rights Agency in Vienna. The above activities also included involvement with Romanian institutions and relevant civil society organisations.¹⁰⁷

Romania has also taken measures to introduce child trafficking prevention in schools. Information on trafficking has been incorporated into the civic education curriculum on Human Rights and Children's Rights. Training courses were also implemented by ANITP for professionals

within the education system. These efforts are extremely important; however, in order to guarantee widespread impact, these measures must be formalised through educational policies and made compulsory in all schools.¹⁰⁸

Sigur.info, the SaferInternet Romania project, promotes Internet safety for children and runs awareness raising activities on online safety for children. Through its activities, Sigur.info provides useful information on how to avoid the online risks that children may be exposed to. Parents and teachers are also involved through pilot awareness-raising activities, including contests and training courses concerning safety issues and responsible use of the Internet. Additionally, Sigur.info empowers children and youth to play an active role to educate older generations regarding new digital technologies, through small projects initiated and coordinated by children.¹⁰⁹

This project also included the production of various brochures on safe Internet use and two TV clips under the Romanian media campaign, one national and one developed by the European Commission. These clips were broadcasted on 11 national TV stations, in 30-second and 60-second versions, approximately 2,500 times to over 14,400,000 TV receivers. The online versions were viewed more than 20,000 times.¹¹⁰

According to the 2011 US TIP report, the government of Romania contributed modest funding for several joint NGO public

awareness campaigns and events on human trafficking, and worked in cooperation with Bulgaria, Spain, Italy and the European commission to develop and implement a trafficking awareness-raising campaign for Romanian citizens living abroad. Regionally this included radio and television broadcasts, newspaper articles and school training. Additionally the Government carried out awareness-raising activities in conjunction with the EU anti-trafficking day in October. These activities, organized by ANITP, included circulating brochures and leaflets on trafficking, organizing round table discussion and carrying out activities in elementary and high schools, as well as the publication of a quarterly report on Romania's anti-trafficking efforts. However, no attempts to research or reduce the demand for commercial sexual acts were reported.¹¹¹

Federal Statute 272/2003 Article 78 clearly states that Labour Inspection, in conjunction with the DGPC, must promote awareness and information campaigns aimed at informing children (on the protection measures available to them as well as the risks of economic exploitation), as well as the the general public – including parents and professionals working for or with children, and employers or potential employers.¹¹² However, to date, the majority of awareness raising activities and campaigns have focused on trafficking. There is a pressing need for more information and improved awareness on all other forms of commercial sexual exploitation of children.

Private sector involvement

The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, known as The Code, came about through cooperation between the child rights group, ECPAT, the World Tourism

Organization (UNWTO), and Scandinavian tour operators. Initially piloted in ECPAT Sweden in 1997, The Code has developed into an independent, international organisation that outlines a code of six criteria for tourism

services. These include the establishment of policies regarding commercial sexual exploitation of children, personnel training in the country of origin as well as the destination country, the introduction of specific clauses within supplier contracts specifying a mutual repudiation of CSEC, the provision of information on the subject to travellers through various media, the provision of information to principal actors at the destination, and annual reporting.¹¹³ Romania is supporting the Code, along with several industry partners, including: the Pullman World Trade Center (Sofitel) Hotel, the Golden Tulip Hotel, the National Association of Travel Agencies (ANAT), and the Romanian Hotel and Restaurant Federation (FIHR).¹¹⁴

Romania also works with the European Financial Coalition (EFC), which works to combat online commercial sexual exploitation of children. The EFC was launched in 2009 to aid law enforcement bodies in the identification and rescue victims, as well as the arrests and prosecutions of the perpetrators and distributors, and confiscation of the proceeds of the offenders.¹¹⁵ Stakeholders include providers of online financial payment

systems, ISPs, law enforcement bodies, banks, protection agencies, and child protection NGOs. The coalition has partnered with Europol, European Police agencies, the European Commission and expert child protection NGOs with major financial, Internet and technology companies to achieve one of their key goals - to interrupt financial rewards made from the sale of child sex abuse images. As of 2011, Europol will coordinate and chair the EFC's steering group.

Microsoft has long been at the forefront of private sector involvement and Microsoft's recent development and release of a revolutionary technology, PhotoDNA, to identify and remove exploitative and abusive images of children, will allow Romanian and European law enforcement to make huge leaps forward in online protection. Microsoft is a founding member of the 2011 Coalition on Child Online Safety, partnering with child safety experts throughout Europe, including Romania's Save the Children office – Salvati Copiii, ECPAT affiliate, to inspire child protection campaigns and has offered PhotoDNA free of charge to aid in the fight against CSEC both in Europe and worldwide.¹¹⁶

PROTECTION

Comprehensive and effective legislation is essential to protect children from CSEC. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or viewing and accessing child pornography

online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

International instruments	
Human Rights bodies related to Child Rights	Comments
Charter-based bodies	
Working Group on the Universal Periodic Review – Human Rights Council	Scheduled for review in the 15th session (2013)
Special Rapporteur on the sale of children, child prostitution and child pornography	Visit to Romania conducted 1-10 September 2004
Special Rapporteur on trafficking in persons, especially in women and children	No visit requested, no invitations received
Treaty-based bodies	
Committee on the Rights of the Child	<p>Main conclusions relating to the CRC</p> <ul style="list-style-type: none"> - Create an independent body for the promotion and monitoring of implementation - Strengthen data collection systems and monitoring systems - Ensure that the national strategy sufficiently addresses the most vulnerable groups - Review the status and effectiveness of Ombudsman, taking into account the Paris Principles, and consider the creation of a child ombudsman - Improve youth participation - Further address the prevalent issue of families at risk of separation, and child abandonment through an identification process, following by provision of social services - Conduct a systematic assessment of the situation of street children and consider adoption of action for social reintegration - Ensure that girl victims of prostitution are not seen as criminals and are not prosecuted - Further development of provisions for child victims within criminal law and the procedure for hearing of child victims - Further development of hotlines

