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LETTER OF CONCERN

1 November, 2020

We note with deep disappointment that one week after the publication of the European Commission's [Human Trafficking Report](#) in which Romania is presented as the state with the highest number of victims in Europe (pg. 26) and with a number of children trafficked in 2017-2018 **ten times higher** than in the previous reporting period (2015-2016 pg.34),

the President of Romania enacted [a more favorable law](#) for defendants in crimes of child trafficking and child pornography.

Although a number of 108 NGOs drew the attention of the President of Romania on the issue of the respective law and requested its resubmission to the Parliament to complete art.154 paragraph(4) in order to return it to the form provided by the Criminal Code at that time, the President preferred to enact the law in question and to send to NGOs a simple [unmotivated information](#) that the law had already been enacted.

In addition, [a draft law initiated by Parliament](#), which makes considerable changes to improve anti-trafficking and child trafficking legislation, that has obtained the necessary opinions from the competent authorities, is blocked by the Government. Although the Government of Romania had to send to the Senate, according to the legal norms in force, a point of view until October 16 a.c., we find that it was not sent even two weeks later at the date of this letter. Given the end of parliamentary activity, any delay leads to the impossibility of improving criminal law in accordance with EU Directive, the practical needs of more efficient operation of DIICOT, and a better protection of Romanian citizens against human trafficking.

We draw attention to the fact that, two weeks ago, the Minister of Justice stated how organized criminal groups are penetrating the main institutions of the Romanian state (the Minister's statement can be [heard here](#) – Romanian only).

Given that the harm has already been done by creating a more favorable law for defendants in child trafficking and child pornography cases, we ask the Government **to urgently send to the Romanian Senate the necessary opinion for [draft law L655/2020](#)**, which allows immediate completion of the art. 154 paragraph (4) provisions that were amended by the enactment of the above-mentioned law.

We mention that the law, to which the 108 NGOs referred, was analyzed by the specialized parliamentary commissions, by the Legislative Council, by the Government (Ministry of Justice), by the Constitutional Court of Romania and, finally, by the Presidency. None of the above mentioned institutions disputed the fact that the law modifies more than what was mentioned

in the explanatory memorandum and, at the same time, **unjustifiably removes from the content of art.154 paragraph(4) of the Criminal Code, references to child trafficking and child pornography.** This decision of the President does not seem to correspond to the political commitment in combatting trafficking in human beings.

Art. 154 (4) - the form in force before the enactment of the law:

*"(4) In the case of crimes against sexual freedom and integrity, **those of trafficking and exploitation of vulnerable persons, as well as the crime of child pornography**, committed against a minor, the statute of limitation shall begin to run from the date on which he become an adult ."*

Art. 154 (4) - the form modified by the law enacted by the President:

"(4) With the exception of the offenses provided for in art. 218 [rape] and 220 [sexual intercourse with a minor], in the case of offenses against sexual freedom and integrity, committed against a minor, the limitation period shall run from which he became a major. If the minor died before the age of majority, the limitation period shall begin to run from the date of death. "

By eliminating the crimes of human trafficking and child pornography from the content of art.154 paragraph(4) some cases of child trafficking and child pornography are closed.

The signatory NGOs draw attention to the current serious security problems of Romanian citizens through their massive trafficking and to the total lack of political will to combat this phenomenon that greatly affects Romania's image in Europe, as well as EU security.

NGOs supporting this approach:

- RoTIP- Network of Anti-Trafficking Organizations, on behalf of 20 NGOs;
- FONPC - Federation of Non-Governmental Organizations for Children, on behalf of 63 NGOs;
- Association for the integration and assistance of vulnerable groups;
- Saint Stephen's Association;
- Pro Roma Association;
- Association of Community Development Consultants;
- Bucovina Institute Association.