Tackling Cross-Border Human Trafficking Between Romania and the UK: An International Collaboration Guide for Enforcement Agencies

UK Government

British Embassy Bucharest

IJM

University of Nottingham Rights Lab

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Introduction

Human trafficking is a global phenomenon and a serious violation of human rights. It is a thriving business model fuelled by the dynamics of demand and supply across borders, creating significant challenges for authorities in countries of origin, transit, and destination. The UK has seen a considerable number of potential victims of Romanian origin identified through the National Referral Mechanism (NRM), therefore it is important for authorities to understand cultural values and perspectives to provide support to victims of trafficking that is trauma informed, ensures safeguarding and fosters collaboration in criminal justice proceedings.

This guide has been developed to support the collaborative efforts of enforcement agencies and other actors in the UK and Romania to engage effectively on human trafficking cases. This guide is divided into two key sections: **Section 1** provides a guide to Romanian culture including its country demographics, language, religions and customs aimed at supporting British frontline professionals to work collaboratively with their Romanian counterparts and improve support for victims; **Section 2** provides an overview of the legal frameworks and judicial cooperation mechanisms that exist to support transnational law enforcement cooperation to address human trafficking.

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Section 1: Cultural Guide

Working and living in a multicultural society requires the ability to understand, appreciate, communicate and effectively interact with people from diverse cultural backgrounds. It is therefore important to know how to assess and reflect on our own cultural competency and behaviour, while at the same time acknowledge the culture or values of the person or organisation being served. We hope this guide will be useful particularly to British front-line professionals who work with victims of human trafficking (THB) and collaborate with Romanian enforcement agencies, helping to foster more effective and culturally informed interactions.

1.1 Historical lens

Romanian public institutions need to be understood through the lens of their transition to democracy, and more recent EU-driven reforms, recognizing that there are ongoing challenges in institutional development and democratic consolidation.

In Romania, public institutions remain generally weak, a reality that must be understood within the context of Romania's complex historical background. From mid-19th century, modernizing the emerging Romanian nation-state involved adopting Western liberal and democratic values, even though these changes were not always organic or well-suited to a predominantly rural and agrarian society. Later, in the mid-20th century, the transition from monarchy to communism meant that any liberal institutions that existed prior to World War II were dissolved and rebuilt according to Soviet models. Although Romania was never part of the Union of Soviet Socialist Republics (USSR), it was under its sphere of influence. Therefore, political parties were dismantled, and key institutions like the administration, judiciary, and police were infiltrated by Party members to ensure strict control and oversight by the Communist Party.[1] Throughout the second part of the 20th century, with a declining economy, and oppression of civil rights and liberties, social unrest grew, culminating in the revolution of December 1989, which overthrew the communist regime of Nicolae Ceausescu. This paved the way for the transition to a democratic semi-presidential republic. Today, governmental institutions, services, legislation and policy formation are continuing to evolve from the half century spent under a communist regime, reflecting a period of transformation as they strengthen and mature. Since Romania's accession to the European Union in 2007, progress was spurred in various areas, however institutional development and democratic consolidation are still ongoing today.

1.2 Romanians' trust at the institutional and societal level

Romanians have low levels of trust in government and political institutions, shaped by perceptions of corruption, political fragmentation, and unfair competition.

The vestiges of communism and the post-1989 corruption scandals, political fragmentation (defined by conflicting interests and a lack of value consensus among political elites[2]), a lack of fair competition[3] and privileges granted to certain categories of society, created a complex relationship of (mis)trust at both institutional and societal level. Today, Romanians have the most trust in the army and the church, and the least trust in the government and political parties, while the police and local councils fall in the middle.[4] Romanians also trust firemen, teachers, surgeons and sportsmen over three times more than they trust those

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employed in public roles, from local councillors to parliamentarians.[5]

Communism fractured the fabric of Romanian society, leaving behind a legacy of deep mistrust toward others, including neighbours and civil society organisations.[6] This can explain the slow development of Romanian diaspora organisations[7] and the current lack of trust in non-governmental organisations (NGOs) today. A 2023 survey found that 4 in 10 Romanians do not consider any NGO to be trustworthy and 45% could not name a single NGO.[8] Another survey echoes these findings, revealing that only 22% of the Romanians surveyed trust NGOs,[9] compared to 47% in the UK.[10]

Victims of trafficking may therefore find it difficult to approach NGOs, not only due to fear, shame, and trauma, but also because these organisations are often not well-known or trusted, especially in non-urban areas.

1.3 Romania's demographic profile

1.3.1 Education levels and income trends

In terms of educational achievements, Romania is starting to lag behind its European counterparts. In 2022, 24.7% of Romanians aged 25-34 had a tertiary education degree, compared with the EU average of 42%.[11] In Programme for International Student Assessment (PISA) tests conducted across OECD countries to measure students' ability to use their reading, mathematics and science knowledge and skills to meet real-life challenges, the average illiteracy level stood at 16.4%, while in Romania was 33.2% in 2022.[12] Limited educational levels are not indicators of trafficking but they can constitute an element of vulnerability.

The average earnings across EU member states still vary widely, and Romania remains one of the countries with the lowest earnings, with an average net earnings of €14,500 in 2022.[13] The at-risk-of-poverty rate in Romania is also among the highest in the EU, reaching 22.6% in 2020, with those residing in rural areas being most likely to be affected.[14] While poverty alone is not necessarily a root cause of human trafficking, along with lack of education, illiteracy[15], violence and discrimination[16], it can be a contributing factor that makes people more vulnerable to trafficking. Generally, the root causes include social disparities both within and between countries, stricter immigration policies, and an increasing demand for low-cost labour.[17]

1.3.2 Ethnicity, race and migration

Today, Romania is largely a homogenous society, with 89% of the population identifying as ethnically Romanian. The remaining ethnic diversity primarily includes 6% Romanian Hungarians, concentrated in the central part of the country, and between 3.4%[18] and 8.32%[19] Romanian Roma, spread throughout the country. Historically, however, it was more diverse, as the Romanian state emerged at the intersection of the Austro-Hungarian Empire, the Ottoman

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Empire, and Russian Empire, shaped by the overlapping identities and tensions of different ethno-linguistic communities. With the Communist regime's arrival to power, nationalist policies of "romanisation" were implemented to build a homogenous nation state. On the one hand this meant promoting the Romanian language, Christianity, medieval history and the "essence" of the rural village. On the other hand, it implied the expulsion of Germans, Jews and Roma, and even the forced deportation of the latter two groups.[20] In some cases, these policies resulted in widening divisions between ethnic groups which at times resulted in violence and discrimination. Nonetheless, if in 1930, 71% of the population were ethnic Romanian, by 1992, this percentage has risen to 89.5%. It is within this context that the arrival of migrant workers, including foreign victims of trafficking and asylum seekers must be understood. Only in recent years, Romania has seen a more significant increase in foreign nationals – partly due to international students, and partly due to migrant workers. The Romanian state issues annually 100,000 visas for workers from South Asia to address labour shortages in sectors such as hospitality, agriculture, construction, and domestic work, caused by the significant emigration of Romanians to the West.

Romania has accepted a number of Syrian and Afghan refugees, but it is not a prime destination for refugees, nor a transit route for migrants seeking to reach Western Europe; most refugees transition through Bulgaria instead. Some media outlets and segments of the society have expressed resistance to open migration policies.[21]

Romania's socio-demographic profile is likely to evolve in the future, presenting new challenges for authorities and services. As global displacement rises as a result of forces such as climate change and conflict, and labour shortages persist in certain sectors, Romania may see an increasing number of refugees, migrant workers, and potential victims of trafficking from various regions of the world.

1.3.3 Religion and traditions

Romania is predominantly an Orthodox Christian country, although other denominations exist, including Catholicism and Protestantism. Romania is classed as one of the most religious countries in the EU.[22] Most Romanians will also marry and be baptised in a church. Residents of rural areas, females and elderly people are more likely to follow the learnings and values of the church.[23]

The Orthodox Church continues to have an important influence on Romanian society, culture and politics. In 2024, it published new guidelines which promoted "Christian values" such as traditional family, defined exclusively as the union between a man and woman, and took an anti-abortion stance.[24] Political groups emphasising Christian and traditional values, as well as national identity and sovereignty, have gained substantial popularity among the electorate. In the recent 2024 Parliamentary and European Parliament elections, right wing parties received significant support from within Romania and the diaspora.[25]
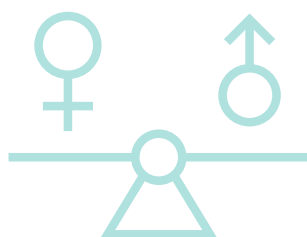
Among those subscribing to conservative values, there is a more noticeable preference for "eastern" values which appear in contrast with "the western" values that are viewed as too liberal. For example, topics such as non-

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heterosexual marriages[26] and the inclusion of sexual education in schools, including discussions on gender identity[27], have sparked intense debates both within Romania and the diaspora.

It is worth noting that marriage ceremonies in Romania required a civil ceremony to be performed in order for the marriage to be legal; a religious ceremony alone is not sufficient. In a Christian Orthodox denomination, the religious ceremony could not take place without the marriage certificate. This causes complications when trying to gain documentation needed later, if only a religious ceremony has occurred, which the Roma community may favour.

