

A PARADIGM SHIFT WITHIN THE ROMANIAN VICTIM SUPPORT SYSTEM

Mihaela TOMIȚĂ,* Roxana UNGUREANU,▫ Adina SCHWARTZ▫

Abstract: As a response to the Victims' Directive and to the first European Strategy on victim protection, issued by the European Commission, the Romanian legislator has enabled the development of a first ever victim support system in Romania. The article reflects the research findings on the newly created Romanian victim support and protection system. It provides an overview of the national legislative framework in victim's protection, by highlighting the recent legislative changes and their effects at grass root level. Also, it describes the newly developed model to identify, refer and protect victims of all crimes. Eventually, the authors reveal the findings of a qualitative research involving specialist in victim support and victims of different violent crimes on how the recently developed system is addressing their individual needs. Based on the research findings, the authors propose a series of recommendations to address the gaps identified through the qualitative research.

Key words: victims, support, protection, Romania, European legislation

Introduction

The time span 2019 – 2022 represents for Romania a landmark with regards to the national victim support system. Prior to 2019, the victim support services from Romania were focused on assisting two main groups of beneficiaries: victims of domestic violence and victims of human trafficking, as recognized also by the Romanian Government in the official argument, published in April 2019, on the importance of the legal modifications to be implemented throughout the following years. The model proposed by the Romanian legislator, alongside of the Romanian Government, through the same public legislative proposal mentioned above, was that of “one – stop – shop”. The idea behind was to lay legislative and procedural grounds of a national victim support mechanism, fully aligned to the provisions of Directive 2012/29/UE and developed in such a way that it does not only facilitate the access of all victims of crime but it also strengthens the measures to a void a secondary victimization. The creation of the first time ever generic victim support mechanism in

* West University of Timișoara, 4 Vasile Pârvan Blvd., 300223 Timișoara, e-mail:

mihaela.tomita@e-uvt.ro

▫ West University of Timișoara, 4 Vasile Pârvan Blvd., 300223 Timișoara, e-mail:

roxana.ungureanu@e-uvt.ro

▫ West University of Timișoara, 4 Vasile Pârvan Blvd., 300223 Timișoara, e-mail:

nicoleta.schwartz@gmail.com

Romania was a direct consequence, on one hand, of the provisions stated within the Victims' Directive and, on the other hand, of the fact that, during 2018, the European Commission has initiated the Infringement Procedure against Romania (INFR.2016/0142) given the "Lack of communication of transposition of the Victims' Rights Directive by Romania".

The generic victim support mechanism offers now the possibility for all victims of crime (and family members, in certain cases) to receive social support and assistance, psychological and legal counselling within a single and newly created department of the General Directorate for Social Assistance and Child Protection. This is based in each county of Romania and in the capital city. Victims have the right to receive these services regardless if they decide to file a criminal complaint or not against the perpetrator. After having contacted these service providers and with the consent of the victims, an initial evaluation is being carried out in order to identify the needs and the proper protection measures. The measures will be then implemented either by the specialists of the newly created departments or by those of other state institutions and non-governmental organizations, based on public-private partnerships. However, in cases of domestic violence and human trafficking, the victims will usually be referred to specialized service providers (e.g. Romanian National Agency Against Human Trafficking), based on legally established national referral mechanisms. These provisions have not undergone any changes due to the specificities these crimes and the complexities which most of the cases resemble.¹

Overview of the national legislative framework in victim support and protection

In Romania, the Criminal Procedure Code (CPC) is the main legislative document governing the general criminal procedures, defining the parties involved and their rights. This has entered into force in 2014 and has been amended several times up to now in order to be aligned to the current European provisions. By means of special laws, the Romanian legislator goes however into detail and regulates a series of special provisions. In cases where there are derogations made by special laws, the legal principle *Specialia generalibus derogant* is applied.

The Romanian CPC is the document which defines the generic term "Victim", from a legal perspective, under Art. 79 as being "A person who suffered a physical injury or a material or moral prejudice as a result of a criminal act is a victim". This rather abstract definition of victims was detailed thanks to the legislative changes made in April 2019, within the definition of "Victim of a crime" foreseen by Art. 34 of Law 211/2004 regarding some measures for ensuring the information, support and protection of victims of crime. Within this special law, a victim of a crime is being described as "a natural person who has suffered a prejudice, of any kind, including an injury to his/her physical, mental or emotional integrity, or an economic injury caused directly by a crime, as well as the family members of a person who has died as a result of a crime and who have suffered some prejudices as a result of the death of the respective person."

Within the time span 2015 - 2020 the Romanian legislation referring to victims' rights has undergone a series of changes in order to align its provisions to the existing European directives.

Currently, the main legislative springs related to victims and their rights are:

- The Romanian Criminal Code²
- The Romanian Criminal Procedure Code
- Law no. 254/2013 regarding the execution of the punishments and deprivation of liberty measures ordered by the judicial bodies during the criminal trial
- Law no. 211/2004 regarding some measures for ensuring the information, support and protection of victims of crime³
- Law no. 217/2003 on preventing and fighting against family violence⁴
- Law no. 678/2001 on preventing and combatting trafficking in persons⁵
- Law no. 192/2006 on mediators and organizing the mediator's profession⁶
- Law 302/2004 on international judiciary cooperation in criminal matters

In order to be aligned to the European provisions, all these have undergone a series of changes, out of which we are going to highlight the most representative ones: Law no. 211/2004 regarding some measures for ensuring the information, support and protection of victims of crime has been modified through Law no. 97/2018 and through the Government Emergency Ordinance 24/2019, the latter laying the foundations of a general victim support service and of a general victim referral mechanism, unprecedented in Romania prior to these modifications.

In arguing about the necessity of such legislative changes, the Romanian government has mentioned the followings on the 10th of April 2019⁷:

Currently, some types of services specified in the Directive are not provided for any category of victims (counselling on the possibility of secondary victimization, preparation for trial, financial counselling), other types of services are provided only for victims of domestic violence, for victims of trafficking in persons or for minor victims (psychological counselling, individual assessment of the victim, providing shelter). Thus, Romania does not have a system that ensures an adequate framework for providing all categories of support services for all victims of crime in the meaning of the provisions of the Directive.

Another law which was significantly modified was Law no. 192/2006 regarding the mediation and organization of the profession of mediator, published in the Official Gazette of Romania, Part I, no. 441 of May 22, 2006. This has been amended and supplemented through Law 97/2018. Therefore, to Art. 67, were added two new paragraphs, paragraphs 2¹ and 2², stating:

(2¹) In criminal cases where mediation is possible under the conditions provided in par. (1) and (2), this must be carried out in such a way that the victim does not come into contact with the perpetrator, unless the parties express their agreement at the conclusion of the mediation contract.