Children's rights Instruments	Date of ratification	Date of submitted reports
Convention on the Rights of the Child – 1989	Signed 26 January 1990, Ratified ¹¹⁷	10/27/2007 – third and fourth periodic report submitted. Fifth report to be submitted 31/10/2012
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	Signed 6 September 2000, Ratified 18 October 2001 ¹¹⁸	Initial report was due on 18/11/2003 but has not yet submitted report
ILO Convention on the Worst Forms of Child Labor - 1999 (No. 182)	Ratified 13 December 2000	N/A (No reporting requirements)
UN Convention against Transnational Organized Crime – 2000	Signed 14 December 2000, ratified 4 December 2002 ¹¹⁹	N/A (No reporting requirements)
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	Signed 14 December 2000, ratified 4 december 2002 ¹²⁰	N/A (No reporting requirements)
Regional Instruments		
Council of Europe Convention on Cybercrime CETS NO: 185 – 2001	Signed 23 November 2001, Ratified 12 May 2004 and entered into force 1 September 2004 ¹²¹	
Council of Europe Convention on Action against Trafficking in Human Beings CETS No.: 197 – 2005	Signed 16 May 2005, Ratified 21 August 2006 and entered into force 1 February 2008 ¹²²	
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	Signed 25 October 2007, Ratified 17 May 2011 and entered into force 1 September 2011 ¹²³	

Legislation

Romania has ratified the principal international treaties concerning the rights of the child, including the CRC, the OPSC, the ILO Convention on the Worst Forms of Child Labour, and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol). It holds no reservations to the Convention on the Rights of the Child; however, it has not yet published

a report for the OPSC.

Romania has also ratified several regional agreements including the Council of Europe Convention on Cybercrime in 2004, the Council of Europe Convention on Action against Trafficking in Human Beings in 2006, and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2011.

Romanian law currently lacks a consolidated Act on children's rights; however, there are several laws covering the rights of the child, including but not limited to the Romanian *Criminal Code*, the *Family Code*, *law no. 272/2004* on the protection and promotion of the rights of the child, and *law no. 122/2006* on asylum. The Convention on the Rights of the Child was incorporated into Romanian legislation in 1990 and later amended and updated by *law no. 272/2004*.

The Constitution of Romania further ensures full applicability of all properly ratified international treaties, including the Convention on the Rights of the Child, within national law. Article 11 of the Constitution stipulates that all such treaties

are part of domestic law, while Article 20 states that constitutional provisions concerning the rights and freedoms of the citizen must be understood and employed in accordance with ratified treaties. This allows courts to apply the CRC directly, although the Committee on the Rights of the Child has observed that, thus far, domestic courts have not cited the Convention in child rights cases.¹²⁴

Romanian authorities have failed to issue any official declaration indicating the date that the new *Criminal Code* will take effect. The legislation that would give effect to this new *Criminal Code* was expected to pass in October 2011 but presently remains in debate in Parliament.¹²⁵

TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

Romanian legislation criminalises all forms of trafficking in persons through Law no. 678/2001 on Preventing and Combating Trafficking in Human Beings. Initially introduced into the *Criminal Code* in 2002, the *Criminal Code* was amended in 2004 to incorporate further legal provisions for all forms of trafficking in adults and children.¹²⁶ Significant advancements in children's rights were made in 2004 with the passage of law 272/2004 on the protection and promotion of the rights of the child. Article 98 of this law, concerning the protection of the child against kidnapping and any form of trafficking, assigns responsibility to the Ministry of Administration and Internal Affairs and the DGPC, along with the Ministry of Education and Research, and stipulates the creation of all legal, administrative and educational measures to guarantee protection against internal or international child trafficking. This responsibility included the elaboration of a national action plan— including an internal mechanism for coordinating and monitoring the already accomplished activities.¹²⁷ Article 99 on the protection of the child against other forms of exploitation further

states that the child has the right to protection against any form of exploitation and clearly designates the duty of the public authorities and institutions, as the bodies responsible for the adoption of regulations and measures, a) to prevent the illegal transfer and the failure of returning the child; b) the conclusion of adoptions, either national or international, for any purposes than the best interests of the child; c) sexual exploitation and sexual violence; d) the kidnapping and trafficking in children, for any purpose and in any form; e) the involvement of children in armed conflicts; f) the forced development of children's abilities to the detriment of their harmonious physical and mental development; g) the exploitation of the children by the media; h) the exploitation of children as part of scientific researches or experiments.¹²⁸