Religious holidays are also deeply rooted traditions for many Romanians, with Christmas and Easter being among the most significant celebrations across the country. These holidays are opportunities for families to come together, and it is a common for those living abroad to travel back to Romania whenever possible to partake in the festivities.

Food is also an important element of Romanian traditions, playing an important role in people's social life and cultural identity. Romanians take great pride in their culinary heritage. The act of offering food and drinks in one's home is a display of hospitality and generosity.

Traditional values and religion can play a complex role in discouraging victims of trafficking from seeking help. Some religious teachings emphasise forgiveness and endurance of suffering, while some traditional communities may ostracise victims who come forward, blaming them for the abuse suffered. In both cases, stigma, fear of shame and exclusion from the community may discourage victims from pursuing justice. Addressing these cultural and religious influences through education and community engagement, can empower victims to seek help and access justice.

1.3.4 Society and gender dynamics

Romanian society tends to be predominantly patriarchal, with men being expected to be the main breadwinners, while household chores, childcare and elderly care are still largely viewed as women's responsibilities.[28] This societal structure is reflected in Romania's position at the bottom of the EU Gender Equality Index.[29] Romania also ranks poorly in relation to the gender gap in labour force participation rates (with the highest in the EU), however, despite this, the gender pay gap is lower than the EU average.[30]

The patriarchal nature of society could also influence family dynamics. Romania has one of the lowest divorce rates in the EU.[31] This could be due to the traditional focus on family as a social institution or could be explained through a lack of economic independence of women, making it harder for them to leave abusive marriages.[32] Gender-based violence further underscores these challenges. Although data on domestic violence is limited, the available statistics reveal a high number of complaints by women received by the police, low conviction rates for abusive men, and limited capacity of specialised services for victims.[33] Reports of domestic violence increased by 56% between 2018 and

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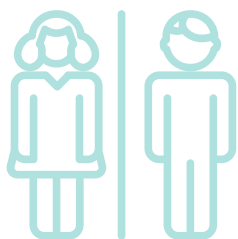
2023[34], with over 108,000 cases recorded in 2023 alone.[35] It should be noted that referring to an individual as a victim can be highly sensitive and Romanians would rarely see themselves as such. Approaching it by discussing the context would maybe be more appropriate.

Interwoven into this complexity is also a tendency towards a culture of victim blaming. For instance, according to a 2016 report, 55% of Romanians – the highest percentage in the EU (the average being 27%) – believed that intercourse without consent can be justifiable at times, in situations where the victim is drunk, has multiple sexual partners or wears revealing clothes.[36] Moreover, sexist and misogynistic jokes and idioms can be common in the Romanian language and are rarely sanctioned. Such views have been expressed in the public space by a plethora of high-profile actors contributing to their social acceptance.

Romania continues to struggle with addressing incidents of attacks against LGBT individuals, with victims citing feelings of shame (34%) and homophobic or transphobic reaction from the police (38%).[37] The 2021 monitoring of the European Commission against Racism and Intolerance notes that while law enforcement professionals have undertaken training on hate crime, there were no specific measures on enhancing cooperation between the police and vulnerable groups, such as Roma and LGBT communities, to tackle the issue of underreporting hate crimes.[38] At the moment, Romania does not recognise gay marriages and in 2023, the European Court of Human Rights found the Romanian state to be in breach of the European Convention of Human Rights for refusing to recognise families composed of people of the same sex and provide them with legal protection.[39]

While national legislation concerning gender equality is in place, these norms are not necessarily accepted within society. Victims of THB, particularly women or members of the LGBT community, may therefore face various barriers which hinder their ability to self-identify as victims, report their situation to authorities, or share their experiences with family and friends.

1.3.5 Roma

Roma people remain one of the most vulnerable ethnic groups at the EU level, including in Romania[40] and the UK.[41] For centuries, the Roma population faced harsh treatment and persecution across Europe. Romania's history with its Roma population is particularly difficult, marked by systemic marginalisation that culminated during World War II, when the Romanian government implemented deportation policies targeting ethnic minorities, including the Roma and Jewish communities.[42]

Today, Roma people continue to experience significant levels of deprivation, marginalisation and discrimination across Europe. In Romania, for instance, Roma are significantly less likely to have completed upper secondary education and significantly more likely to have lower monthly incomes than the average non-Roma.[43] Being a member of the Roma ethnic minority remains the strongest predictor of poverty, more than any other socio-demographic characteristic.[44]

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The Roma community also continues to experience discrimination when interacting with public services and to be the target of negative stereotypes in both institutionalised and non-institutionalised discourse.[45]

Many Roma, as well as ethnic Romanians, have migrated abroad. The number of Roma Romanians who live in the UK is unclear. The total number of Roma (whose main language is usually either Romanian, Italian, Hungarian) is estimated to be between 103,020[46] and 225,000[47]. It is to be noted that Romanian Roma are different, ethnically and/or culturally from Romanians and also from other Traveller subgroups. Nowadays, most Roma Romanians are not nomadic, but settled, even if they may sometimes change residence often. In the UK, the term "Gypsy, Roma and Traveller" is used to encompass a number of different ethnic subgroups, with Roma Romanians being one such group, although this group in itself is not homogenous, but formed of many subgroups, each with their own dialects, social, cultural practices and varying levels of social inclusion.

Features of the Romanian Roma community include that:

- Roma generally speak both the Romani language (multiple dialects) and Romanian, which are different languages. Most Romanians do not understand the Roma language nor its dialects.

- Many Roma groups take pride in their traditional trades passed on from generation to generation, such as metal workers or musicians.

- For some Roma groups, displaying wealth through imposing buildings, expensive cars and branded clothes is not uncommon and is often seen as a sign of a successful life. In contrast, other Roma continue to live on the very edge of the society, in poverty-stricken conditions.

- While some Roma groups display traditional features, for example, women parade colourful long dresses, head scarves if they are married, and wear their hair plaited, other groups may not display these characteristics and may choose not to disclose their ethnicity either. Thus, clothes may be a distinguishing element for some Roma, but should not be considered as a single reliable identifying factor.

- Traditional Roma families often consist of large and multiple generations of the extended family who may live within the same housing unit or compound. An elderly male is likely to be viewed as the head of the household.

- Boys can be traditionally more prized than girls, and are expected to support the family, while women are more likely to do house chores.

- Roma people generally marry within their particular community. Early marriages or promises for marriage used to be customary and are not extinct. Virginity is highly valued and a dowry is expected within a wedding context. This can pose multiple challenges and pressures when a marriage is not viable or when exploitation surfaces within relationships as there may be debt considerations to navigate.

- Traditional Roma communities and families can be very hierarchical, with some following a caste system; they are often closely knit, loyal and highly resilient.

The Roma population is not ethnically homogenous, with many subgroups speaking different dialects and following different traditions.

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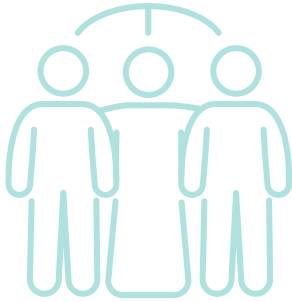
- Traditional norms and influences are strong within the Roma community. In many cases Roma women are not able to secure employment outside of their community because of social stigma against traditional Roma clothing, while at the same time they cannot give up traditional clothing because they would be shunned from their community and ostracized.

- Most Roma belong to the Christian Orthodox, followed by Roman-Catholic, Reformed, Pentecostals and Baptist church[48], and they may gather for worship both in Romania and abroad.

- More traditional Roma groups may sometimes prefer to solve internal disputes through the *kris*, an informal justice system or "tribunal" that can be initiated by the aggrieved party and is adjudicated by the elders or prominent members in the community.

- Health is a taboo topic for many Roma. Discussions on gynaecological health issues are avoided, especially within groups with members where the age gap is significant.[49] Mental health issues are also not understood, a trend also common among many Romanians. While consuming alcohol is widely accepted within Roma communities, the use of drugs is much less spoken of.

While ethnic groups can present particular characteristics, it is important to avoid using culture alone to explain behaviours or differences between ethnic groups. A recent study[50] focusing on Roma groups in a British borough revealed contrasting perceptions among practitioners. On one hand, cultural practices were often viewed as the root cause of social issues, overshadowing structural factors such as patriarchal systems and social inequality. Such perspectives risk reinforcing stereotypes and ignoring the broader systemic issues that perpetuate disparities. On the other hand, exploitation within these communities was frequently described as cultural and normalised, leading to inadequate responses and a lack of proper intervention.

Although data on the trafficking of Roma individuals is limited, they are susceptible to trafficking and likely to face additional barriers when engaging with authorities. Previous experiences of discrimination, heightened concerns about stigma, a reluctance to discuss health issues, and challenges stemming from lower levels of education and income, further complicate their ability to seek help or report exploitation.