(2²) The conclusion of a mediation agreement on the criminal side of the case, according to par. (1), is a sui-generis case that removes the criminal liability. The conclusion of a mediation agreement on the criminal side, under the

conditions of the present law, may take place until the act of referral to the court is read.

Further on, Law no. 254/2013 regarding the execution of the punishments and deprivation of liberty measures ordered by the judicial bodies during the criminal trial, was also modified by the Emergency Ordinance 24/2019 as follows:

Art. 53 (2)¹ When, once the conditional release is granted, the court requires the convicted person to execute the obligation provided in art. 101 paragraph (2) lit. e) of Law no. 286/2009 regarding the Criminal Code, with the subsequent modifications and completions, the information of the injured person according to par. (2) is going to be made regarding this obligation, as well as its duration.

The new paragraph actually introduces the obligation that the victim is informed when the perpetrator has been released from jail.

As an overview, until the legislative changes produced during 2019, Romania has only partially transposed the provisions of the Directive 29/2012. In order to achieve the legislative obligations as an EU member state, the Romanian legislator has fully transposed the provisions of Art. 3 (3), Art. 4 (1) i) and j), Art. 5 (1) and (3), Art. 12 (1) c) and Art. 19 (2) of the Directive into the provisions of Law No. 97/2018. The remaining provisions were then transposed through the Emergency Ordinance No. 24/2019. This has transposed the followings: Art. 1 (1), Art. 3 (2), Art. 4 (1) a), g), Art. 6 (5), Art. 8, Art. 9, Art. 12 (1) c) and Art. 22 of the Directive.

The Directives provisions not transposed till 2016 were implemented in 2018 through Law 174 from 13 July 2018 on modifying Law no. 217/2003 on preventing and fighting against family violence. This has transposed the provisions of Art. 9 (1) b) and c) and Art. (3) a) and b) of the Directive 29/2012.

One of the main semantic changes which this law has introduced was the change of the term “family violence” into “domestic violence”.

Art. 3. Of the law introduces also the definition of domestic violence, this being

[...] any inaction or intentional action of physical, sexual, psychological, economic, social or spiritual violence that occurs in the family or domestic environment or between spouses or former spouses, as well as between current or former partners, regardless if the aggressor lives or has lived with the victim.

Art.4 describes the forms of violence which fall under the provisions of the law, namely: psychological violence, physical violence, social violence, spiritual violence.

Other relevant novelties of the law are introduced with Art. 22, namely the introduction of the protection order, giving the police a larger decision scale and facilitating the protection of victims.

Victims support model

The Victims Directive, especially at Chapter 4 - Protection of Victims and Recognition of Victims with Specific Protection Needs, starting with Art. 18 “Rights to protection”, has foreseen a series of provisions regarding to the necessity of protecting the victims of crimes and to assist them based on the needs identified. Article 22 of the Directive, on the other hand, is clearly mentioning the right of the victims and the obligation of the state to conduct an “Individual assessment of victims to identify specific protection needs”.

The provisions of the Directive referring to these rights have been transposed mainly into the provisions of Law no. 211/2004 regarding some measures for ensuring the information, support and protection of victims of crime, modified through the Emergency Ordinance in 2019.

The correlated provisions of the directive can be found within the national special law starting with art. 11 stating that

(1) Every person who is a victim of a crime has the right to be recognized as such from the moment of identification, to be treated with respect, professionalism, to receive individualized protection and support, to obtain financial compensation and to restore his rights. Members of his/her family benefit from the same rights.

(2) The information, support and protection measures, including the evaluation, granted under the conditions of this law, shall not be subject to the filing of a complaint at the criminal prosecution bodies.

Therefore, the first article of the law is already mentioning the main rights of the victims and the correlated obligations of the state in order for the victims to be able to exercise their rights foreseen. We appreciate that it is also an important aspect the fact that the national law mentions right at the beginning the fact that the protection measures to which the victims are entitled do not depend, under any conditions, by filing a formal complaint at the law enforcement office against the perpetrator, as if the legislator would encourage the practitioners and would empower the practitioners to formally identify and assist victims regardless of such a complaint.

As prior to entering into force of the Emergency Ordinance to modify the existing law, in April 2019, Romania did not have an existing generic victim support service, for the victims of any crimes, the emergency introduces a new provision under Art.3 stating the fact that:

In order to provide support and protection services for crime victims, in the organizational structure of each general directorate, a compartment is going to be established in order to support victims of crimes, a structure within which at least three specialists will work, respectively: social worker, psychologist, legal counsellor.

The general directorate mentioned by the law is the General Directorate of Social Assistance and Child Protection.

Further on, the same article mentions the fact that specific victim protection services for victims of domestic violence and victims of human trafficking will be offered based on the provisions of the laws governing domestic violence and human trafficking.

Also, it does mention the fact that the victim support services can be offered by the non-governmental organisations in collaboration with the general directorate.

In Romania, the assessment of the individual needs is done by the above mentioned service providers, based on the criteria mentioned at Art. 39:

- a) the type of crime and the circumstances in which it has been committed, insofar these information are available or can be offered by the authorized bodies;
- b) the physical and mental impact that the crime had on the victim;
- c) the personal characteristics of the victim;
- d) the existing information about the perpetrator of the crime, as far as they are available;
- e) the type of relationship or the state of dependence on the perpetrator of the crime;
- f) the possible communication difficulties of the victim;
- g) the criminal history and, as the case may be, information about the victim's belonging to criminal groups;
- h) any other relevant aspects.

While conducting the individual assessment discussions, the victims are entitled to be accompanied by a trusted person in case such an act would facilitate the communication with them and their personal well-being.

In conjunction with the provisions of Art. 20 of the Directive, the national law has foreseen the fact that, for the purpose of preventing a secondary victimisation, such an evaluation should take place as soon as possible after the identification as a victim in such a way that the number of declarations/interviews and medical/psychological/social assessments are reduced to minimum.

In cases of human trafficking or domestic violence, the special laws on these crimes regulate the risk assessment methods for the victims of such violent crimes in order for the law enforcement to be able to efficiently assess the security risks for the victim and for the related third parties as for example children or other family members.

After the assessment/evaluation has been completed, the law mentions that

the results of the evaluation shall be recorded in an evaluation report, which shall contain: a) identification data of the victims; b) the type of injury suffered and the circumstances in which they were committed; c) its physical and mental state; d) the specific protection needs of the victim; e) the types of support and protection services that the victim can benefit from and their duration. The duration can be extended, when necessary; f) the decision to refer the victim to other specialized services, when appropriate.

In Romania, the same institutions responsible for assessing the victims needs are also responsible for offering the generic victim support services. In case of violent crimes like domestic violence or human trafficking specialised governmental or non-

governmental entities (based on a public-private partnership in the latter case) are responsible for supporting the rehabilitation of the victim.