Trafficking in minors is specifically addressed in Article 205 of the Criminal Code (2005), which prohibits the act of recruiting, conveying, transferring, lodging or taking of a person aged 15 to 18 in order to exploit that person, punishable by imprisonment

for 3 to 12 years and the prohibition of certain rights.¹²⁹ Penalties are increased to imprisonment for 15 to 20 years and the prohibition of certain rights if the minor in question is under the age of 15,¹³⁰ if the act was carried out by threat, violence or other forms of coercion, abduction, fraud or deceit, by abuse of authority or taking advantage of the minor's inability for defence or to express will, or by giving, accepting or receiving money or other benefits to receive consent or authority over the minor.¹³¹ Penalties are also increased if the act has been committed by two or more persons together,¹³² if the victim experienced serious injury,¹³³ or if the act resulted in significant material benefits.¹³⁴ Furthermore, if the act committed occasioned the death or suicide of the victim, the punishment shall be life imprisonment, or severe detention from 15 to 25 years, and the injunction of certain rights.¹³⁵ For all of the offences listed above, the victim's consent is irrelevant and cannot be used as a justification.¹³⁶

Although, national legislation does not fully comply with the elements of a trafficking offence outlined in the Trafficking Protocol, the Criminal Code's definition of exploitation is consistent with the Trafficking Protocol, comprising forced labour or services in violation of legal norms regarding working conditions, remuneration, health and security,¹³⁷ slavery or other forms of deprivation of freedom or subjection,¹³⁸ forced prostitution, or pornographic performance in order to produce or disseminate pornographic material or other forms of sexual

exploitation,¹³⁹ and forced begging, which is particularly relevant in Romania.¹⁴⁰

The new 2009 Criminal Code, which will come into effect in 2013, attempts to further streamline national legislation on crimes against minors with European and international regulations. Chapter VII on the trafficking and exploitation of vulnerable persons criminalises any acts committed against minors that can severely harm their life, freedom, health, or physical and mental integrity. This includes, trafficking in minors, procurement, exploitation for begging, making use of a minor for begging purposes, benefiting from exploitation, rape, sexual assault, sexual intercourse with a minor, sexual corruption of minors, and the recruitment of minors for sexual purposes.¹⁴¹

In 2010 Romanian authorities investigated 717 cases of human trafficking, compared with 759 cases in 2009. Of the cases in 2010, the government prosecuted 407 individuals, and convicted 203 offenders. Only 145 convicted offenders received jail time. These conviction rates have decreased from 2009 where 303 individuals were prosecuted and 302 convicted.¹⁴² According to the US Trafficking in Persons Report delayed prosecutions of trafficking offenders, with some cases dating back to 2005, may be due to judges' low levels of understanding of trafficking in persons.¹⁴³ Training of law enforcement officials on information and evidence collection, as well as judges and judicial staff, is absolutely essential to successful investigations and prosecution.

International Law Enforcement Cooperation

Increased collaboration between Romanian law enforcement, Interpol, and European authorities has aided in the arrest and prosecution of offenders throughout Europe. In October 2011 a 42-year-old Romanian national, listed on both Interpol and America's Most Wanted sites, was arrested in Spain on charges of "establishing a criminal network aimed at committing serious crimes and procuring

for prostitution”, following eight years on the run from his native Romania. The offender was accused of leading a human trafficking network believed to have forced over 100 Romanian women into Spain for the purpose of prostitution between 2000 and 2004. Tried in absentia in Romania, he was sentenced to 13 years in prison, in addition to his recent 30 year sentence in Spain.¹⁴⁴

In January 2011, the United Kingdom convicted two Romanian nationals, father and son, of trafficking women into the UK and forcing them into prostitution. The 51 year old father, extradited from Spain, was found guilty on multiple charges of trafficking for sexual exploitation, and controlling prostitution for financial gain. His son, 23 years old, was found guilty of similar charges, in addition to numerous counts of rape and assault.¹⁴⁵ Convicted on a total of 34 separate offences, the two men received sentences of six and 21 years respectively,¹⁴⁶ the longest sex trafficking sentence on record.¹⁴⁷ One of the victims was a 17 year old Romanian girl, taken from her apartment in Romania, beaten, raped, and eventually forced into prostitution in the city of Manchester.¹⁴⁸

PROSTITUTION OF CHILDREN

The Romanian *Criminal Code* prohibits all activities related to prostitution, and provides for increased penalties for the prostitution of children. Broad protection was also reiterated in article 99 of federal statute 272/2004 concerning the protection of the child against other forms of exploitation, which states that the child has the right to be protected against any form of exploitation, and places responsibility on the public authorities and institutions to adopt specific regulations and enforce adequate measures in order to prevent, among other, sexual exploitation and sexual violence.¹⁴⁹

Articles 234 and 235 of the *Criminal Code*

provide the primary legislation concerning prostitution in general. The former outlaws ‘the act of a person who acquires main subsistence by practicing for this purpose sexual intercourse with various persons’ liable to 3 months to one year in prison and a fine.¹⁵⁰ The latter prohibits encouraging, facilitating or acquiring benefits from prostitution and the recruitment or coercion of a person for the practice of prostitution, punishable by imprisonment of 2 to 7 years¹⁵¹ and 3 to 10 years respectively.¹⁵² Either of these offenses, if committed against a minor, are punishable by severe detention from 15 to 20 years and the forfeiture of certain rights,¹⁵³ equating the severity of such crimes to rape.