1.4 A psycho-cultural profile

The Romanian society has been defined as a collectivist society in the sense that power is concentrated among a few, and individuals are reluctant to differentiate themselves and be perceived as stepping out of line without the approval of their collective group, and particularly that of their superiors.[51] This cultural dynamic is reflected in the high value placed on power (i.e., seeking social status) and conformity. Moreover, the Romanian collectivist culture and the influence of traditional values is also characterised by a lack of trust in strangers, low civic spirit, and low autonomy of decision making.[52]

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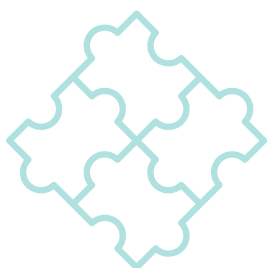
Romanians score low on caring for the collective good or for others outside close family circles. The 2020 Eurobarometer reveals that Romania ranked second lowest among EU countries in its view that the most "vulnerable people in the society should be supported by the state", and lowest in agreeing that "The law should treat everyone equal and everyone should have the right to a fair trial in an independent court".[53] The concept of vulnerable or marginalised people is not commonly used in Romania, and when it is, it often carries negative connotations or reinforces negative stereotypes i.e. those receiving benefits may be portrayed as exploiting the system, Roma people are frequently dismissed as not facing discrimination, and women—particularly single mothers or victims of abuse and trafficking—are often blamed for their circumstances.[54] This stigmatisation and misunderstanding can extend to victims of trafficking, who may not be readily recognised as a vulnerable population. Instead of being seen as individuals in need of support and protection, they may face judgment, scepticism, or blame.

1.5 Cultural dimension and implications for engagement

When examining how cultural values influence behaviour within a society[55] and comparing Romania to the UK, we can observe notable differences which can translate into distinct relational dynamics.[56]

Figure 1. Comparison between Romania and the UK based on Hofstede's cultural dimension.

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While in the UK there is a low-power distance index indicating flat structures that feature decentralized decision-making responsibility, social participation, and an emphasis on power distribution, in Romania, there is a high-power distance index indica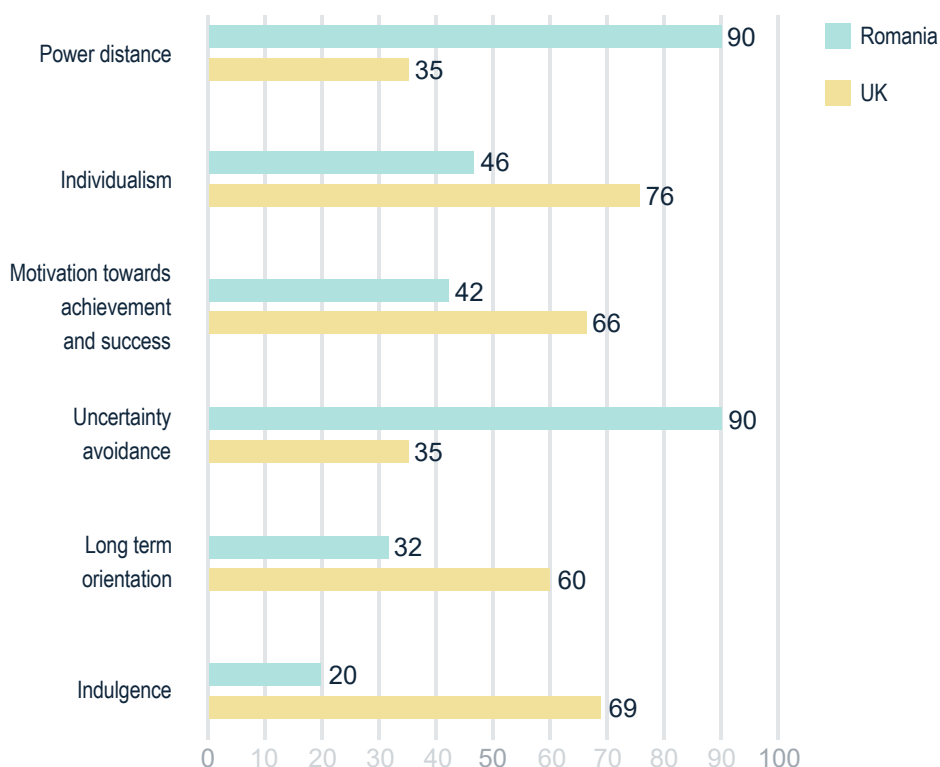ting the acceptance of inequity and power differences, bureaucracy, and a high respect for rank and authority. Therefore, when engaging a Romanian counterpart, particularly from a public institution, it is worth knowing that decision-making may be slower and only undertaken by persons of authority. Moreover, decisions may not be discussed, debated, explained or challenged by others.

In terms of individualism, the UK places greater emphasis on personal achievement and rights, while a Romanian counterpart may value the cohesion of the group more and therefore may be loyal, even when not fully in agreement with an idea or decision.

Romania scores lower on 'Motivation towards achievement and success', placing focus on consensus, equality, solidarity and quality in their work lives, while the UK is more success- oriented and driven. Therefore, in professional settings Romanians might resolve conflicts more by compromise and negotiation and place value on free time, flexibility and well-being. This approach may be perceived by a British counterpart as avoidance of responsibility for work tasks or superficial handling of tasks.

The UK displays a high tolerance for uncertainty and ambiguity, while Romania's score indicates, comparatively, a very low tolerance. In Romania, both the institutions and the individuals strive to reduce uncertainty by employing vigorous rules and regulations. Often, Romanians will prefer clear direction and guidance and feel uncomfortable and unable to operate in situations that are lacking in structure.

In the UK, there is a general preference for postponing immediate success, and achievements over the long-term are prioritized, as opposed to Romania where the focus is placed on delivering short-term success or gratification. Thus, Romanians will emphasise quick results, and display less persistence and endurance.

Another significant difference is in terms of how societies control their impulses and desires. The UK generally exhibits a positive attitude and has a tendency towards optimism and enjoying life. In contrast, Romania scores lower, indicating a tendency toward cynicism and pessimism. In professional relationships, Romanians may display a more fatalist outlook, believing that their actions are restrained by social norms and that they have minimal or no control over external factors. Furthermore, people may have more rigid behaviours and follow established guidelines-rather than being more open and flexible.

1.6 Communication styles

In Romanian communication, interactions can often include direct expressions of opinions, which can come across as frank or forthright. Non-verbal

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communication and expressive use of tone, such as variations in pitch or volume, are common, reflecting enthusiasm or engagement rather than aggression. Discussions may also involve interruptions, with multiple individuals contributing simultaneously, signalling active participation and a dynamic exchange of ideas. These patterns, while potentially unfamiliar to some, are generally indicative of lively and meaningful conversations in both personal and professional settings. Romania's Latin culture is very passionate and often results in people gesturing and raising their voices. This is also the same of the Roma Community, and should not be mistaken for signs of aggression.

This style of engagement is quite different from that in the UK where people maintain a steadier and calmer tone throughout conversations and may be more likely to avoid expressing views that may come across as offensive or confrontational.

When communicating with British counterparts, Romanians may find it challenging to interpret subtle or indirect messages/language. British communication often relies on nuance and understatement, which may not be immediately apparent to Romanian partners. If a message isn't explicitly stated, Romanians might miss the underlying meaning, potentially leading to misunderstandings. The British tendency to prioritize politeness and conflict avoidance may create obstacles when interacting with Romanians, who generally prefer more straightforward exchanges.

Additionally, personality traits can be defensive, marked by attributes such as cynicism and scepticism.[57] Nonetheless, Romanians view themselves as warm people, hospitable, tolerant, and intelligent, with a positive and humorous personality.[58]

1.6.1 Language and address

In the Romanian culture, formal modes of address play a significant role in social and professional interactions. Romanians employ polite pronouns (which don't have a direct English equivalent) and formal conventions when addressing others (e.g., "Mr", "Mrs", "Miss" followed by the surname) that reflect respect for elderly, hierarchical differences or social distance. This is a common approach employed in professional settings (especially with superiors, elderly colleagues or colleagues not acquainted well with), institutional settings (e.g., police, banks, government offices), and in services (e.g., restaurants, shops). As relationships develop over time, the level of formality may decrease.

It is worth noting also that Romanians and Roma will often say their surname first when asked which can lead to incorrect recording on systems. This can also cause a lot of misunderstanding and potentially be misconstrued as an attempt at providing false details.

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1.6.2 Physical contact, personal space and time

Romanians often engage in tactile forms of greeting, such as kissing, hugging, and handshaking, which are common in social and professional interactions. Physical contact, expressive hand gestures, and direct eye contact frequently accompany conversations, reflecting a warm and open communication style. Maintaining eye contact is an important sign of respect and sincerity. In contrast, British body language may sometimes be perceived by Romanians as more reserved or formal, which can make it challenging to interpret subtle cues.

In Romania, it's common for personal space and time to be more flexible than in the UK. Being invited to one's home for dinner is considered as sign of hospitality. Unannounced visits and making plans (including scheduling meetings) at short notice is more accepted. People often rely on both acquaintances and close friends for help. This may extend to navigating public systems which may involve an exchange of services and favours.

1.7 Romanian diaspora

The Romanian diaspora is one of the largest in Europe. In 2022, approximately 6 million Romanians lived abroad, with most based in Italy, Spain, Germany and the UK.[59] The size of the Romanian diaspora in the UK is estimated to be one of the largest – the 2021 census recorded 539,000 people born in Romania and living in the UK[60], and over 1.2 million Romanian were granted pre-settled and settled status through the EU Settlement scheme (2018-2024).[61] Some Romanians have lived in multiple European countries, they have different reasons for migrating, as well as socio-economic backgrounds, experiences, careers and language skills.