With regards to the support and protection services which can be generically offered to victims of crimes and their family members, the Romanian law no. 211/2004 mentions, under Art. 7, the followings:

(4) The support and protection services provided both to the victims crimes and to the members of their family may be: a) information on the rights of the victim; b) psychological counselling, counselling on the risks of secondary and repeated victimization or intimidation and revenge; c) counselling on the financial and practical aspects subsequent to the crime; d) social insertion / reintegration services; e) emotional and social support for the purpose of social reintegration; f) information and advice on the role of the victim in criminal proceedings, including preparation for participation in the trial. These information and counselling services do not include the free legal assistance of victims of crimes foreseen under art. 14-20 or the legal assistance of the injured person foreseen in Law no. 135/2010 of the Criminal Procedure Code, with subsequent amendments and completions; g) referring the victim to other specialized services, where appropriate: social services, medical services, employment, education or other services of general interest provided under the law.

The protection services can be offered within the day care centres and/or residential centres as mentioned under Art. 9.

The recently established generic victim support system is financed through public funds. The services delivered however by specialised counselling centres such as counselling centres for victims of human trafficking are financed through private sources (donations and sponsorships). Therefore, as it can be concluded, having a strong legislative backbone for victim support is a positive beginning. However, if the practical measures taken by the state are missing, if the funding is lacking and if the state will keep relying on NGOs, which are not funded by the state but by private donors, to “do the job of the state” we cannot speak about a victim support service per se.

Access to the services

Up until April 2019 Romania was among the very few EU countries which did not have even a theoretical backbone for generic victim support services. Since the legislative changes have taken place, each county, within the General Directorate for Social Assistance and Child Protection is required by law to create a special department for victim support within which at least 1 psychologist, 1 social worker and 1 lawyer need to work. This could be considered a positive starting point given the uniform geographical coverage and the promising multidisciplinary approach. The problem however will arise when, after an efficient information campaign, the victims of crimes will start to exercise their rights and to request support from these 3

professionals responsible for entire counties, therefore for an average 300.000 inhabitants.

Based on the results of a national research with regards to violence against women (all forms of violence) conducted by the National Center to Evaluate and Promote Public Health, in Romania, approximately 30% of women recognize the fact that they have been victims of physical or sexual abuse after the age of 15. With regards to the violent experiences during childhood, 24 of Romanian women admit the fact that they were physically or sexually abused before being 15 years old. According to the same study conducted at national level in Romania, 74 % of the women do not know any victim support service. Only 17% of the women who have been victims of violent crimes have requested police intervention and only 1% of them have received social support. In order to facilitate a European comparison, in Europe approximately 33% of the women victims of violent crimes request police intervention and social support. During 2017 69.648 Romanian women have been identified as being victims of violent crimes, 246 cases of murder, 384 cases of attempt murder, 862 cases of rape. These are however only the identified cases, while the grey numbers remain unknown.

Problems however do not only arise in the area of generic victim support services but also in the areas of support for victims of some certain crimes like human trafficking or domestic violence.

A national research conducted by the Romanian National Agency Against Human Trafficking with regards to the victim support services available for victims of human trafficking mentions the fact that:

- With regards to residence:

Most of the centres for the victims of trafficking that were included in this evaluation report were non-functional. These centres cannot shelter victims and, due to this reason, the authorities must use alternative solutions or "emergency solutions" such as adult victims' accommodation in different structures providing assistance for the homeless, centres for mothers with children at risk, centres for victims of domestic violence.

- With regards to funding's:

State funding, through national interest programs, had no continuity, only covering the years 2007 and 2008. Since then, there were no governmental funds specific on trafficking victims. At national or local level, an emergency fund dedicated to the victims of trafficking is not available. This causes important issues in providing emergency assistance of the victims; for example is difficult to ensure funds for medical assistance or medical exams, exempting emergencies, for material assistance or for the proper short-term accommodation of the victims, taking into consideration the absence of dedicated shelters. Most of interviewed specialists underlined that the personnel of the institutions involved in assisting victims of trafficking is insufficient (vacancies are suspended in the organization chart), personnel is

overwhelmed by tasks and affected by the lack of resources (vehicles, insufficient fuel). Also, specialists are poorly paid, some of them receiving the minimum wage stipulated by law or very close to it.

- With regards to inter institutional collaboration:

Being so poorly formalized and based on informal relations, the assistance process cannot have predictability and the quality of this process is different from one region to another, or from county to county. For example, a victim may receive full medical assistance in one county, because the local specialists manage to start collaboration with a private clinic or with a physician, while in other medical assistance is given.

- With regards to the available victim support services:

There are regions in the country with a strong network of institutions (usually non-governmental) where a victim of trafficking can access a variety of services, starting with long term residential assistance, proper medical assistance, proper legal assistance, school or professional (re)integration, but also regions where access to services is problematic. The main cause of this bias is the presence or absence in the area of NGO's that can provide this type of services.

Interagency co-operation model

Given the fact that by the moment of writing the current report a practical analysis of generic victim support services is almost impossible due to the fact that in practice, currently, the responsible compartments are not fully functional, we have decided to present a best practice model from the field of human trafficking victim support.

In order to support the fight against human trafficking (both internally and externally), the Romanian legislator has created in 2006 the institution of the National Agency Against Trafficking in Persons, under the umbrella of the Ministry of Internal Affairs.

The National Agency against Trafficking in Persons (ANITP) has a conceptual, unique approach, among Romanian institutions, which is based on a multidisciplinary team, built to answer the specific challenges of fighting trafficking in human beings.

The Agency is empowered to bind the efforts of different governmental institutions competent in this field and is open to an extended cooperation with civil society representatives involved in the prevention of trafficking and assistance of victims. It further synergises the common action of these actors, with increased results in reducing trafficking in human beings. ANITP is a specialized structure responsible for coordinating, evaluating and monitoring at national level the implementation of anti-trafficking, victims' protection and assistance policies by public institutions. The Agency cooperates with Romanian and foreign non-governmental and inter-governmental organizations in order to raise public awareness on human trafficking

and its consequences. ANITP is the national contact point for transnational referral of victims.

ANITP also provides support for transnational referral of victims conducted by other entities. The representatives of all 15 Regional Centers (in Alba Iulia, Bacau, Brasov, Bucharest, Constanta, Craiova, Cluj Napoca, Galati, Iasi, Oradea, Pitesti, Ploiesti, Suceava, Timisoara and Targu Mures) conduct the early evaluation to identify the victim's needs for specialized assistance and ensure the immediate referral to social service providers. Once referred, they monitor the victim's assistance and maintain constant contact in order to facilitate her/his access to justice. The victims' coordination programme during criminal proceedings is available for those victims willing to participate in the trial. It provides emotional support, security and legal guidance for an informed decision in legal matters."

