



## Statement at the Constructive Dialogue on Trafficking in Persons – 1 July 2022

Distinguished participants,

As we are looking at the progress made for the evaluation of the UNTOC Convention, this is a good moment to reflect on several issues that still affect the anti human trafficking movement, as a whole.

The first issue has to do with consent and how it relates to the reclassification of human trafficking cases as other criminal offences, whether we are speaking about prostitution facilitation or criminal cases related to sexual violence, hence depriving victims of human trafficking of their rights because they cannot have the status they need in order to access assistance and protection. Specialized CSOs have been working on this actively around the world offering training sessions on identification and referral, as well as trauma informed interviewing for law enforcement and magistrates, but this seems to be a judiciary practice that is hard to shake and very prevalent.

The second issue that I would love to bring to your attention is that of suspended sentences or sentences that put perpetrators in the vicinity of vulnerable populations, for example traffickers of minors being sentenced to community service, instead of jail time, and being sent to kindergartens or child protection establishments in order to complete that service. This, combined with rulings in which magistrates claim consent in the case of 10 year old girls who are exploited by adults in their immediate circle make the culture of impunity very pervasive and just enforces the idea that justice for victims is almost unattainable, if not impossible.

Again, CSOs have been actively advocating for quality legal aid and access to it for all victims of human trafficking. From training magistrates and lawyers, to paying retainer fees for legal assistance for the victims they serve, this has been a burden almost solely carried by the civil society. This tension continues to exist, although the right to legal assistance is one of the fundamental ones when it comes to victims' rights.

Last, but not least, the need for proactive identification that will prevent further victimization and cases in which victims of human trafficking come out of their exploitation with various fines on their record applied by different law enforcement agencies who, instead of screening them for indicators of human trafficking, punish them for being in a situation of vulnerability. This is a major burden in the reintegration phase and cooperation between law



enforcement agencies both at a national and a transnational level has been a common refrain among different stakeholders.

Civil society has been leading the efforts in promoting a transnational referral mechanism and the possibility for both governmental and nongovernmental actors to offer the status of presumed victim of human trafficking to individuals who present indicators of human trafficking when screened, thus conferring them access to their rights, but the countries in which this is a practice are still very few and far in between.

As one of the CSOs leading on these issues in Romania, and as part of the Rescue: Freedom international network, that is present in over 29 countries, I would like to encourage stakeholders here present to use this constructive dialogue to assess these challenges and to find an effective way to move forward, together and with the interest of those we serve in mind.

Thank you for your attention,  
Ioana Bauer

For eLiberare, Romania - member of the Rescue: Freedom Global Network of  
Anti-trafficking NGOs