In order to facilitate the implementation of the new penal code, in the framework of an EU- funded project, a manual for the trainers of the National School of Court Clerks was developed entitled “Institutions and crimes under the new penal code.” When analyzing the article on procurement, a specific comment was made regarding the “facilitating” offence – “facilitation represents providing the means for the practicing of prostitution by a person, through putting at her/his disposal of a residence, or attracting clients or providing protection during the practicing of prostitution.” Therefore, this provision appears not to cover solicitation by clients.¹⁵⁴

The *Criminal Code* more specifically addresses children in article 218 regarding ‘sexual intercourse with a minor,’ which criminalises sexual intercourse of any nature with an individual under the age of 15, punishable

from 3 to 10 years with the forfeiture of certain rights.¹⁵⁵ The penalty also applies to those between 15 and 18 years old when the act is committed by the minor’s tutor, guardian or by his or her supervisor, by the person

of charge of his/her care, by the person's physician, teacher, professor or educator, while taking advantage of his/her quality, or if the culprit abused the victim's confidence or his/her own authority or influence over the victim.¹⁵⁶

If sexual intercourse with an individual under the age of 18 is caused by the offender's offering or giving the victim money or other benefits, directly or indirectly, the perpetrator will be liable to 3 to 12 years imprisonment and the prohibition of certain rights.¹⁵⁷

Acts of sexual perversion are also criminalised in Criminal Code Article 220, which states that all acts of sexual perversion involving a person under the age of 15 shall be punished by strict imprisonment from 3 to 10 years and the prohibition of certain rights.¹⁵⁸ The same punishment applies to those persons between the ages of 15 and 18, if the offender

is the guardian, curator, teacher, professor, or has authority or influence over the victim in question.¹⁵⁹ If the acts were determined by the perpetrator's offering or giving the victim money or other benefits, directly or indirectly, the act is punishable by 3 to 12 years imprisonment and the prohibition of certain rights.

Despite the detailed nature of legislation concerning child prostitution, the difference in penalties for offences committed against children under 15, and those between the age of 15 and 18, is not in accordance with the OPSC. Particularly damaging is the provision in article 218 stipulating that the child between the age of 15 and 18 who has been the victim of sexual exploitation must have an established relationship prior to the exploitation in order for the act to be criminalised, as discussed above.

CHILD PORNOGRAPHY

Despite specific legislation addressing the dissemination of child pornography, Romanian law is still in need of significant strengthening in order to fully meet the requirements of the OPSC. Specifically, national legislation must be expanded to include mere possession of all forms of child pornography.

The majority of child pornography offences are currently contained in Romania's *Criminal Code* and federal statute 196/2003. The 2005 *Criminal Code* outlaws the act of displaying, selling or disseminating, renting, distributing, manufacturing or producing in any other manner, transmitting, offering, or making available or possessing in order to disseminate child pornography material, without right¹.¹⁶⁰ Each of these offences is punishable by three

to twelve years in prison and the prohibition of certain rights. The same punishment may be applied to cases of import, export or handing over material of the kind to a transport or distribution agent, for sale or distribution.¹⁶¹

Specifically concerning computer systems, Article 238 criminalises the act of producing in order to disseminate, offering or make available, disseminating or transmitting, obtaining for oneself or for another, child pornography material through computer systems, or the possession, without right, of child pornography material in a computer system or data storage medium shall be punishable by three to twelve years and the injunction of certain rights.

¹ The term "without right" is defined in Art. 35. In the present act, it refers to the following situations:

a) is not authorized, based on law or a contract;
b) exceeds the limits of the authorization ;
c) has not the permission, from an actual or juridic person with authority for using, administrating or controlling an informatic system or to developing scientific researches or to make any operation within an informatic system (Email communication from Save the Children Romania, ECPAT affiliate in Romania, 14 June 2012).

‘Child pornography material’ as referred to in the Criminal Code, is defined as any material “presenting a minor having explicit sexual behaviour or an adult who is presented as a minor having explicit sexual behaviour or images that, although not presenting a real person, simulate, credibly, a minor having explicit sexual behaviour.”¹⁶²

These laws are expanded upon in federal statute 196/2003 on preventing and fighting pornography – republished in February 2008. The statute was passed specifically to prevent and combat child pornography, and in contrast to the Criminal Code, Article 2 of the statute defines pornography as obscene acts, including either gestures or explicit sexual behaviour, done individually or in groups, and consisting of images, sounds or words offensive to chastity, as well as other manifestations of sexual indecency, if committed in public.¹⁶³

This pornographic material may take form as articles, prints, photographs, holograms, drawings, writing, printed logos, publications, films and music videos, commercials, programs and computer applications, music and other forms of expression displaying explicit or suggesting explicit sexual activity. The aforementioned laws, by criminalising written, audio and video child abuse materials, as well as child pornography involving non-existent children (virtual child pornography – cartoons, drawings, etc.), provides robust protection for children against child pornography. However, this protection may be obstructed by the fact that some individuals may use statutory defences such as the artistic and scientific (for the purpose of research, education or information) merits of their works to be exempted from criminal liability for the production and dissemination of materials that violate the rights of the child.¹⁶⁴ Article 7 further stipulates that all pornographic websites must password protect content, and ensure that there is no material of a paedophilic, necrophilic, or bestial nature.¹⁶⁵ Furthermore, the National Regulatory Authority for Communications and Information Technology may require

