

# LEGAL

## WARNING: HUMAN TRAFFICKING

The US State Department published a global report regarding human trafficking. The report divided states into three categories, according to the measures and the governments' interest in fighting this phenomenon.

The standards used in ranking different countries were clearly stated in the introduction of the report. As far as the minimal measures to combat human trafficking are concerned, the authors took into account the following aspects:

1. The government should prohibit trafficking and punish acts of trafficking.
2. The government should prescribe punishments commensurate with those for serious crimes (such as forcible sexual assault).
3. For knowing of any act of trafficking, the government should prescribe punishment that is sufficiently stringent to deter, and that adequately reflects the offense's heinous nature.
4. The government should make serious and sustained efforts to eliminate trafficking (such efforts are also defined by very precise criteria).

In evaluating governments' interest and their efforts in combating trafficking, the following criteria were considered:

- The extent of trafficking in the country;
- The extent of governmental non-compliance with the minimal standards, particularly the extent to which government officials have been compliant to trafficking;

- What are the appropriate measures that could compel a government to comply with the minimum standards considering resources and capabilities?

The report placed Romania in the third category, i.e. among those states that do not fully comply with the minimum standards and do not make significant efforts in this respect. It was also stated that certain countries from this third group have started to adopt measures meant to combat human trafficking; however, these states could not be ranked in a superior category just yet. The names of these states were not given, but – as it results from the chapter in which our country is presented – Romania is amongst them.

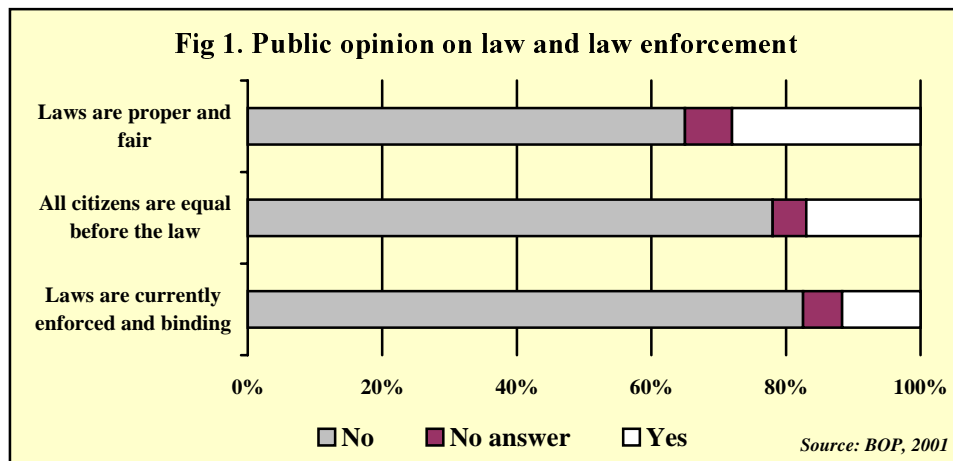
Romania is considered to be a country of origin and of transit for trafficking women to Turkey, Italy, Greece, and the Balkans for sexual exploitation. To a lesser extent, men are trafficked to Greece for agricultural labor. According to the report, the Romanian Government does not meet the minimum standards but has recently begun high-level efforts to combat trafficking.

The local press commented negatively Romania's ranking in this category and stressed only this aspect when presenting the report, thus failing to mention that the US Department of State had acknowledged the positive measures taken by the Government, such as appointing a national coordinator in charge with fighting human trafficking. More developed countries, such as Greece and Israel, were also placed in the same category with Romania. Romania's ranking in this group was the result of failing to comply with some logical and transparent criteria, such as the absence of an anti-trafficking law, if we are to give only one example. This being the case, the hasty reaction of the Prime Minister, who strongly criticized the report, is difficult to understand, since such reactions may give the false impression that the Romanian government is not interested in this issue and is not willing to take serious measures in this sense. Furthermore, this happened precisely at a moment where the first successes of the Romanian police in controlling this phenomenon could be reported: during the first six months of this year, 21 persons involved in human trafficking have been arrested and another 22 are currently on trial. Moreover, the FBI Resident in Bucharest declared to the press that Romania had made important progresses that have not been included in the Department of State report, which is based on information gathered until the month of April, and that in the future Romania may be ranked in a superior category.

