

Entrusted Children: A study on the legal requirements and procedures concerning the exit and re-entry of Romanian minors in the context of human trafficking: the role of Public Notaries. [Summary]

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The affidavit system is intended to be one of the key tools against child trafficking in Romania. Despite the importance of the affidavit system there has been little evaluation of its effectiveness, and this study suggests that the affidavit is failing in its role and must be improved or replaced. In addition to being accompanied by a parent and presenting a passport, if not accompanied by *both* parents an affidavit is required before a child can leave the country. In addition to parental consent, the affidavit is supposed to include the state(s) of destination, the trip's duration, the identity of the accompanying adult, the purpose of the trip, the itinerary to the destination state and an indication of whether the child is to remain in the destination state. Affidavits can be obtained by a parent from a public notary.

Child trafficking, which the affidavit system is in part designed to combat, is a serious issue in Romania. According to National Agency Against Trafficking in Persons (ANITP) figures, of 896 victims of trafficking identified in 2013, 77% were female, 48% were children, 66% were sexually exploited, 24% were labour exploited and 54% were recruited by a relative or friend. Statistics from the Romanian Ministry of Justice show that from 2011 to 2013 there were 1017 people convicted of human trafficking, of whom 581 were convicted for child trafficking. 74% of traffickers were male and 95% of traffickers were adults – these statistics are notable as in general only 5% of convicted criminals are women, while 26% of convicted traffickers are women, and only 1% of convicted criminals are children, while 5% of convicted traffickers are children. Traffickers acted as part of a group in over 60% of cases. Around 250,000 affidavits are issued each year, and according to the border police around 4% of children attempting to travel abroad are turned back. Of the 130,000 children denied exit in 2007, 60% lacked an affidavit, according to the IGPR.

There are a number of serious problems with the affidavit system. Affidavits do not mention a return date so do not allow authorities to track whether the child has been kept abroad too long, lack pictures for identification and are only in Romanian so are largely useless once the child is abroad. Furthermore, the public notaries in charge of issue are neither trained nor mandated to intervene at the issuing stage of the process, so potential victims are not identified, and the information in the affidavit is not centralised nor monitored, so the authorities are unlikely to notice whether a child has become a victim of trafficking.

To solve all these problems, it is suggested that the affidavit system be replaced by a digital system in which i) personal data on third party accompanying adults is recorded, ii) children who have not returned by the expected date are flagged up to child protection groups and iii) the cases when a child is denied exit are centralised so as to prevent traffickers simply trying to exit by different border crossings until one lets them cross.

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