Internet Service Providers (ISPs) block access to the site in question following discovery of any such materials.¹⁶⁶ Failure to block sites in violation of Article 7 within 48 hours of notification from the National Regulatory Authority for Communications and Information Technology is an offense punishable by a fine of 10,000 to 50,000 lei.¹⁶⁷

Distribution of obscene materials, including images showing explicit sexual conduct with a minor, shall be punished with imprisonment for 1-5 years;¹⁶⁸ the same punishment shall apply for possession of such materials intended for distribution.¹⁶⁹ The statute also strictly forbids the recruitment, order, determination or use of minors or persons with physical and mental impairments in obscene acts, punishable by imprisonment from 3 to 12 years and the interdiction of certain rights.¹⁷⁰ Additionally, the organisation of meetings in public places, attended or assisted by minors, within which obscene acts are committed, shall be punished with imprisonment for 2-7 years and the forfeiture of rights.¹⁷¹

Unfortunately, however, mere possession is not an infraction, only the possession with the intention of distributing the material (Art.12). Articles 218, 220 and 221 further discuss sexual intercourse with a minor, and acts of sexual perversion and sexual corruption committed against minors or in the presence of a minor.¹⁷² Articles 218 and 220, as discussed above, criminalizes acts of sexual intercourse with a minor and acts of sexual perversion against a minor respectively, and in cases where these acts were committed for the production of pornographic material, the penalty shall be increased to 5 to 15 years imprisonment with the forfeiture of certain rights, or 15 to 20 years where coercion was used.¹⁷³

Similarly, article 221, which criminalises acts of an obscene nature committed against a minor or in presence of a minor, if committed to produce pornographic material, will increase the maximum penalty for the crime by 2 years.

Legislation against ‘Grooming’

Article 221(4) specifically addresses grooming, which is defined as the act of alluring a person in order to commit sexual intercourse with a minor of the opposite sex or of the same sex. Penalties include strict imprisonment from one to five years. This legislation is becoming increasingly relevant as the Internet becomes increasingly accessible. A recent EU Kids Online survey discovered that approximately 15 percent of children in the European Union had viewed or received sexual messages in the past year, with the percentage even higher, 24 percent, in Romania.¹⁷⁴

However, prosecution is currently limited by the use of the term ‘sexual intercourse’ and thus must be amended to cover all forms of sexual exploitation.

EXTRATERRITORIAL LEGISLATION AND EXTRADITION WITH REGARDS TO CHILD SEX TOURISM

The offences relating to child sex tourism are criminalised under the Romanian *Criminal Code* and the related federal statutes. Criminal law personality is specifically discussed in Article 11 of the *Criminal Code*, which states that all offences committed outside of Romanian borders by Romanian citizens or persons without citizenship residing in Romania will constitute an offence under Romanian law. However, the article further stipulates that an act may only be considered an offence if criminalised in the state of perpetration (double criminality requirement).¹⁷⁵ This stipulation does not apply, however, for offences committed abroad by foreign citizens or persons without citizenship residing in Romania, if the act is committed against either national security or the security of the Romanian State, a Romanian citizen or legal entity, or if Romanian law provides the penalty of either life detention or severe detention for the offence committed.¹⁷⁶

The universality principle is applied under Article 13, which criminalises acts committed outside Romania by foreign citizens or persons without citizenship if the act is considered an offence in both Romania

and the country of perpetration and the perpetrator is currently within Romanian borders.¹⁷⁷ In those cases where the offence was committed against the interest of Romania or a Romanian citizen, the offender can also be tried when extradition has been obtained.¹⁷⁸

Although the OPSC and the CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) encourage states to impose extraterritorial legislation, it is not obligatory under either agreement.¹⁷⁹ However, ECPAT International strongly recommends that the Romanian *Criminal Code* be amended to eliminate the requirement of double criminality present in both articles 11 and 13. By requiring the criminalisation of acts in both Romanian as well as the country of perpetration, the *Criminal Code* severely restricts the scope of extraterritorial legislation and obstructs the protection of victims of exploitation. It may encourage potential child sex offenders to choose countries with weak legal frameworks protecting children, thus allowing them to exploit children with impunity without being criminally liable back in Romania.

Romanian law allows for the extradition of all wanted persons based on an international convention or reciprocity.¹⁸⁰ When the extradition in question concerns Romanian citizens, however, one of the following criteria must also be met: a) the extraditable individual is domiciled in the Requesting State when the extradition request is submitted; b) the extraditable individual holds citizenship in the Requesting State (double nationality); c) the extraditable individual committed the alleged offence in the territory or against a citizen of an EU member State, if the Requesting State is a Member of the

European Union. Under criteria a) and c), when the extradition is requested with the intention of criminal prosecution or trial, Romania further requires that the requesting State provide assurances deemed as sufficient that, should he or she be sentenced to a custodial penalty through a final court judgement, the extradited individual will be transferred to Romania to serve the penalty. All conditions of reciprocity must be substantiated by the Ministry of Justice before the case may be submitted to the judicial authorities.¹⁸¹

Support services for children

Over the course of the past 20 years, Romania's childcare system has made huge leaps forward, closing a number of the large institutions in favour of 'family-type environments' such as foster care, and transferring jurisdiction of many of the welfare services to county authorities.¹⁸² However, there are still large gaps in the system. Local authorities responsible for the implementation of childcare programs are understaffed, underfunded, and lack fundamental training and recruiting experienced professionals to work in some of the poorest rural areas with the most need is extremely difficult. Many of the NGOs attempting to continue providing services are severely stretched for funds. Additionally, many families are unaware of the services available to them.¹⁸³

According to the US TIP report, the Romanian government has failed to provide funding to NGOs offering victim protection services for the second year. In 2010, 1,154 victims were identified, an increase from 780 in 2009, but only 544 of these benefitted from victim support services - 451 received government-funded care, while 93 received care from non-government funded NGOs.