The contradiction however in the Romanian human trafficking victim support system is the fact that although Romania is a top source country for victims of human trafficking, although Romania is having a unique institution like the National Agency Against Trafficking in Human Beings and although Romania has fully transposed the European and international provisions against human trafficking, it fails to allocate state funds in order to create specialized institutions to support these categories of victims or to allocate funds for public private partnerships so that the existing specialized NGOs can provide the necessary services foreseen by the law.

As mentioned in the annual Trafficking in Persons Report "Lack of government funding for NGO assistance and protection services continued to be problematic. While the government relied on NGOs to accommodate and assist victims, it did not allocate grants directly to NGOs due to legislation precluding direct funding. The law entitled all victims to psychological and medical care; however, the government did not provide for more than one mental health counselling session and did not finance medical care costs. NGOs paid for all psychological services costs for victims due to the government's refusal to reimburse psychologists who assisted victims and for emergency medical care costs because the government lacked financial assistance and medical care required payment upfront. Moreover, access to medical care required Romanian victims to return to their home districts to obtain identity documents. The process presented logistical and financial hurdles for many trafficking victims; NGOs also covered those costs."

In order to be able to cover all the identified needs of the victims and in order to be able to efficiently fight against human trafficking, the responsible NGOs and Institutions have joined forced into creating regional multidisciplinary task forces against human trafficking and for victim protection. The task force from Arad, Timis, Caras region has been selected by the researchers as a best practice model. As the task force does not have a legal personality and as it is functioning on a rather volunteer basis it does not have an official name so we are going to refer to it as the "anti-trafficking in persons working group" (ATIPWG). The group is coordinated by the Regional Center of the Romanian National Agency Against Trafficking in Persons (NAATIP), in this case by the Regional Center Timisoara.

The partnership is made up of NAATIP, the General Directorate for Social Assistance and Child Protection, Brigade to Combat Organised Crime, Directorate to

Combat Organised Crime and Terrorism (Prosecutors Office), County Police (Crime Prevention Department), Border Police, National Antidrug Agency, Gendarmerie, School Inspectorate, Labour Agency, West University of Timisoara and the local victim support NGOs, specialised in assisting victims of human trafficking.

The decision to collaborate in this form was on voluntary basis on behalf of the NGOs and it mostly took place during 2004. The springs of it were generated due to the lack of public institutions in charge for providing the whole spectrum of victim support services, the lack of public funding and the high need of victim support services for victims of human trafficking given the fact that during the last 10 years Romania is leading the statistics in Europe, as a top source country.

As mentioned, the entire spectrum of services provided to victims of human trafficking is provided by NGOs. Within these meetings the partners discuss the current gaps and which NGO/State institution could fill them, difficult cases are analysed, national and international case referrals are discussed, statistics on human trafficking are presented and current tendencies are commonly identified, prevention campaigns are generated based on the identified tendencies, prevention campaigns are coordinated in order to avoid overlaps of subjects or places where they take are implemented, new projects/initiatives are presented.

Especially during the recent years, another common endeavour is to support each other in identifying new victims of human trafficking as

the government decreased efforts to protect victims. Public officials and NGOs identified 497 victims in 2018, the lowest number of identified victims in more than a decade and a decline from 662 in 2017 and 757 in 2016; these statistics included victims from on-going investigations and prosecutions initiated in previous years.

The core principles based on which the ATIPWG is working are:

- Independent Facilitator Organization (NAATIP)
- Common Agenda of the participating institutions and NGOs
- Shared Measurement Systems
- Mutually Reinforcing Activities
- Continuous Communication

Given the fact that it is an informal public – private partnership, it should be noted that the financial resources are provided by the state for the public partners and by private funds (sponsorships, donations) in case of NGOs.

Once the responsible institutions will have created the legally foreseen generic victim support services, the proposal of the researchers of this project would be to transfer this best practice model, alongside of the core elements of the National Identification and Referral Mechanism for Victims of Human Trafficking into the generic victim identification and support mechanism at national level.

Identification and referral of victims

Within the national legal framework Romania does not have a generic victim referral mechanism but it does have a referral mechanism for victims of human trafficking.

In cases of human trafficking victims, the National Identification and Referral Mechanism established through the Government Ordinance 335/2007 a set of steps which shall be analysed through a legal perspective and through a victimological perspective, as the mechanism mentions.

On the one hand, from a legal perspective, in order to determine whether a person has been subjected to human trafficking, the assessment needs to be carried out taking into account the definition of human trafficking as foreseen within the Law 678/2001 transposing the provisions of the Palermo Protocol. Therefore, it has to be analysed whether or not, at least one of the specific actions has been carried out, at least one of the specific means has been used and whether or not these have taken place with the core aim of exploitation.

On the other hand, from a victimological perspective, the individual assessment has to be carried out taken into account the individual particularities of each case. In order to facilitate the individual assessment, the national mechanism foresees a list of indicators of victimization including: sex, age, social characteristics, if identification documents are at hand or not, the place where the victim has been found, the circumstance within which the victim was found, signs of abuse.

Further to these, the ordinance also establishes concrete modalities and steps with regards to the identification and referral mechanism of human trafficking victims differing from an institution to another and whether the victim was identified in Romania or abroad. (Please see Annex 1 for detailed information).

At national level, the focal point of the Romanian identification and referral mechanism is the National Agency Against Human Trafficking which, after having conducted a screening interview and a needs and risk assessment refers the victim to specialised service providers, based on the outcomes of the interview and the assessment.⁸

In case a Romanian victim of human trafficking has been identified abroad by a Romanian diplomatic mission, by the International Organisation for Migration or by a specialised counselling centre the procedure foresees the information of the National Agency and the referral of this, after the transnational repatriation procedure has taken place, to the National Agency. After the referral, the interview and assessment, as above described is being conducted and the second stage of referral is being implemented by the agency.

However, given the fact that the Romanian generic victim support mechanism has only recently been constructed, there are no legal provisions yet for a national identification and referral mechanism of victims of crimes.

Therefore, in order to better understand how victims reach service providers, a qualitative research has been conducted at national level. This has been implemented in the form of semi-structured interviews carried out with stakeholders and victims of crimes and has involved, 15 stakeholders and 15 victims of crimes.

Based on the results of the interviews conducted with victims, most of them have been referred to the specialised victim support department of General Directorate of Social Assistance and Child Protection by the police, after having filed a complaint against the perpetrator. However, there was one victim mentioning the fact that she was referred to this service provider by the psychologist with which she has worked together in the framework of psycho-therapeutic intervention, as a result of the traumas caused through the crime.

On the other hand, the specialists interviewed from General Directorate of Social Assistance and Child Protection have identified a series of sources from where victims are being referred. As mentioned by them, one of the main method used by the victims to reach out for help is the Emergency hot line which receives yearly thousands of calls. Other methods are via internet where victims can access the contact information via the institutional website or social media pages.