In the UK, certain areas are home to large Romanian communities, evident in the presence of Romanian shops, restaurants, and religious congregations. However, some members of these communities, be it Romanians or Roma Romanians, feel increasingly alienated. They may face discrimination perpetuated by media portrayals[62], anti-immigration political rhetoric during and post-Brexit[63], and stigmatisation during the Covid-19 pandemic (e.g., accusations of Romanian workers spreading the virus). These challenges are compounded by feelings of abandonment by Romanian political parties, diminished social status and loss of roots.[64]

Some members of the Romanian diaspora may also find it challenging to engage with and navigate the public system.[65] Those accustomed to face-to-face services or with low digital skills, may find handling things online difficult, and would benefit the most from local support hubs and NGOs.

Like many other workers, particularly those in labour-intensive roles, their primary focus is often on maintaining a low profile and securing their jobs, as financial stability is their main priority. Additionally, limited English proficiency and a lack of understanding of the systems available for reporting workplace issues act as significant barriers to raising concerns.[66]

Cases of trafficking or labour exploitation experienced abroad may never be shared with the family back home. The risk of being misunderstood and embarrassed in their family and community may deter them from sharing any negative experiences.

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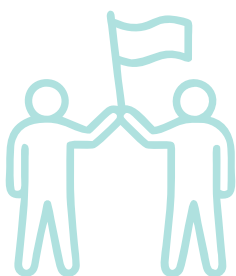
1.7.1 Interpreting services

In the UK, the translation and interpretation market is unregulated, meaning that anyone with fairly adequate English language skills can translate for Romanians who interact with social services, police forces or NHS. Since UK professionals often rely on the quality of interpretation, it is important to recognize that it may not always be fully accurate if a Romanian interpreter is assisting a Roma person whose primary language isn't Romanian or a victim of trafficking and has no experience in trauma-informed care. Additionally, it's essential to be mindful of any preconceived notions or biases the interpreter might have about the clients.

The nuances in the rendition of the victims of human trafficking may also be overlooked by a rough translation or the tendency to use colloquialisms of the Romanian language. In situations such as these, the victim might be unable to get their p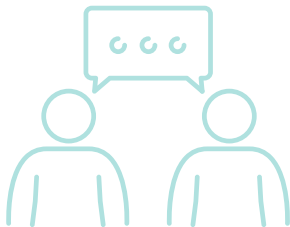oint across, make their experience known and present the full gravity of the exploitation to the law enforcement officials. When possible, it is important to secure translators that have experience in the field of human trafficking or preferably have an NGO or other social service advocate accompany victims to the court or in interactions with officials. These advocates can ensure that victims are understood, and the desired meaning is conveyed to the public official.

Romanians will speak either Italian, Spanish or Portuguese along with their native language, which can be useful for sourcing interpreters, if there is a lack of trust in those from their home country.

Engage qualified and trauma-informed interpreters who have experience working with victims of human trafficking, ensuring accurate and culturally sensitive interpretation.

1.8 Discrimination and stigmatisation of human trafficking

Human trafficking victims are often followed by the stigma stemming from the misconceptions surrounding this phenomenon, oftentimes long after they have exited exploitation and even after they have reached important milestones in their restoration journeys.

Survivors of human trafficking who have endured sexual exploitation often face stigma stemming from a widespread misunderstanding of the distinction between human trafficking for sexual exploitation and voluntary sex work,[67] and may be regarded as citizens with lower sets of moral values, a tendency towards promiscuous behaviour and a general lower social standing. They may even try to hide from their families and community the exploitation they have faced due to a fear of being rejected, which if internalised leads to self-blame and a general loss of self-esteem in victims.[68] At the same time, survivors of labour exploitation might also face stigma in relation to their roles as providers, since most labour trafficking victims are men with difficult financial situations. They may hesitate to file complaints against their perpetrators[69], seek help, or admit to having experienced labour exploitation due to fears of being perceived as gullible or weak for falling into the perpetrators' trap and for not demonstrating sufficient resolve to escape the exploitative situation earlier.[70]

It is important to note that victims of human trafficking often present pre-existing vulnerabilities, such as economic hardship, a history of adverse childhood experiences, or being individuals requiring constant care and supervision, which

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Be mindful of victims' pre-existing vulnerabilities and the stigma, fear and shame they may be experiencing which can act as barriers to reporting or seeking support.
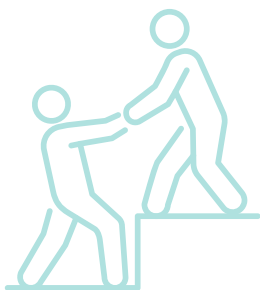
Attend THB and Trauma-Informed Training for professionals if given the opportunity.

Enhance victim-centred communication by listening to their stories, validating their experiences, and addressing misconceptions associated with THB, ensuring they feel believed. This approach can help build trust between victims and authorities.

make them more susceptible to the risks of trafficking.[71] Victims may also belong to marginalised minority groups, such as Roma communities, they may be single mothers, they may have left school before graduation, face unemployment, come from single-parent families or families where they didn't receive proper supervision and where their emotional needs weren't met.[72] Furthermore, perpetrators often prey on individuals with vulnerabilities such as drug or alcohol abuse, tendencies to engage in risky situations and antisocial behaviour, or chaotic family backgrounds.[73] Since vulnerable persons may have faced discrimination prior to being trafficked, they may already harbour a mistrust of authorities. This mistrust may make them reluctant to file complaints, increasing the likelihood that they will remain in exploitative situations for extended periods.

Victims often manifest mistrust, hostile behaviour or general reluctance to cooperate with law enforcement officials, magistrates and even medical staff, social workers and psychologists. This can be a consequence of their problematic or unhealthy relationship with authority figures, such as parents or caregivers who instead of protecting them, abused or neglected them.[74] Additionally, traffickers subject victims to demeaning and humiliating acts, in order to exert their authority over them and contribute to their reluctance to ask for help, due to the victims' shame and their lowered self-esteem.[75] However, past experiences of discrimination and distrust in authorities is often rooted in systemic inequities such as disparities in wealth, resources and privileges deeply ingrained within the structures and institutions of society. Building trust requires addressing these systemic barriers, as well as ensuring compassionate, trauma-informed care.

The fear of shame, of being judged by others and not being believed make victims reluctant to seek out help and trust authorities and services, which are meant to work for their protection. This will perpetuate the vulnerability of victims and may result in secondary victimisation, delaying their healing and social reintegration.

For survivors of human trafficking, building trust in authorities is a lengthy process that requires reestablishing human and ethical rapport. This involves recognising the causes of exploitation and abuse they have endured.[76] Key steps in creating a trusting working relationship include listening to victim's stories, considering their perspectives and options available, and ensuring them that their experiences are believed.

Barriers to accessing psychological support include misconceptions about psychotherapy and psychology, lack of trust in psychologists who may be regarded as authority figures, limited awareness of available services, cultural stigmas surrounding mental health, and fears of confronting past trauma, believing it is compulsory to do so during psychological counselling/ psychotherapy sessions. However, tailored, trauma-informed approaches can help survivors overcome these barriers and regain the ability to function in all domains of life.

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1.9 Support networks and useful contacts

Working with state and non-state actors, such as NGOs and international organisations, can be valuable when addressing cases of THB.

State Institutions	Links
Centre for International Police Cooperation in Romania	https://politiaromana.ro/ro/politia-romana/unitati-centrale/centrul-de-cooperare-politieneasca-internationala
Consulate General of Romania in London	https://cglondra.mae.ro/en
Embassy of Romania	https://londra.mae.ro/en
National Agency against Trafficking in Romania (ANITP)	www.anitp.mai.gov.ro
National Crime Agency (it includes the Modern Slavery Human Trafficking Unit - MSHTU)	www.nationalcrimeagency.gov.uk
Metropolitan Police, Metropolitan Police Romanian Association (MPRA)	mpra-mailbox@met.police.uk
Romanian Directorate for Combating Organised Crime (DCCO)	https://politiaromana.ro/ro/contact
Romanian Directorate for Investigating Organized Crime and Terrorism (DIICOT)	https://diicot.ro/
Internal Organisations	**Links**
Council of Europe Roma and Travellers Team	www.coe.int/en/web/roma-and-travellers
International Organisation for Migration (IOM)	www.iom.int
Organisation for Security and Co-operation in Europe	www.osce.org
Civil society organisations that operate in the UK and Romania	**Links**
International Justice Mission	www.ijm.org
Justice & Care	www.justiceandcare.org
Salvation Army	www.salvationarmy.org.uk, www.armatasalvarii.ro
Civil society organisations that operate in the UK	**Links**
ATLEU [the service includes case management]	www.atleu.org.uk
Roma Support Group [Roma support services]	www.romasupportgroup.org.uk
Romanian and Eastern European Hub [support services]	www.ro-eehub.org.uk
Unseen [it also operates the Modern Slavery Helpline]	www.unseen.org.uk, www.modernslaveryhelpline.org
European Roma Rights Centre (ERRC) [provides advocacy and legal support for Roma communities]	www.errc.org
WorkRights Centre [focuses on labour exploitation, it includes case management]	www.workrightscentre.org
Civil society organisations that operate in Romania	**Links**
Adpare [provides services to victims of THB, including shelter]	https://adpare.eu/en/
Open door Foundation [provides services to victims of THB including shelter]	https://www.usadeschisa.ro/
Eliberare [includes services of prevention and protection of victims]	https://www.eliberare.com/
People to People Foundation [provides a range of support services to victims of THB]	https://www.people2people.ro/
ProTECT Platform [a platform that includes most anti-trafficking NGOs in Romania]	https://traficdepersoane.ro/

Section 2: Romanian-UK Cooperation in Cases of Trafficking in Human Beings

The UK-Romania bilateral relationship is anchored in the Romanian-British Strategic Partnership, initially established on June 26, 2003, through an exchange of letters between the Prime Ministers.[77] It was revised in 2011 during the last Romanian presidential visit to the UK and further updated on March 23, 2023, in London, with the signing of a new Joint Declaration by the Romanian Minister of Foreign Affairs and the UK Foreign Secretary.[78]

There is a large community of Romanians in the UK, estimated at over 1.2 million people.[79] The Romanian community is spread throughout the UK, with higher concentrations in the London region and in the urban areas of Birmingham, Manchester and Liverpool, Edinburgh, Glasgow, Leeds and Belfast.