As of 2010, 12 specialised centres have been established for child trafficking victims and those Romanian children returning unaccompanied to the country. These centres provide medical, psychological, social and legal assistance through Probation Services and translation services for foreign children.

Salvati Copiii (Save the Children Romanian), the ECPAT Affiliate within the country, provided support through the development of a methodology for rehabilitation of children victims of trafficking. Additionally there are 47 emergency centres for abused, neglected, exploited or trafficking children, managed by each county authority. These centres host trafficked children when specialised centres are not available; however, they lack the training and the personnel to recognise and support child victims of sexual exploitation.

During the development of the *National Strategy for the Protection and Promotion of Children's Rights for 2008-2013* statistics were taken on child support services within Romania. At the end of 2006 there were 578 alternative services: 60 maternal centres, 99 days care centres, 47 health and support services for young people from placement

centres, 59 counselling centres for parents, 43 prevention services and monitoring services giving assistance and support to pregnant women who may be vulnerable to abandoning their children, 38 training centres and integration of child support and family reintegration, 90 day care centres recuperating children with handicaps, 20 guidance centres for supervising and supporting the reintegration of child offenders, 8 service centres that support psychological rehabilitation of children with psychosocial problems, 11 service providers supporting the exercise of children's rights, (including freedom of expression and freedom of opinion), 35 services for street children, 44 counselling centres and support for the maltreated, abused and neglected, including victims of domestic violence, and 24 other services.¹⁸⁴ At this time, 6,492 youth under the age of 18 were registered as protected under the law, while 15,417 aged 14-17 were actually being protected in shelters.¹⁸⁵

Nevertheless, according to the US Department of State TIP report, ANITP's restructuring in 2009 had a negative impact on the victim support system; specifically, the government was less cooperative with anti-trafficking NGOs and cut funding to victim services and anti-trafficking initiatives. This resulted in approximately 30 NGOs closing or switching focus to issues other than human trafficking in order to keep federal funding; many of these NGOs had been principal providers of shelter, counselling, vocational training, and other rehabilitative care to victims.¹⁸⁶

In regards to child trafficking, Federal Statute 678/2001, establishes much of the framework concerning victim assistance. Article 24 specifically grants victims of child trafficking special protection and assistance, including protecting their private life and identity, physical protection by the police, provision of identity papers by Romanian diplomatic missions, information, provision of

counselling and temporary accommodation in special centres upon request.¹⁸⁷

All trafficking victims, including victims of child trafficking, are eligible for free psychological counselling, offered by the probation services upon request. In 2007, 261 trafficked children benefited from full health care services, including psychosocial care and rehabilitation (up from 77 children in 2005); 186 of out of the 261 were victims trafficked within Romanian borders.¹⁸⁸ The DGPC has been financing national projects since 2004, intended to develop the channels and instruments for the assistance of child trafficking victims. The result has been 12 child transit centres geared towards the provision of services such as psychological counselling, back-to-school programmes, and family reintegration.¹⁸⁹

The Centre for Protection of and Assistance to Victims of Trafficking in Human Beings, working under local administration in nine countries, provides a number of services to child victims, including temporary housing, counselling, medical exams, physical protection, information on victim rights during any subsequent judicial proceedings, and support as the child reconnects with his or her family.¹⁹⁰ All victims are also eligible for integration programmes. The programme includes an in-depth assessment of the individual child's case, drafting of a distinctive intervention plan including indicators based on medical and psychological recovery, insertion/reinsertion into the education system or support for vocational training, reintegration into the family or a foster family, as well as other protection measures, such as legal aid, and on-going monitoring.¹⁹¹

All foreign victims of human trafficking are entitled to a 90-day period of recovery and reflection, regardless of their cooperation with law enforcement. During this time the victims will be 'tolerated on Romanian territory'.¹⁹² Foreign child trafficking victims

who have applied for asylum may also benefit from specialised centres, while those who did not apply for asylum or were denied refugee status are permitted to remain in country during a tolerance regime of up to six months;¹⁹³ residence, however, is contingent on their cooperation with police and criminal investigation proceedings. If the victim's parents could not be identified or if the victim is not accepted into his/her country of origin, the child will have access to the same protection as a Romanian child that has been deprived of their family and support environment, irrespective of cooperation with police.¹⁹⁴

Romanian children who request assistance are sent to specialised centres managed by ANTIP for up to 10 days,¹⁹⁵ which may be extended during criminal proceedings if requested by investigation authorities; however, the time period may not exceed three months.¹⁹⁶ In cases where the child is under specified protection measures, the child may continue to stay in the centre for an indeterminate time period regardless of cooperation with the police.¹⁹⁷

Legal provisions concerning those children taken into custody awaiting deportation are few. The child in question may stay in an accommodation centre for an undetermined period until the time when they may be returned to their country of origin; however, this time period may not exceed six months.¹⁹⁸ Initially the child is taken into custody for 30 days, prolonged only by court request.¹⁹⁹