**Making efforts to fight human trafficking (the Government has recently formed an inter-ministerial committee to elaborate a law in this respect), while at the same time sending contrary political signals is highly unproductive.**

## WARNING: RULE OF LAW

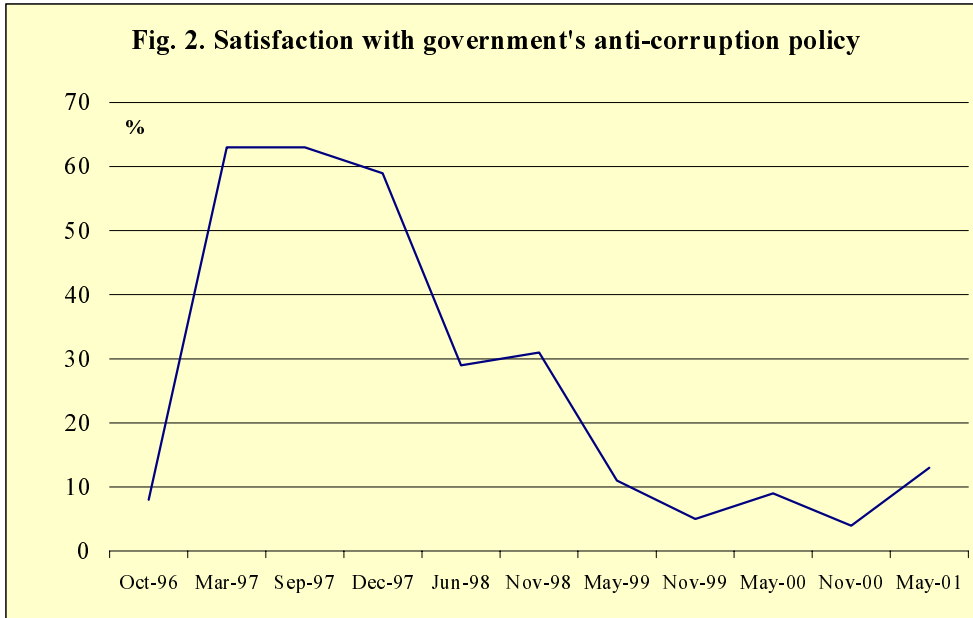
A majority of the Romanians distrust the judiciary, consider the laws as unjust and their application as unfair. 83% of Romanians consider that we cannot speak of the rule of law in Romania, as the laws are neither enforced by state agencies, nor abided by citizens.



The profile of distrustful citizens shows them as more likely to be worse off economically, not trusting in other agencies, such as the police, less educated and residing in smaller rather than larger towns. Since the perception that there is no rule of law is so widespread, however, this only shows that when comparing large cities and better off citizens with poor ones residing in small towns and villages, we find more diversified opinions amongst the former, and generalized feelings of mistrust and frustration with the current state of things amongst the latter.

Although only 14,7% of citizens had dealings with a Court during last year and only 19,8 had encounters with police activity, the almost general perception is that these institutions are ineffective and corrupt. A substantial amount of those who dealt with either the judiciary and the police report offering bribes to solve their claims. It is, therefore, urgent for the government to design and implement policies in order to create partnerships between communities and law enforcement agencies, and to make the judicial process more transparent. Even if the public perception is based on just rumors, indirect experience, second-hand reports from relatives, friends or neighbors, the government should be highly concerned. Having a majority of citizens who consider most laws as unfair and non-binding, the judiciary as

corrupted and the police as ineffective only reinforces the vicious circle of lawlessness. The vigorous campaign of the Internal Affairs Ministry on corruption of high-ranking policemen is a good start, but the judiciary will have to follow. Equally, since it is petty corruption, of traffic agents or civil servants working in Courts, that is more visible for citizens, this aspect has to be addressed as well.



Trend analysis of BOP data shows that symbolic gestures matter in the public fight with corruption, but are not enough. Due to strong rhetoric and a few arrests by the newly installed 1996 government, satisfaction with government activity against corruption jumped from 8% in October 1996 to 63% in March 1997. However, because of the ineffectiveness of the judiciary to prosecute to the end the cases publicized, by June 1998 only 29% of citizens still believed that former President Constantinescu's campaign on corruption was leading somewhere. By the 2000 elections the decline had reached the bottom. Expectations of 2000 compared to 1996 show a much more skeptical population: only 9% have joined since the elections the small group of citizens who are satisfied with the government's fight against corruption. The rhetoric doesn't work anymore: it is time for a policy that would also target low level, day-to-day corruption, and make no political discrimination among those prosecuted.