Romania represents a key source country for victims of human trafficking, particularly of sex trafficking, at the European level and the UK, with high concentrations of exploited persons in Germany, Italy and Ireland.[80] In 2023, in the National Referral Mechanism (NRM) in the UK, police alone registered 316 potential victims of Romanian origin. Most of these victims fell prey to "criminal exploitation", labour exploitation and sex trafficking.[81] Despite the current reporting in Romania and the UK, the actual number of victims is expected to be much higher.

Trafficking is a lucrative phenomenon for criminals, and it is fuelled by various factors such as disparities both within and between countries, supply and demand, an increasing demand for low-cost labour and stricter immigration policies. Additionally, factors such as poverty, lack of education, experiences of discrimination and violence can be factors that contribute to the vulnerability of the victims.[82]

Cooperation between Romanian and UK police forces, particularly in addressing criminal cases related to human trafficking, is an example of good practice.

At the European level, the general framework for cooperation on judicial matters is established by the *Trade and Cooperation Agreement* (TCA) between the European Union and the European Atomic Energy Community, on the one hand, and the United Kingdom of Great Britain and Northern Ireland, on the other hand.

2.1 Legal framework

The below provisions and legal frameworks serve to inform and guide Romanian authorities on transnational cooperation on judicial matters.

▶ Law no. 302 of 28.06.2004 on international judicial cooperation in criminal matters, republished and supplemented.

▶ Law no. 56 of 06.03.2018 on Romania's cooperation with the European Union Agency for Cooperation – EUROPOL.

▶ Law no. 76 of 05.04.2023 on the organization and functioning of the

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National Information System for Alerts and Romania's participation in the SCHENGEN Information System.

▶ Law no. 250 of 14.12.2010 on the ratification of the Convention for the Establishment of the South-East European Law Enforcement Centre – SELEC, concluded in Bucharest on 09.12.2009.

▶ G.E.O. no. 103 of 13.12.2006 regarding some measures to facilitate international police cooperation, republished.

▶ INTERPOL Statute.

Council of Europe Conventions

The following provisions can be referenced and utilized by both Romanian and UK authorities when addressing transnational cases of trafficking in persons.

▶ European Convention on Extradition (Paris, 13 December 1957); European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 20 April 1959).

▶ Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 8 November 2001).

▶ Convention on the Transfer of Sentenced Persons (Strasbourg, 21 March 1983).

▶ Additional Protocol to the Convention on the Transfer of Sentenced Persons (Strasbourg, 18 December 1997).

▶ Budapest Convention on Cybercrime (23 November 2001).

United Nations Conventions

The following international conventions may also be utilised to assist officials in judicial proceedings. Their applicability will depend on the degree of adoption and agreement between signatories and relevant mechanisms in place.

▶ Convention for the Suppression of Illegal Theft of Aircraft, concluded at The Hague on 16 December 1970.

▶ Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971.

▶ Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the United Nations General Assembly on 14 December 1973.

▶ International Convention against the Taking of Hostages, adopted by the United Nations General Assembly on December 17, 1979.

▶ Convention on the Physical Protection of Nuclear Material, adopted in Vienna on 3 March 1980 (2005 amendment to the Convention on the Physical Protection of Nuclear Material).

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▶ The 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementing the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

▶ United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 20 December 1988).

▶ International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997).

▶ International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999).

▶ United Nations Convention against Transnational Organized Crime (Palermo Convention) (New York, 15 November 2000).

▶ Protocol on the Prevention, Punishment and Punishment of Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (New York, 15 November 2000).

▶ United Nations Convention against Corruption (New York, 31 October 2003).

2.2 Mechanisms and communication channels for international cooperation

International cooperation between Romania and the UK can be divided into two areas: police cooperation and judicial cooperation.

2.2.1 International police cooperation

Centre for International Police Cooperation

The contact point for international police cooperation in Romania is the Centre for International Police Cooperation (CCPI).[83] In accordance with the principle of "one way in, one way out", the CCPI brings together five channels of cooperation:

A1. INTERPOL National Bureau [NBI][84]

The NBI facilitates the search for adults and minors in the non-Schengen European states and the rest of the world, via the International Criminal Police Organization (ICPO) – INTERPOL channels

▶ when indicators suggest the missing person has left the territory of Romania, the Interpol National Bureau of the CCPI can make a request to locate individuals internationally

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The NBI can create an alert, depending on the information held, via:

▶ a "yellow note" in which information about the missing person reaches the INTERPOL General Secretariat and is shared with all member States

▶ broadcast to a group of states selected by the operator.

Receives/transmits requests for police assistance to Member States:

▶ including requests for operative data and information (any data, information, documents, records, activities or reports, regardless of medium, form, mode of expression or circulation, held by the competent authorities or by any natural or legal person, to the extent that they are accessible to the competent authorities without taking coercive measures) or another request to support police cooperation.

Operates a global police communications system called I-24/7, a platform enabling police worldwide to exchange critical information on criminals and crime. Provides police around the world with access to databases containing details on criminals (e.g. names, fingerprints, and DNA profiles), and stolen goods (e.g. passports, vehicles, and artwork).

Through a command and coordination centre, it supports law enforcement agencies, on a 24-hour, 7 days/week basis, with emergency support and operational activities, in particular in its priority areas of crime: pursuit, public safety and terrorism, drugs and organised crime, and human trafficking.

B1. EUROPOL National Unit (UNE)

Receives/transmits requests for police assistance to Member States through:

▶ The Europol National Unit (UNE) within the General Inspectorate of the Romanian Police (IGPR) - CCPI is the national unit designated as a single point of contact.

▶ Europol liaison officers assist in the exchange of information between Europol and the UNE or the competent Romanian authorities, as well as between the UNE and the national units of the Member States or of third countries which have an agreement with Europol, including the UK.

Determines participation in joint investigation teams (JITs) operating on the territory of Romania as seconded members.

▶ **PROHIBITED**: The UNE and Romanian authorities are prohibited from providing Europol with data containing personal characteristics, including race, ethnicity, political opinions, religious or philosophical beliefs or trade union membership and the processing of genetic data or data concerning the health or sex life of a person. Exceptions are allowed only if such data is necessary and proportionate for the prevention or combating offences within Europol's competences and whether the data in question complements other personal data processed by Europol.

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UK-EU:

▶ In order to facilitate judicial cooperation, the United Kingdom second one or more liaison officers to Europol. Europol may also post one or more liaison officers to the United Kingdom.

▶ UK liaison officers and representatives of UK competent authorities may be invited to operational meetings. Member States' liaison officers and third-country liaison officers, representatives of the competent authorities of the Member States and third countries, Europol staff and other interested parties can participate in meetings organised by liaison officers or competent authorities in the United Kingdom.

C1. National Focus Point – SELEC (Southeast European Law Enforcement Centre)

SELEC is a law enforcement, treaty-based, international organisation that brings together the resources and expertise of police and customs authorities that collaborate to address cross-border organised crime in Southeast Europe.[85]

The SELEC National Focal Point in Romania receives/transmits requests for police assistance for Member States.

- Facilitates regional/transnational cooperation (the UK is an operating partner).

- Carries out operational activities within eight task forces that address issues related to trafficking in human beings and drugs, stolen vehicles, smuggling and customs fraud, financial and cybercrime, terrorism, container security and environmental and nature-related crimes.

- Develops operational analytical products on specific and complex cross-border cases, upon the request of a SELEC member state, prepares draft evaluation reports of the regional operations carried out and annual strategic reports on the most important types of crime in the region.

- Cooperation is carried out through SELEC liaison officers, single points of contact for Member States and operational partners.

- CCPI - National Focal Point [PNF] ensures the collection and distribution of applications received/sent by/by the Romanian authorities.

D1. National Focal Point (PNF) – Home Affairs Attachés/Liaison Officers [RO-UK]

Receives/transmits requests for police assistance for Member States:

▶ CCPI - PNF facilitates the collection and distribution of requests received/sent from/to Romanian authorities and the internal affairs attachés/liaison officers.

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E1. SIRENE-Schengen Service

CCPI – SIRENE (which stands for 'supplementary information request') Service[86] is the single point of contact for cooperation within the Schengen Information System (SIS), the most widely used and largest information sharing system for security and border management in Europe.

A new feature within SIS is a category of alerts for vulnerable persons, including victims of trafficking, specifically children and vulnerable persons of legal age which may be victims of trafficking.