Hotlines:

The call centre created by the Romanian Centre for Missing and Exploited Children has been functional since 2007, providing a 24-hour hotline to report missing children and adults, as well as reports of sightings and requests for technical assistance. An emergency line, established in 2009, has

contributed substantially to the success of the hotline with 109,602 calls in 2010 and 34,620 in 2009, compared to 2,395 in 2008 and 881 in 2007.²⁰²

Each operator has a bachelor's degree in social work or psychology and has undergone training specific to their post at the centre. During the call the operator ascertains as much detail about the case as possible and helps the caller submit a written report to the local police department and obtain a recent photo of the missing child. Cases are easily transferred to partners such as the police and emergency services when necessary. This service is run by the Romanian Center for Missing and Sexually Exploited Children in partnership with FOCUS and serves as the sole European hotline for reporting missing children from any fixed or mobile phone line free of charge.²⁰³

The Romanian National Agency against Trafficking in Persons also provides a 24-hour toll free helpline for those in Romania.²⁰⁴ However, there are no free toll lines specifically designated to provide assistance to child victims of trafficking. Despite the obvious progress made, ECPAT recommends that Romania establish a helpline specifically intended to aid child victims of trafficking.

Despite advances in training and the development of a national hotline, support services for victims of all forms of commercial sexual exploitation are still severely lacking. Trafficking seems to be prioritised, in spite of its recent lack of funding, eclipsing many of the other manifestations of CSEC that must be addressed.

In addition to the telephone hotlines, Safernet.ro provides an Internet reporting hotline. Safernet.ro is an INHOPE-affiliated national hotline that collects public information through an online reporting channel, including information about illegal content on the Internet such as child abuse

images or children being exploited online. The hotline is financed by the European Commission and part of the Sigur.info

project, working closely with Internet Service Providers and law enforcement to deal with reported illegal materials.²⁰⁵

Training law enforcement personnel

The vast majority of law enforcement training regarding CSEC is carried out through coordination and cooperation with both European and International partners, further discussed within the Coordination and Cooperation section above. However, despite numerous reports on the various trainings, there is a distinct lack of monitoring and evaluation following the trainings, resulting in indistinct impact of all activities.

The EEA Financial Mechanism awarded Romania a 578,295 Euro grant in August 2009 to strengthen the capacity of the Romanian law enforcement agencies to prevent and investigate Internet child pornography cases. The 24-month project, directed by the national authority in partnership with Norwegian National Police

Directorate, aimed to train Romanian Police handling and investigating child pornography cases and increase public awareness in order to strengthen the overall capacity of the General Inspectorate of the Romanian Police.²⁰⁰

Save the Children Romania (SalvatiCopiii), under the ECPAT Europe Law Enforcement Group 'Joint East-West Multi-Stakeholder Training Programme on Trafficking in Children for Sexual Purposes,' has provided both law enforcement personnel, including border police officers, and social workers with training on child trafficking issues.²⁰¹ (For more information see the Cooperation and Coordination section)

CHILD AND YOUTH PARTICIPATION

Although youth involvement has become increasingly integrated in the Romanian initiatives to prevent CSEC and provide support to victims, child and youth participation remains isolated to specific projects or activities and has not yet transitioned to become a key component of the efforts to address these crimes.

One of the main programs for child and youth participation in Romania is Children's Council 'SPUNE!' or 'Say!', an initiative of the DGPC. Launched in 2006, this discussion forum provides children with the opportunity to express their views and strengthen their

participation in the ongoing development of children's rights in Romania.²⁰⁶ The program involves activities such as interactive workshops, children as the principal campaigners for education on children's rights, and the drafting of an alternative report on the state of children's rights in Romania.²⁰⁷

The ANITP also heads up campaigns involving children, their teachers and parents as beneficiaries.²⁰⁸ The creation of the Pupils' Councils, children's associative structures at both the school and national

level, is a positive step forward. The Councils have allowed for consultations with the participating children regarding their rights and, in the past, has resulted in a children's report as part of the project 'Children's Council has spoken.' However, instead of playing a prominent role in the drafting of the Alternative Report to the Commission on the Rights of the Child, the children's report was attached as an appendix to the country report.²⁰⁹

The Pupil's Lawyer pilot project differs from the Pupil's Councils, aiming primarily at educating pupils on their rights and responsibilities and attempting to create a school environment that will promote and respect them in accordance with the provisions of the UN Convention on the Rights of the Child, law 272/2004, and the European Convention on Human Rights. This project was created in 2005 and implemented by the association Assistance and Programming for Sustainable Development – Agenda 21, the Ministry of Education, Research and Youth and the UNICEF office in Romania. In the first year it was implemented in eight pilot schools in three separate cities, and in 2007-2008 it extended to the national level. The project sets up a mechanism within each school to allow students to identify all infringement of their rights, while pupils play a real advocating

role and suggest solutions for each case. Through the provision of a model to exercise their rights, increase self-esteem, and acquire knowledge, the students acquire skills that can help them with challenges that come later in life. However, when surveyed, many students were unaware of these opportunities.²¹⁰ Some of the most recent activities under this initiative appear to be the "Pupil's Lawyer Summer Camp" and "Pupil's Lawyer Magazine", implemented in 2009.²¹¹