As mentioned by the professionals participating to the interviews further to promoting the services offered via the above described means, periodic information campaigns are carried out within groups of vulnerable persons involving women and children. This is often carried out in partnership with the police, prosecutor's office, schools or city halls (especially in the rural areas). For this purpose action plans are made. Protocols of collaboration are also habitually signed to implement information activities and to deliver specialised services with local specialised counselling centres belonging to non-governmental organisations.

Besides the modalities described, social workers have mentioned the fact that referrals of victims are also initiated by the police, prosecutors, judges, legal medicine practitioners, medical doctors (mainly family doctors), psychologists (mainly school psychologists), and community workers from city halls.

Victims' rights

To what extent victims are aware of their rights?

The Victims directive underlines repeatedly the importance of informing the victim of a crime, "from their first contact with a competent authority in order to enable them to access the rights set out" – Art.4. The main aspects about which the victim has to be informed are: the type of support they can obtain, the procedures for making complaints, conditions of accessing legal advice, legal aid, any other sort of advice, compensation, interpretation and translation, restorative justice services available.

Such provisions have been transposed into the Criminal Procedure Code and into special laws like the law on protecting victims of crimes, the law on domestic violence and the law on human trafficking (all of them already mentioned in the text above).

The Criminal Procedure Code mentions in Art. 81 the fact that the victim has the right

- a) to be informed of its rights; [...]
- d) to be informed, within a reasonable term, on the status of the criminal investigation, upon explicit request, provided that they indicate an address on the territory of Romania, an e-mail

address or a electronic messaging address, to which such information can be communicated.

These general provisions are supplemented by the provisions of Art. 4 and 7 of Law no. 211/2004. Art. 4 is stating the fact that “(1) Judges, in the case of offenses for which the prior complaint is addressed to the court, prosecutors, officers and police agents have the obligation to inform the victims of crimes regarding: a) the services and organizations that provide psychological counselling or any other form of assistance of the victim, according to its needs; b) the criminal investigation body to which they can make a complaint; c) the right to legal assistance and the institution where they can request exercise this right; d) the conditions and the procedure for granting free legal assistance; e) the procedural rights of the injured person, the injured party and the civil party; f) the conditions and the procedure to benefit from the provisions of art. 861, 862, 864 and 865 of the Code of Criminal Procedure, as well as the provisions of Law no. 682/2002 regarding witness protection; g) the conditions and the procedure for granting financial compensations by the state. (3) The information foreseen in paragraph 1 are provided verbally or in a written form. (4) The fulfillment of the obligations stipulated in par. (1) - (3) shall be recorded in a report, which shall be registered at the institution” which has provided the information foreseen. Therefore, the law also obliges the first contact person to record the information session in a written form and to archive this record in the case file. In case the victim has not filed a complaint against the perpetrator, the information session is provided under the same conditions by the victim support services, compartments and by the private service providers.

In order to ensure a collective awareness of the civil society about the rights the victims of some certain types of crimes have (especially domestic violence or human trafficking) the responsible governmental and non-governmental agencies conduct public information campaigns by means of TV spots, posters and flyers. Such collective awareness goals are foreseen by the national strategies tailored for a period of 4-5 years for combatting and preventing some certain type of crimes.

Based on the interviews carried out with the victims however, the level of victims’ rights awareness, at the point of becoming a victim was very low. These have mentioned, with one exception, the fact that they were informed about their rights at the first contact with the law enforcement when filing a complaint. One of the victims mentioned the fact that she was informed about her rights, in general, by the psychologist with which she was conducting psycho- therapy and then, in detail, by the social worker of the General Directorate of Social Assistance and Child Protection when she was referred to them.

Victims’ participation in the criminal process

Besides the general right to receive information about the legal rights, which is, in fact, the core precondition of exercising ones rights, the victims of crimes also have the right to be informed about their case (Art. 6 of the Directive), to actively participate in the investigation of their criminal case, they have the right to consult the

files and to be informed about all the decisions taken by the law enforcement agencies.

These are foreseen by the Criminal Procedure Code at Art. 111 Hearing of victims (correlated to Art. 10 of the Directive) as follows:

(2) A victim shall be informed of the following rights and obligations: a) the right to be assisted by a counsel, and in case of mandatory legal assistance, the right to have a counsel appointed *ex officio*;
b) the right to use a mediator in the situations permitted by law; c) the right to propose production of evidence, to raise objections and to argue in court, under the terms set by the law; d) the right to be informed of the conducting of proceedings, the right to file a prior complaint, as well the right to become a civil party in the trial; e) the obligation to come to court when summoned by the judicial bodies; f) the obligation to notify of any change of address. (5) On the occasion of the first hearing, a victim shall be informed of the fact that, in the event that the defendant is deprived of freedom or convicted to a custodial sentence, the former can be informed of their release in any manner.

The last 2 provisions are corroborated with Art. 230 of the Criminal Procedure Code which regulates the fact that: “(5) If an victim requests to be informed of the release in any way of the arrested person, the judge who issued the warrant shall mention this in a report, which shall be delivered by them to the law enforcement body” and with those of Art. 404 stating that “(6) When the court ordered the penalty by imprisonment, whereas the victim applied to be informed of the release of the convict in any way, the court shall indicate it in the operational part of its ruling.”

Additionally, within the Criminal Procedure Code, at Art. 366, the Romanian legislator has listed the general rights of victims with regards to the proceedings at a criminal trial “(1) The victim may be represented by a counsel. (2) The victim may submit motions, raise objections and make final arguments with regard to the criminal component of the case.”

Given the fact that in a series of crimes (especially in cases of organized crimes) the victim could also have the quality of vulnerable witnesses, the Criminal Procedure Code foresees at Art. 113 the fact that “When the requirements established by law in respect of the status of threatened or vulnerable witnesses are met, or for the protection of private life or dignity, criminal investigation bodies may order protection measures specified under Arts. 125 – 130 in respect of a victim or a civil party. Such provisions shall apply accordingly.”

Also for the purpose of protecting the victims during criminal proceedings, law 211/2004 under Art. 35 mentions the fact that, starting from 2019 all the courts should create special waiting rooms for victims of crimes.

Based on the interviews conducted with specialists however, the level of participation in criminal proceedings of victims of crimes is very low. As reasons, the social workers have mentioned the followings:

- fear from the consequences which might arise, caused by the perpetrator;

- victims, especially of domestic violence, tend to withdraw their criminal complaint and re-establish a relationship with the perpetrator;
- criminal proceedings are lengthy, complex and bureaucratic so victims try to carry on with their lives without further complicating it in the framework of such proceedings.

Overview of victims' support services

As already mentioned, up until April 2019 Romania was among the very few EU countries which did not have even a theoretical backbone for generic victim support services⁹. Since the legislative changes have taken place, each county, within the General Directorate for Social Assistance and Child Protection is required by law to create a special department for victim support within which at least 1 psychologist, 1 social worker and 1 lawyer need to work. These departments are funded through public funds.