▶ Can include missing persons profiles entered into the SIS (data and information showing that a missing minor or adult may be the victim of a trafficking offence in persons/minors).

▶ Entry in the SIS for police to carry out discreet and specific traffic or border crossing controls to identify potential victims of trafficking who may be in transit (the alert can let police know that an adult/child trafficking may be being transported in a particular vehicle).

EU-UK: As of 1 January 2021, the United Kingdom no longer has access to the Schengen Information System (SIS).

2.2.2 International judicial cooperation

A2. Joint Investigation Teams (JITs)
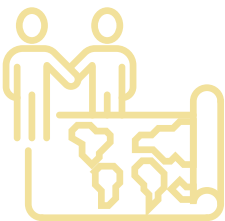
JITs[87] include the development of a written agreement between the judicial authorities. The initiating/managing prosecutor or the prosecutor general of the prosecutor's office where the criminal investigation is carried out holds this competency. JITs remain the gold standard for comprehensive cooperation, sharing of intelligence and evidence, and operational/tactical collaboration in a transnational setting. While the UK law enforcement entities are unable to formally initiate the formation of JITs since the UK's exit from the EU (known as 'Brexit'), this collaborative procedure is possible when foreign law enforcement entities within the EU initiate or request the formation of JITs with the UK. JITs allow for open and effective cross-border collaboration including exchanges of evidence and intelligence. JITs promote effective case coordination and management as well as effective victim engagement and multi-jurisdictional tactical alignment.

In many cases, JITs can be quickly initiated, especially when pre-existing relationships are in place. IJM has found that where relationships exist and relevant data is exchanged on law enforcement information platforms, Romanian officials are generally very willing to request the formation of a JIT. In fact, UK and Romanian law enforcement have been leaders in the formation of the number of JITs even post-Brexit. However, there are times when UK police officers have attended the Hague to find the requesting officers have been premature in seeking a JIT, in which cases a more preliminary exchange of data would be useful.

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Key benefits:

- JITs allow authorities to share information directly between JIT members without the need subsequent formal requests.

- The ability to request investigative measures directly between members, without the need for letters rogatory. This also applies to requests for coercive measures.

- Member agencies may be permitted to be present at house searches, interrogations, and other investigation points in all jurisdictions covered, helping to overcome issues such as language barriers during interrogations.

Key impacts of UK-EU relationship post-Brexit:

- If the competent authorities of the two States set up a JIT, the relationship between participating Member State agencies is governed by *Union law*, notwithstanding the legal bases referred to in the Agreement on the establishment of Joint Investigation Teams.

- The TCA makes no specific reference to the legal basis for a JIT to be set up between EU Member States and the United Kingdom and therefore, if ratified by the concerned Member State, the Second Additional Protocol to the 1959 Convention could be applicable.

Obstacles to effective utilisation of JITs include a lack of awareness of the tool or procedure on the part of law enforcement, uncertainty about how to initiate a JIT, lack of in-country contacts, and concern about the financial implications and perceived complexities of working in a multi-jurisdictional setting. Additionally, there may be different rules of evidence across jurisdictions, and cross-cultural exchanges may be deemed to be intimidating. A further aspect to consider is the timelines for case development that may evolve at a different pace in each jurisdiction, requiring patience and flexibility. However, law enforcement agents should not be discouraged, as JITs remain one of the best methods of case investigation and management and are usually professionally rewarding. Moreover, JITs offer a powerful tool for tackling complex, multi-jurisdictional organised crime groups (OCGs), enabling practitioners to tackle entire criminal networks.

B2. International Rogatory Letters – Mutual Legal Assistance (MLA)

A MLA is a formal request made by a judicial authority of a (requesting) State to the judicial authority of another (requested) State, for the latter to carry out certain judicial activities in its territory on behalf of the requesting State. These actions are necessary to resolve a criminal case being handled by the judicial authorities of the requesting State. It consists of the power of attorney that a judicial authority of one state grants to the authority of another state, mandating it to perform, in its place and on its behalf, certain judicial activities related to a specific criminal trial.

Requests for evidence that necessitate judicial supervision/authorisation from a prosecutor or judge and/or involve a degree of coercion or invasion of privacy, in

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another State usually require a letter rogatory. Examples may include:

- Bank evidence - obtaining information about accounts and documentary evidence from banks;

- Computer evidence - obtaining recordings from the internet, content of messaging applications, social media accounts and emails;

- Criminal records (outside the EU) - obtaining detailed and authenticated information on foreign convictions that can be presented in court;

- Coercive measures – requests for search and confiscation, and other requests that would require a court decision in a national case;

- Special investigative techniques – requiring the use of secret investigations to monitor and locate criminals;

- Videoconferencing – requiring a video link for a witness to testify live from another state;

- Confiscation and preservation (or detention) of proceeds of crime.

<u>Factors for consideration:</u>

Reciprocity: The requested State will only execute the request if the requesting State would be able to undertake the investigations/investigations requested under its domestic law itself. The request for a letter rogatory should include appropriate assurance to that effect. If a requesting State is unable to carry out the requested investigations itself, this must be clearly stated.

Limits: Evidence cannot be used in a trial without the consent of the central authority of the requested state. In addition, where evidence is no longer necessary for the purpose requested (or for any other purpose for which such consent has been obtained), it must be returned to the central authority of the requested State again, unless that authority indicates that it is not necessary to return it.

UK-EU Relations:

- ▶ In addition to the communication channels provided for in the European Convention on Mutual Legal Assistance and its Protocols, if either of these jurisdictions' legal provisions allow for direct transmission, requests for MLA may also be transmitted directly by the Public Prosecutor's Offices of the United Kingdom to the competent authorities of the Member States.

- ▶ In addition to the communication channels provided for in the European Convention on MLA and its protocols, in case of emergency, any request for mutual assistance as well as spontaneous information may be transmitted through Europol or Eurojust.

Deadlines:

- ▶ The requested State shall decide whether to execute the request for mutual assistance as soon as possible and, in any event, no later than 45 days after its receipt, and then inform the requesting State of the

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decision taken.

  ▶ The request for mutual *assistance* shall be executed as soon as possible and, in any case, no later than 90 days after the above-mentioned decision is taken.

UK authorities may utilise **International Letters of Request (ILORs)** as a formal request for assistance from another country to obtain evidence for criminal proceedings. ILORs are normally prepared by the Crown Prosecution Service (CPS) and informed by police and preliminary investigation findings. These letters may request information, various degrees of cooperation related to different stages of proceedings including during the preliminary, investigatory or trial phases. In cases involving IJM, International Letters of Request (ILORs) have been effectively used for various purposes, including obtaining financial information, identifying victims, locating properties for confiscation and seizure, accessing travel records, facilitating UK police travel to Romania to collect statements, supporting trial proceedings through video conferencing, providing translation services, and other related needs.

In cases of trafficking of human beings, it is critical that ILORs from UK to Romania are drafted with enough specificity and directed to the Directorate for Combating Organised Crime (DCCO), a specialised unit within the Romanian Police. If ILORs are not directed to DCCO, they risk being sent to local units who may not have the mandate, training and expertise to collaborate on human trafficking offenses, nor the skills in employing trauma informed techniques. IJM has noted that in cases when the DCCO was not specifically requested, action was taken by police or gendarmes without employing trauma informed techniques, resulting in poor outcomes for victims and case results. Including information about NGOs involvement in an ILOR can also alert the DCCO as to which NGOs may be engaged in the case, enhancing cross-border cooperation and fostering continuity of care where feasible. In one instance, IJM was referenced in an ILOR as providing support to the victims which then prompted the Romanian police to then engage with the organisation.

As noted in Section 1.9 of this guide there are several NGOs in Romania that provide support to victims and can help support an investigation as long as their help is requested through an ILOR.

C2. Hearings by video conference

If a person who is in Romania is to be heard as a witness or expert by the judicial authorities of a foreign state and it is inappropriate or impossible for that person to appear in person in that state, the foreign state may request that the hearing takes place by videoconference.

  ▶ The requests concerning facts of the case or of evidentiary value which, according to the Romanian law, are within the competence of the Directorate for the Investigation of Organized Crime Crimes [DIICOT] are executed by them.

Law: Requesting states must consider whether an applicable convention or
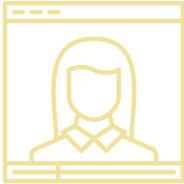
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bilateral treaty allows for evidence by videoconference and the procedures that must be followed in a requested state – before submitting a request for assistance. See *Fiches Belges* (see 2.8) to find out what EU Member States' provisions are on videoconferencing. For non-EU countries, please see Article 18(18) of the UNTOC; in the context of witness protection, please see Article 24.

Costs: Video conferencing can be expensive and could incur more expense than funding a witness willing to testify in person in a requesting state. It should therefore be considered on a case-by-case basis whether this option is appropriate.

Efficiency: This procedure can ensure that witnesses who refuse, are unable to travel, or who are afraid can continue to testify.