In 2011 the Ludwig Boltzmann Institut, discussed above, implemented an EU-funded project aiming to collect the views of children and young people on the various initiatives set out in recent years to actively involve young people during European and international decision-making processes. The project was led by the Children's Rights Alliance for England, in partnership with the Union for Child Welfare, Estonia; Children's Rights Alliance for Ireland; Save the Children, Romania; Children's Rights Information Centre, Moldova; and the International Union of Children's NGOs, Russia. Activities included drafting a Children's Guide on European and international participation processes, an in-depth literature review on existing child-concerned material, an NGO survey on NGO views, national consultations with each country involved, national reports on the event and a European Conference.²¹²



STOP Sex Trafficking of Children & Young People Campaign

An important advocacy component of The Body Shop and ECPAT 'Stop Sex Trafficking of Children and Young People Campaign' is the country progress card system, which ECPAT and The Body Shop has created to assess the progress of state action on specific commitments and promises to uphold the rights of the child to protection from sex trafficking and all forms of commercial sexual exploitation. In line with the 2008 *Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children* from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states' action to combat child trafficking, specifically towards the three goals of the campaign:

1. Community-base prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

Romania: Summary of Progress Card ^{II}			
Goal 1: Community-base Prevention Programmes			
Prevention	Collaboration	Awareness raising	Teacher training
Goal 2: legal framework			
Optional Protocol	Trafficking Protocol	National legislation	Special police units
Goal 3: specialised services for child victims			
Helpline	Shelters	Medical services	Psychological counselling

Green = significant action taken by state; Yellow = partial action taken by state;
Red = inadequate level of state action; Star = work undertaken by NGOs

From the global assessment of the Progress Cards, Romania is among the 9% of countries which have made notable efforts to stop sex trafficking of children and young people. Romania has made significant efforts in combating child trafficking, particularly through the adoption of a National Plan of Action against child trafficking and through the adoption of a strong legal framework. However, more government-led child trafficking prevention activities are needed as well as more systematic provision of care and protection services to children victims of trafficking.

^{II} The Romanian Progress Card is available at www.ecpat.net



PRIORITY ACTIONS REQUIRED



National plan of action

- Emphasize and facilitate child participation in the new national plan in accordance with the Rio Declaration and Call for Action.
- Apportion resources for the immediate implementation of all facets of the current national strategy for the promotion and protection of child rights and its corresponding operational plan.

Coordination and Cooperation

- Enhance regional coordination, currently focused primarily on trafficking, to address all forms of CSEC.
- Strengthen mechanisms to implement all legislation relevant to the Convention on the Rights of the Child, with emphasis on the role of new government agencies.
- Work to systematically integrate the current data collection systems and encourage complementary databases to ensure accurate statistics and prevent the overlap or oversight of information.

Prevention

- Initiate research into the root causes of commercial sexual exploitation of children. There is currently a lack of information concerning demand for sex with children and specific programmes to address this demand. ECPAT recommends the government institute a sustained research programme to ensure the scope and contours of the problem are traced and can inform an adequate policy response.
- Government must support and conduct additional awareness raising campaigns to educate the population on the commercial sexual exploitation of children and create a culture of monitoring and reporting suspected incidents.
- Adopt and implement policies to ensure that education on child trafficking and CSEC prevention is made compulsory and teachers are trained on the issue.

Protection

- Provide training for judges on the use and application of the Convention on the Rights of the Child in order to encourage the direct utilisation of the Convention and the OPSC in courts.
- All laws must ensure that all children under the age of 18 receive equal protection, irrespective of their relationship with the offender prior to the offence.
- Mere possession of child pornography, located on a computer or elsewhere, must be criminalised.
- Establish adequate measures to ensure that young victims of trafficking or other forms of CSEC are not prosecuted for prostitution.
- Include provisions to specifically address children belonging to the most vulnerable groups (e.g. roma children, children with hiv/aids, street children) in both the National Strategy for the Promotion and Protection of the Rights of Children and the National Plan of Action against Child Trafficking.

Recovery and reintegration

- Further develop current support services to cater not just to trafficking victims but all victims of CSEC.
- Ensure that all child victims of trafficking and other forms of CSEC receive systematic medical, psychological, social and legal assistance in all centers.
- Provide training for law enforcement bodies on the use of the legal framework addressing all forms of commercial sexual exploitation of children and ensure this training programme in institutionalised within law enforcement units.
- Define a strategy and institutionalise a training programme for staff of specialised centres dealing with child sexual exploitation cases.

Child and youth participation

- Romania should establish processes and structures to institutionalise meaningful child and youth participation in developing policies and programmes that affect them. In particular, to ensure their involvement in developing, implementing and monitoring the National Strategy for the Protection and Promotion of Children's Rights.
- Establish participatory policies and practice in all settings/institutions involving children.
- Support child participation initiatives, including child-led organisations, within all stages of prevention and protection programmes.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

- images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
 - (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
 - (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
 - (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
 - (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
 - (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
 - (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
 - (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
 - (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.
- Sexual exploitation of children and adolescents in prostitution*
- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.

- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and

new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and

in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

- (1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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ECPAT International

328/1 Phayathai Road
Ratchathewi, Bangkok
10400 THAILAND
Tel: +662 215 3388, 662 611 0972
Fax: +662 215 8272
Email: info@ecpat.net
Website: www.ecpat.net