In cases in which the victims are referred to specialised support services (e.g. victims of domestic violence or human trafficking) the funding depends if the service provider to which the victim is referred is a public or private body. In case it is an institution, the funding is naturally provided by the state through public funds. If it is however a non-governmental organisation, the difference has to be made once again, this time the criteria being the type of crime. While for support services for victims of domestic violence state funds have been made accessible (e.g. Venus Project with a funding of 11 mil. Euro for 48 months lasting until 2023¹⁰) for specialised non-governmental organisations, the situation is very difficult in cases of victims of human trafficking. Unfortunately, as stated within the state report on human trafficking, "the government did not provide sufficient funding for assistance and protection services, leaving most victims without services, susceptible to re-traumatization, and at risk of re-trafficking."¹¹ Given the fact that Romania has been for several years now one of the main source countries for victims of human trafficking within the European Union¹², the lack of funding represents a significant problem, as NGOs rely mainly on donations in order to assist these highly vulnerable victims.

Further to these, the Romanian Government has allocated for the time, both state and local funding in order to implement a wide range of activities carried out through the first National Strategy for the prevention and combating of sexual violence "SYNERGY" during 2021 - 2030.¹³ These include several information campaigns for the wide public and for potential victims, trainings and workshops for service providers and law enforcement agencies, support and protection services for victims, with a main focus on gender based violence. With regards to the trainings planned to be implemented during the next eight years, the beneficiaries will be mainly the newly employed personnel having the task of carrying out the generic victim support measures. The national strategy has been developed in line with the first EU strategy on victims' rights (2020-2025).

Based on the information provided by the professionals through the interviews, the General Directorate of Social Assistance and Child protection, in order to address the victims' needs is carrying out the following activities:

1. ensures the necessary measures for carrying out activities for the prevention and combating of domestic violence, as well as for the provision of services intended for victims of domestic violence and family aggressors;
2. monitors the measures necessary for the implementation of activities for the prevention and combating of domestic violence, as well as for the provision of services for victims of domestic violence and family aggressors;
3. develops partnerships and collaborates with non-governmental organizations and other representatives of civil society in order to provide and diversify services aimed at preventing and combating domestic violence;
4. substantiates and proposes to the county council, the establishment, financing, respectively co-financing of the public institutions that offer services destined to the prevention and combating of the domestic violence;
5. Supports and develops a system of information and advice accessible to victims of domestic violence, in order to exercise all the rights provided by the normative acts in force;
6. monitors the cases of domestic violence in the administrative-territorial unit in which it operates;
7. identifies risk situations for the parties involved in domestic violence situations and directs the parties to specialized services / mediation;
8. compiles at county level, the database on cases of domestic violence and reports quarterly these data to the National Agency for Equal Opportunities between Women and Men.

Further to these, through the newly created departments, the General Directorate, in all the Romanian counties and in the capital city, is offering social support and counselling to victims of crimes through social workers, legal advice and counselling through the legal advisors of the department, psychological support and counselling through the psychologist of the department.

In the cases in which a specialised support or residential care is needed, the social workers refer the victims to their own residential care facilities or to specialised external service providers, as it is the case of victims of human trafficking.

The support services are provided both to the direct victims of crimes as well as to the indirect victims, as it is for instance the case for family members. With regards to this, within the Romanian law 211/2004, art. 7 states the fact that “The support and protection services provided to the victim of the crime or its family members shall be provided by the general directions, free of charge, at the request of the victim or of his/her family members, and may also be provided by the public social assistance services at the level of cities, municipalities, as well as by private social service providers, under the conditions provided in art. 3¹”. Therefore, the family members are entitled to support and protection services (information, psychological, social, financial, legal counseling, security, financial compensation), upon request, in the same conditions in which the victims are.

State compensation system

The Victims' Directive, through Art. 16 states the fact that "Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time, except where national law provides for such a decision to be made in other legal proceedings.

In the Romanian legislative system the victims of crimes are entitled to compensation from the offenders for both moral and material damages. The procedural aspects for these compensation measures are foreseen in the Romanian Criminal and Civil Procedure Code.

Further to these, state compensation can be granted to victims of crimes, as foreseen by Law 211/2004, under ART. 21:

(1) The financial compensation is granted, upon request, under the conditions of this chapter, to the following categories of victims: a) the persons on whom an attempt was committed on the crimes of murder and qualified murder provided for in art. 188 and 189 of the Criminal Code, an offense of personal injury, provided in art. 194 of the Criminal Code, an intentional crime that resulted in the bodily injury of the victim, an offense of rape, sexual act with a minor and sexual aggression, provided in art. 218 - 220 of the Criminal Code, an offense of trafficking in persons and trafficking of minors, provided for in art. 210 and 211 of the Criminal Code, a crime of terrorism, as well as any other intentional crime committed with violence; b) the husband, the children and the persons in the care of the deceased persons by committing the offenses mentioned in par.

Further to these,

(2) The financial compensation is granted to the victims mentioned in par. (1) if the crime was committed in the territory of Romania and the victim is: a) Romanian citizen; b) foreign citizen or stateless person who resides legally in Romania; c) a citizen of a member state of the European Union, legally on the territory of Romania at the time of the crime; or d) a foreign citizen or stateless person residing on the territory of a member state of the European Union, legally on the territory of Romania at the time of the crime. (3) In the case of victims who do not fall into the categories of persons referred to in par. (1) and (2), the financial compensation is granted on the basis of the international conventions to which Romania is a party.

Another legal limitation for obtaining financial compensation granted by the Romanian state is that the victim has to notify, within a time span of 60 the criminal investigation bodies. The days are calculated starting from the day the crime has been committed.

In the case of the victims provided for in art. 21 paragraph (1) lit. b), the term of 60 days is calculated from the date on which the victim became aware of the crime. (3) If the victim was unable, whether physically or mentally, to notify the criminal investigation bodies, the term of 60 days shall be calculated from the date on which the state of impossibility ceased.

Then as series of further constrains are listed within the same law, under ART. 24 as follows “(1) If the perpetrator is known, financial compensation may be granted to the victim if the following conditions are met: a) the victim made the request for financial compensation within one year, as appropriate: 1. from the date of the definitive stay of the decision by which the criminal court has pronounced the conviction or acquittal in the cases provided for in art. 16 paragraph (1) lit. b) - d) of the Code of criminal procedure and granted civil damages or termination of the criminal case in the cases provided for in art. 16 paragraph (1) lit. f) and h) of the Code of Criminal Procedure; 2. from the date on which the prosecutor ordered the classification, in the cases provided for in art. 16 paragraph (1) lit. b), c), d), f) and h) of the Code of Criminal Procedure; b) the victim constituted a civil part in the criminal proceedings, unless the classification was ordered according to the provisions of art. 315 paragraph (1) lit. a) of the Code of Criminal Procedure; c) the perpetrator is insolvent or missing; d) the victim did not obtain the full compensation of the damage suffered by an insurance company.”