Rules:

▶ The hearing takes place in the presence of the competent Romanian judge or prosecutor, as the case may be, assisted by an interpreter. The judge verifies the identity of the person being heard and is obliged to ensure compliance with the fundamental principles of Romanian law. If the judge or prosecutor finds that the fundamental principles of the Romanian law are violated, they shall immediately take the necessary measures to ensure that the hearing is conducted in accordance with Romanian law;

▶ the competent Romanian judicial authorities and those of the requesting State have to agree on the measures for the protection of the witness or expert;

▶ the hearing shall be conducted directly by the competent judicial authority of the requesting State or under its coordination, in accordance with its domestic law;

▶ the witness or expert will be assisted if necessary by an interpreter, according to Romanian law;

▶ The person called as a witness or expert may invoke the right not to testify, which is conferred on him either by Romanian law or by the law of the requested state.

In the event that the Romanian authorities are interested in hearing a person who is physically located in the UK, the following mentions are required:

▶ cooperation with the UK is carried out within the framework established by the TCA;

▶ the judicial authority concerned must fill in the form adopted at EU level in accordance with the requirements of the Agreement (On the website of the European Judicial Network [EJN], see the section on 'Cooperation with the UK' to view the translated forms);

▶ the form is sent through the central authority, to: Home Office UK e-mail: UCKA-ILOR@homeoffice.gov.uk;

NOTE!

Under British law, it is no longer possible to hear a person who is a *defendant* by videoconference. In such situations, a request for an international letter rogatory (MLA-ILOR) can be formulated, in which the list of questions should also be listed.

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D2. Appearance in the requesting State of witnesses, experts and requested persons

When a witness or expert is required to appear in person before the Romanian judicial authorities, the relevant judicial authority shall request the delivery of the summons.

Considerations of note:

- If the in-person appearance of a witness or expert is requested from the Romanian authorities by a foreign state, and the witness or expert declares that they will appear in person, they may request the **granting of an advance for the expenses** incurred due to the summons before the judicial authorities e.g. including the approximate amount of the reimbursable expenses of transport, maintenance, accommodation and other necessary costs, with the view that the reimbursement will be made from the specially allocated judicial expenses fund after the conclusion of the proceedings. The court may indicate the amount of money requested by the witness or expert, the bank unit where the amount of money is to be recorded, the record being made in the name of the witness or expert. The conclusion of the court, as well as the written statement of the witness or expert, shall be communicated to the requesting State.

- **Failure of the witness or expert to appear**: Witnesses or experts who do not turn up following the receipt of the summons, even if the summons includes a categorical order, shall not be subject to any sanction or coercive measure. The only exception is in the instance where they return willingly to Romania and are again summoned there, legally.

- **Refusal to testify**: If a witness who complies with the summons and appears before a Romanian judicial authority refuses to testify in whole or in part, they may not be subject to any measure restricting their liberty or prevented from leaving Romania, even if, according to the Romanian law, such refusal would constitute a crime or could trigger coercive measures.

E2. International Arrest Warrant

On 30 December 2020, the EU and the United Kingdom signed a trade and cooperation agreement (TCA), which became provisionally applicable as of 1 January 2023. The European Arrest Warrant (EAW) is no longer applicable in RO-UK cases but was replaced by TCA warrants.

Core provisions:

- Judicial authorities (judges, courts or public prosecutors) may issue and execute arrest warrants (Article 598(b)).

- **Time limits.** The TCA mirrors the time limits referred to in the EAW and in the EU Surrender Agreement with Norway and Iceland within which the final decision on the execution of the arrest warrant shall be taken and the surrender must be completed (Article 615).

- **Limited grounds for non-execution.** The TCA includes all the grounds for

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non-execution included in the EAW (Articles 600-601). In addition, it provides, like the EU Surrender Agreement with Norway and Iceland, a political offence exception (Article 602) and a nationality exception (Article 603). The application of the nationality exception and the political offence exception are subject to a notification of the European Union on behalf of the Member States. The TCA specifies that where a state invokes the nationality exception, that state shall consider instituting proceedings against its own national in relation to the subject matter of the arrest warrant (i.e. *aut dedere aut judicare* – either extradite or prosecute). The TCA provides also includes specific provisions concerning victims and witnesses.

- **Transfer of custodial sentence or detention order subject of the arrest warrant**. Like the EAW and the EU Surrender Agreement with Norway and Iceland, the TCA provides that in the case of nationals and residents, for the possibility to have a custodial sentence / detention order transferred for execution (Articles 600 (2)). However, unlike those instruments, the TCA specifies that, if the requested person's consent to the transfer of the sentence or detention order is required, the ground for non-execution (Article 600) or the guarantee (Article 604) can only apply after the requested person has consented to the transfer of that sentence or detention order.

- **Content and standardised form**. Article 606 are inspired by and mirror the EAW and the EU surrender agreement with Norway and Iceland. The TCA includes a specific form that judicial authorities must use whenever they issue an arrest warrant based on the TCA. This form is available in all official EU languages on the European Judicial Network website.

- **Transmission**. As of 1 January 2021, the United Kingdom no longer has access to the Schengen Information System (SIS). The issuing judicial authority may transmit the arrest warrant directly to the executing judicial authority (Article 607) or may request that Interpol transmit the arrest warrant. However, the United Kingdom or the EU, on behalf of a Member State, may notify one or more central authorities responsible for the administrative transmission and receipt of arrest warrants and other official correspondence.

- An arrest warrant may be issued for acts punishable by the law of the issuing State carrying a custodial sentence or detention order of a maximum duration of **at least 12 months** or, where a **custodial** sentence or custodial detention order has been issued for **at least four months**.

- Surrender is subject **to the condition** that the acts for which the arrest warrant was issued constitute a criminal offence under the law of the executing State, whatever its constituent elements or its classification.

- **Refusal**. A State cannot refuse to execute an arrest warrant issued in relation to the conduct of human trafficking, child sexual exploitation and child pornography, where such conduct is punishable by deprivation of liberty or a detention order of a maximum duration of at least 12 months.

The execution of the arrest warrant can be refused:

▶ If the offence on which the arrest warrant is based is covered by amnesty

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in the executing State, where the executing State would have jurisdiction to prosecute that offence under its criminal law;

▶ if it is apparent from the information available to the executing judicial authority that the requested person has been tried conclusively by a State for the same acts, provided that, if a sentence has been imposed, it has been executed, is in the process of being executed or can no longer be enforced under the law of the sentencing State;

▶ if the person who is the subject of the arrest warrant is unable, because of his age or potentially other infirmity, to be held criminally liable for the acts giving rise to that warrant under the law of the executing State.

F2. EUROJUST

Eurojust is an agency of the European Union based in The Hague that coordinates and assists national authorities in judicial cooperation in criminal matters. Eurojust includes a college of prosecutors and judges from each Member State and can be used to help speed up judicial procedures for mutual assistance and extradition.

The main objectives of Eurojust include:

• Improving judicial cooperation between Member States' competent authorities.

• Facilitating the coordination of cross-border investigations and prosecutions.

• Facilitating the exchange of information between Member States.

• Recommending legislative changes to improve legal aid and extradition agreements.

To facilitate cooperation, the United Kingdom seconds a Liaison Prosecutor to Eurojust. The Liaison Prosecutor, the Liaison Prosecutor's assistants and representatives of other competent authorities in the UK, including the Contact Point for Eurojust, may participate in meetings on strategic matters, at the invitation of the President of Eurojust, and in meetings on operational matters, with the approval of the national members concerned.

Information exchange can take place:

• Between the Liaison Prosecutor or the Liaison Prosecutor's assistants or – if none of them is appointed or otherwise available – between the United Kingdom Contact Point for Eurojust and the national members concerned;

• If Eurojust has seconded a liaison magistrate to the United Kingdom, between the liaison magistrate and any competent authority in the United Kingdom. When this occurs, the liaison prosecutor shall be informed of any such exchange of information;

• Directly between a competent authority in the United Kingdom; in this case, the liaison prosecutor and, where appropriate, the liaison magistrate shall be informed.

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G2. European Judicial Network (EJN)

The European Judicial Network in Criminal Matters is an **informal network of national contact points** that facilitate judicial cooperation in criminal matters between the Member States of the European Union and may extend to the UK in certain matters. The UK is still part of this network. The EJN provides support by:

- Assisting authorities in EU Member States and other participating states to request information on the legal situation/practice in their jurisdiction in criminal justice matters

- Providing contact points in participating States.

Tools to support engagement with EJN members:

- **ATLAS**: Helps identify authorities in each EU Member State, including Norway, which can receive and execute assistance requests.[88]

- **Fiches Belges e-portal**: Is a tool that provides practical information on specific sets of measures that are covered by judicial cooperation in criminal matters. It checks whether a measure is applicable in a certain country, checks which language must be used in requests for cooperation, details which information you must include in your request, and compares measures between 2 countries. The tool can be accessed here:

https://www.ejn-crimjust.europa.eu/ejn2021/FichesBelges/EN

H2. EMPACT's THB Group

European Multidisciplinary Platform Against Criminal Threats (EMPACT) aims to tackle the most significant threats posed by organised and serious international crime to the EU in a coherent and methodological manner by improving and strengthening cooperation between the EU Member States, institutions, bodies and agencies, as well as with third countries and organisations, including other public authorities and the private sector where relevant.[89, 90]

EMPACT has a clear methodology for setting, implementing and evaluating priorities. The 2022-2025 cycle included THB as one of its priorities, with the aim:

> *"To disrupt criminal networks engaged in trafficking in human beings for all forms of exploitation, including labour and sexual exploitation, and with a special focus on those who exploit minors for forced criminality; those who use or threaten with violence against victims and their families, or mislead victims by simulating to officialise the exploitation; those who recruit and advertise victims online, and are serviced by brokers providing digital services."*

It adopts an intelligence-led approach based on a future-oriented and targeted approach to crime control, focusing upon the identification, analysis and 'management' of persistent and developing 'problems' or 'risks' of crime. It also

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takes an integrated approach addressing all levels at which the phenomenon can be influenced by using measures and actions both of a preventive and a repressive nature, as well as proactive and reactive measures, both of a strategic (trying to impact the threat) and operational nature (trying to impact the organised crime groups/networks and criminals).