In case the victims of crimes manage to file the requests within the legal time frame and if they belong to the categories of victims entitled to state compensations, then they can receive such reparation measures for the categories of damages listed under ART. 27 “1. hospitalization expenses and other categories of medical expenses incurred by the victim; 2. the material damages resulting from the destruction, degradation or bringing into the state of non-use of the victim's goods or from their possession by committing the crime; 3. the earnings that the victim is deprived of as a result of the crime; funeral expenses; the maintenance that the victim is deprived of because of the crime.”

The maximum amount of financial compensation for the material damages can be granted up to “an amount equivalent to 10 minimum gross basic wages per country established for the year in which the victim made the request for financial compensation. The amounts of money paid by the perpetrator as civil damages and the compensation obtained by the victim from an insurance company for the damages caused by committing the crime are subtracted from the amount of financial compensation granted by the state to the victim.”

An important aspect with regards to the compensation provided by the offender is the fact that “the offender must be found guilty through the courts decision in order to be hold responsible for providing the compensation for the victim. Therefore, the civil procedure through which the victim can claim compensation for the material and moral damages produced is hold still until the criminal decision has been taken. Depending on the complexities of crimes, such convictions might be taken sometimes in years after the first complaint filed by the victims. In cases in which the perpetrators have purposefully hidden their assets in

order to protect them from seizure and confiscation, the institution for extended confiscation can be applied which has the benefit of confiscating the goods produced through a criminal activity or used in order to produce a criminal activity but which are registered on the names of third parties and not on the name of the perpetrator.”¹⁴

Therefore, we can see that at practical level, compensations cannot be granted to victims within a “reasonable time”. Such a lack of action can cause serious financial difficulties for the victims. These financial difficulties in turn can hinder the victim to exercise his/her rights. Moreover, it can create a series of vulnerabilities making the victim susceptible for secondary victimization. Additionally to the financial difficulties, the fact that the compensation measures are not taken within a reasonable time leads also to the fact that the criminal convictions do not meet their reparatory purpose in case of victims.

Finally, probably the most negative aspect with regards to compensation and especially state compensation is the fact that it is rather an exceptional practice than a regular practice in cases of victims of crimes even if the national law foresees such rights.

As Romania is one of the main source countries of victims of human trafficking, we are going to illustrate in the following figure some statistics on compensation of victims of human trafficking to support the above made statement.

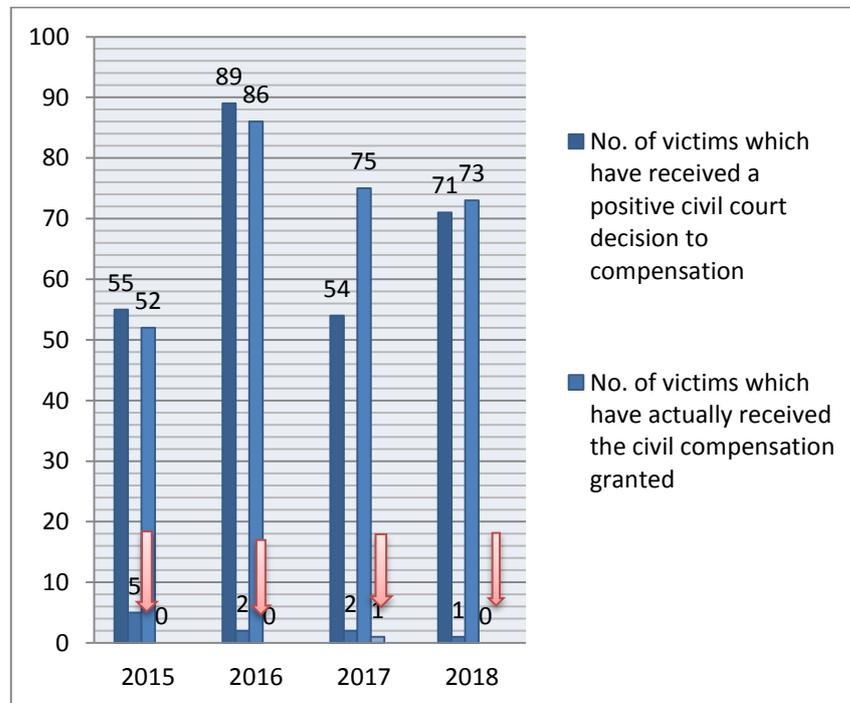


Fig. 1 Number of human trafficking victims benefitting of civil or state compensations

Conclusions

Based on the results of the desk and field research, the generic Romanian victim support mechanism is currently under construction, a fact which is creating a series of practical challenges in assisting victims of crime.

Therefore, even though currently the national legislation foresees the obligation of the General Directorates for Social Assistance and Child Protection to create generic victim support compartments, the lengthy procedures lead to the situation in which several victims still remain without support.

Another issue which arose through the research was that of lack of infrastructure in order to put in practice already existing provisions, for example that of special waiting rooms for victims in the courts.

Currently, such facilities do not exist within the courts of justice and the lack of such facilities have been subject of a series of formal and less formal complaints by the lawyers, prosecutors and victims themselves. There are no few cases, especially in cases of organised crime, where victims need to wait on the hallway together with the perpetrator and/or with their family members and friends. In such circumstances the victims are often threatened. Not only can such threats influence the declarations which are yet going to be made but they also raise the risk of revictimisation and can also influence the psychological therapies which are undergoing.

The legislative changes have given rise to the creation of a multidisciplinary approach in victim support, which is most welcomed by the practitioners but, due to the fact that there is no current national generic victim identification and referral mechanism generates a lack of a feeling of responsibility with regards to victim information and referral. In such conditions, without understanding the benefits, for all the parties involved, which collaboration and cooperation can carry along, a transposition of the provisions of the directive, in the sense of the directive, is going to be a very adventurous journey. In case of victim support services, the focus is on the needs to the victims. Their interest about the perpetrator is very limited. These two apparently antonymous focal points will have to meet somewhere in the middle. In order to be able to do so, several stakeholders have underlined the importance of on-going trainings with regards to the identification and referral mechanisms which are going to be created, both from a procedural perspective, and from a practical perspective (for example the benefits of victim support for the criminal procedures).

As presented within the current research, the inter institutional cooperation often is poorly formalized, even though stakeholders are struggling to change this. Therefore, the cooperation sometimes takes place based on a friendships or a history of cooperation. This leads to the fact that, if the persons supporting and promoting such cooperation stop doing so or leave the institutions, the cooperation could be influenced in a negative manner.

Finally, the absolute lack of state funding for NGOs working in the victim support field (Romania was downgraded on Trier 2 Watch list in the TIP Reports for 2019 and 2020) is giving rise to enormous practical challenges. In such conditions the organizations which are the only victim support entities in some fields like human trafficking feel frustrated and undergone by the Romanian state.

Recommendations

Based on the results of the desk and field research carried out within the SERV project, the generic Romanian victim support mechanism, which has been under construction for the past three years, marks a new approach in assisting victims of crime at national level. However it carries along, at the time being, a series of practical challenges in assisting victims of crime.

On one hand, the COVID-19 pandemic situation has not been the best moment to establish a new mechanism. The information campaigns carried out had only a limited impact (lower than expected) yet in the collective mind as people were less receptive to any other news than the pandemic developments. Furthermore, the emergency situation in Romania has blocked the possibilities of employment within state institutions (main service providers of generic victim support). This has led to the fact that the Departments planned to be in place by the end of 2020 (with 1 psychologist, 1 social worker, 1 lawyer) are still under construction in early 2022.

On the other hand, as the situation has softened with regards to COVID-19 the war in Ukraine, a neighbouring country to which Romania has the largest terrestrial boarder, has broken out and the wide public is focusing on these new developments. Therefore, the information campaigns need to be intensified in order to also practically reach the targeted audience. The same applies to the case of workshops and trainings dedicated to service providers with regards to the new legislative changes and multi-disciplinary approach possibilities, in times when many of the service providers are having behind long working hours in assisting families, women and children in displacement.

Therefore, even though currently the national legislation foresees the obligation of the General Directorates for Social Assistance and Child Protection to create generic victim support compartments, the lengthy procedures caused by COVID-19 lead to the situation in which several victims still remain without support. The feedback received from the Departments which have been operationalized is the fact that it is extremely difficult to address the needs of the victims from an entire county in a team of three professionals. Therefore, the number of workers employed through the already functional victim support departments should be raised proportionally to the level of victimization in that county. Unfortunately, as the level of inflation reaches unprecedented levels in Romania, the likelihood grows that the local authorities, which fund the Victim support departments, will not be able to allocate the necessary funding for further employments. Thus, the level of expectation needs to be adjusted to the current geo-political realities.

The legislative changes have given rise to the creation of a multidisciplinary approach in victim support, which is most welcomed by the practitioners but, due to the fact that there is no current national generic victim referral mechanism generates a lack of a feeling of responsibility with regards to victim information and referral. In such conditions, without understanding the benefits, for all the parties involved, which collaboration and cooperation can carry along, a transposition of the provisions of the Directive, in the sense of the directive, is going to be a very adventurous journey. In case of victim support services, the focus is on the needs to the victims. Their interest about the perpetrator is very limited. These two apparently antonymous

focal points will have to meet somewhere in the middle. As mentioned above, on-going trainings with regards to the identification and referral mechanisms which are going to be created, both from a procedural perspective, and from a practical perspective (for example the benefits of victim support for the criminal procedures) can only be organized in quite challenging circumstances at the time being.

Further to these, we would also add the following recommendations:

- Promote and develop a victim centred approach in the assistance of victims of crimes, with activities carried out in such a way that the professionals avoid the retraumatization of the victim, obtain an efficient empowerment and support him/her to actively participate, as a decision taker in his/her own rehabilitation process.
- In order to be able to intervene when it is needed, the Romanian state should ensure the fact that emergency victim support services are available in all of the counties of Romania.
- Develop specifically tailored identification, needs assessment, risk assessment and referral tools and train officials with regards to these.
- In order to support foreign victims of crimes in their understanding about the national victim support mechanism and criminal proceedings, specially trained cultural mediators should be made available.

References

- ¹ The research has been implemented in Romania, during 2019 – 2022, within the project *Services and Rights for Victims of Crime, funded by the European Union's Justice Programme (2014-2020)*, <https://serv.ut.ee/services-and-rights-victims-crime>, accessed January 2022.
- ² <https://www.legislationline.org/documents/section/criminal-codes/country/8/Romania/show>, accessed January 2022.
- ³ <https://lege5.ro/Gratuit/gu3donrz/legea-nr-211-2004-privind-unele-masuri-pentru-asigurarea-informarii-srijinirii-si-protectiei-victimelor-infractiunilor>, accessed January 2022.
- ⁴ <https://evaw-global-database.unwomen.org/en/countries/europe/romania/2003/law-no-217-2003-on-the-preventing-and-fighting-against-family-violence>, accessed January 2022.
- ⁵ <https://www.legal-tools.org/doc/75a7aa/pdf/>, accessed January 2022.
- ⁶ <https://mediarezenzaconfini.files.wordpress.com/2012/01/legge-192-06-romani.pdf>, accessed January 2022.
- ⁷ <https://www.gov.ro/ro/guvernul/procesul-legislativ/note-de-fundamentare/nota-de-fundamentare-oug-nr-24-03-04-2019&page=5>, accessed January 2022.
- ⁸ National Agency Against Human Trafficking, *National Identification and Referral Mechanism of Victims of Trafficking in Persons*, <https://anitp.mai.gov.ro/ro/docs/Proiecte/ISF01/MNIR%20English%20version.pdf>, accessed January 2022.
- ⁹ FRANET, Center for Legal Resources, “Romania does not have a proper generic victim support organisation as such and there currently isn’t any Government institution tasked with developing generic victim support services. The existing framework of victim support services rather consists in a range of institutions and nongovernmental organisations which provide services to different categories of specific 10 crime victims”, p. 9, https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-ro.pdf, accessed January 2022.

- ¹⁰ Decision of the Romanian Ministry of Labour, http://www.mmuncii.ro/j33/images/Documente/MMPS/Transparenta_decizionala/NF_H_G_ANES_PNPVVD_28_sept_2020_DPSS.pdf, accessed January 2022.
- ¹¹ US Department of State, 2021 Trafficking in Persons Report: Romania, <https://www.state.gov/reports/2021-trafficking-in-persons-report/romania/>, accessed January 2022.
- ¹² European Commission, 2020 Third report on the progress made in the fight against trafficking in human beings, https://ec.europa.eu/anti-trafficking/third-report-progress-made-fight-against-trafficking-human-beings_en, accessed January 2022.
- ¹³ Action Plan for the implementation of the National Strategy for the Prevention and Combating of Sexual Violence "SYNERGY" 2021-2030, Decision 592/2021, <https://lege5.ro/Gratuit/haydqmbwgyyq/planul-de-actiuni-pentru-implementarea-strategiei-nationale-pentru-prevenirea-si-combaterea-violentei-sexuale-sinergie-2021-2030-hotarare-592-2021?dp=gm4tomrwy2dama>, accessed January 2022.
- ¹⁴ Schwartz, C. & Schwartz, A., "The Impact of the "Victims Directive" on the Romanian Victim Support Legislative Framework," *Agora Psycho-Pragmatica* XII/1 (2018): 128-134.