In terms of relevance and benefit to law enforcement:

- As the first step in the policy cycle, Europol prepare emerging threats reports for EMPACT in order to inform policy development and strategic planning. These may be of benefit to learn from, or inform, if critical threats are changing in the THB landscape.

- Member states and relevant bodies in them look to implement the strategic priorities and activities set by EMPACT. This may direct the focus of Romanian response to critical organised crime issues

- In addition, each priority theme has groups focusing on crime areas, which includes one on THB. This should enable collaboration and support operationally and strategically to respond to the issue.

I2. Liaison Officers and Crown Prosecution Service (CPS) Magistrate

Romania is a priority country for the UK, therefore special liaison officers from the National Crime Agency (NCA), Home Office and other law enforcement branches have representatives assigned and deployed to the UK Embassy in Bucharest. These contact points serve as a great resource for British law enforcement seeking to start or deepen collaborations with their Romanian counterparts, including upstreaming intel opportunities.

Additionally, at the time of writing, a Crown Prosecution Service (CPS) Magistrate has also been placed in Bucharest to support and facilitate requests that may be sent from the UK to Romania. The Magistrate liaises with the Romanian Government at various levels and manages case coordination in cross-border cases. The Magistrate has trained IJM staff on disclosure procedures and it would be beneficial if similar trainings were extended to other NGOs supporting cross-border cases. Officers working on cross-border cases should explain disclosure procedures and requirements to any NGO in Romania that may be supporting cases or providing victim support, so they are supported to log and share relevant information as may be appropriate.

J2. Romanian Embassy in the UK

Romania has an active and engaged General Consulate in London and an Embassy, including a special labour attaché and a liaison magistrate who can offer support in cases of trafficking.

Similar to the model of liaison officers from the UK to Romania, there are also Romanian Police and Attaches allocated by the Romanian Government to the

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UK. IJM has found these officers and representatives willing to support and engage as needed in judicial cooperation related to cases of human trafficking, including supporting with checks on suspect/victim identification, addresses, and travel.

The liaison magistrate can support judicial cooperation between the UK and Romania, including facilitating the preparation and transmission of requests for legal assistance in criminal matters (ILORs) which are also frequently used in cases concerning trafficking in human beings.

At the same time, the liaison magistrate helps to coordinate efficient and fast communication between the judicial authorities of both states to streamline the execution of various investigative measures.

Contact details for the Romanian Consulate in London are available here: https://cglondra.mae.ro/.

2.3 Recommendations on UK-Romania instruments for collaboration

Based on workshops, interviews and IJM's casework model[a], the utilisation of the following judicial cooperation mechanisms, in particular, are recommended to support Romanian-UK collaboration on THB.

1)   **Joint Investigation Teams (JITs)**: Romanian law enforcement entities (or other EU national law enforcement) should utilise this mechanism and initiate JITs with the UK to enable collaborative action on cross-border cases, especially for tackling multi-jurisdictional organized crime networks. Consider preliminary data sharing to establish relevance and timeliness of requesting a JIT.

2)   **International Letters of Request (ILORs)**: UK authorities should continue using ILORs to request assistance from DCCO in Romania to obtain evidence for criminal proceedings taking place under CPS, referencing any NGOs engaged in the case. As noted in Section 1.9 of this guide there are several NGOs in Romania that provide support to victims and can help support an investigation as long as their help is requested through an ILOR.

3)   **Engaging UK and Romanian Embassy staff**: Romanian law enforcement branches should engage and deepen relationships with UK NCA and other enforcement representatives deployed to the UK Embassy in Bucharest, to support in particular with upstreaming intelligence opportunities, case management and victim support. Judicial authorities and other entities involved in such cases should engage the Romanian Consulate and Embassy in London to support in cases of trafficking, including labour cases. Attaches here can liaise with UK enforcement agencies as needed, and support with activities such as identification checks, transmission of ILORs, and support effective and rapid communication between judicial authorities in both countries.

[a] IJM assigns multi-disciplinary teams consisting of lawyers, social workers, law enforcement liaison officers and criminal analysts to support victims of modern slavery, identified or suspected, from referral stage to years post adjudication. IJM then works through formal and informal partnerships with various institutions and NGOs from primary source and destination countries. In the case of Romania-UK collaborations, IJM's casework model is implemented through governmental institutions such as police, prosecution service and the National Agency Against Trafficking in Persons, various NGOs and other partners.

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Additional considerations for police cooperation:

- **Operational coordination meetings**: Operational coordination meetings can be organised by EUROPOL/EUROJUST which can serve as starting points for the development of investigations that are less advanced in one of the states. This could set a unified approach in the event that a JIT would be appropriate at a later date. Of course, these meetings could be held online too.

- **Europol**: Europol has liaison officers and magistrates assigned to their offices at The Hague in the Netherlands which may serve as a channel for communication and produce relatively fast responses to inquiries.

- **Requests for hearings**: Requests for hearings by videoconference are forwarded by the Romanian Ministry of Justice to the territorial courts corresponding to the victims' registered domicile, as indicated on their national identity cards. British teams traveling to Romania from the UK should be aware of this as it may require traveling to multiple locations or even being present on the same day in different locations for victims' interviews or court proceedings.

- At the time of writing, policies within the British Ministry of Justice are being revised and developed to address this in part but a full review of these mechanisms is needed. It is recommended that the UK police who support victims through the trial process, liaise with the victims' contact unit in Romania to ensure the NGO supporting the victim(s), the National Agency Against Trafficking in Romania and the victims themselves are noted as requesting notification with the court and other agencies when a convicted person is released.

- **Operative support**: On action days when operative measures (such as house searches, raids, arrests, etc) are conducted, operative support officers can liaise with origin country (Romania- law enforcement agencies) in order to get operative support (such as checking Police data bases to identify, both, victims and traffickers) or to liaise with an NGO to assist victims through direct participation during interviews. NGOs can also be contacted to provide assistance to victims after repatriation

Victim support considerations

- **National Identification and Referral Mechanisms (NRM)**: The NRM in Romania and the UK lack efficiency at the transnational level. Multiple cases of human trafficking have occurred without any coordination or reference between the NRMs of the two countries, instead, basic repatriation procedures were followed, leaving victims at risk of revictimization and disconnected from essential services. For example, in Romania, ANITP should be notified by the identifying/detecting body in UK (Police/NGO, Social Services, National Rapporteur, etc) about any victim identified abroad

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that may be repatriated and might need assistance, and vice-versa. Enhanced coordination between the NRM in Romania and the UK is important to ensure continuous assistance and connection to services, protection and effective participation during criminal proceedings for victims.

- **Working with NGOs**: The involvement of support-providing NGOs from the initial phase of an investigation significantly increases the chances of victims being safeguarded and can improve the case outcomes. OCGs will often attempt to threaten or intimidate victims, therefore it is imperative to refer willing victims into the NRM or to Romanian-based NGOs that can support them and link them to the appropriate authorities. Referring victims into the NRM is also important for improving data collection and gaining a more comprehensive understanding of trends and issues in the THB space.

- **Interpreting and translating services**: Interpreting services should be made available to the victim, both as part of any interviews with law enforcement and in court. Interpreters with expertise in victimology, trafficking and trauma, should be requested and used particularly in sensitive cases of sexual abuse. Interpreters with cultural knowledge and experience of working with victims should be prioritised as they can capture nuances, innuendos and other aspects to ensure victims' voices are heard and accurately conveyed.

- **Victim's rights to be notified**: The UK holds that victims have the right to be notified in the event that a convicted person is released from a custodial sentence. These measures sometimes fail when victims return home to Romania. There have been multiple cases where victims, some who testified in court against perpetrators, have encountered the same perpetrators after they were released from prisons in the UK and returned to Romania, without the victim being informed of their release. This has recently been exacerbated by the Early Release Scheme which has permitted the release and repatriation of convicted persons back to Romania after serving very short terms in prison. In the UK, prison units did not inform police units which investigated the case initially, and therefore the victims or the NGOs which supported them and could have informed them were not notified in advance. No prior notification was issued to the National anti-Trafficking Agency in Romania either.

- **Compensation**: Human trafficking is a thriving business that exploits victims by depriving them of the proceeds they deserve and are owed for their labour. Police should encourage Crown Prosecutors to include claims for compensation where possible and for reparations. Prosecutors tend to overlook this aspect as it may appear to bias the case; however, victims have the right to restitution and not making such a claim could result in the loss of this right over time. Additionally, police should inform the victims of their rights under the Criminal Injuries Compensation Act (CICA), in their own language if possible. IJM has seen both reparations awarded in cases with multiple victims who were exploited at construction sites in London as well as successful CICA claims up to £25,000. For victims who were targeted specifically related to their vulnerability, any award can be life changing and police and NGOs alike should advocate for this right on their behalf.

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