Romania: Policy Approach to Prostitution and Protection of Vulnerable Women and Girls from Sexual Exploitation
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Executive Summary
This project, conducted as a consultation for the Organization for Security and Cooperation in Europe’s (OSCE) Office of Special Representative and Coordinator for Combating Trafficking in Human Beings, aims to help the Romanian government make an informed decision regarding its prostitution policy. It addresses the link between Romania’s prostitution policy and how it can best protect its vulnerable women and girls from sexual exploitation, especially human trafficking. Poor personal, socio-economic, and systemic conditions create a high-risk environment that make Romanian women and girls highly vulnerable to sexual exploitation. As a result, with the hopes of tackling trafficking, Romania, one of the European Union’s (EU) main sources of trafficking, decriminalized prostitution in 2014.

Despite such efforts to address this issue, the Romanian government continues to face a dire situation and has failed to protect its vulnerable women and girls. There is still a need for Romania to address this relationship to the fullest extent possible. A new and informed prostitution policy can have a measurable impact on reducing the vulnerability of women and girls and protecting them from sexual exploitation. This paper analyzes four potential policy approaches Romania could take: Prohibitionist, Abolitionist, Regulationist, and Partial Legalization.

The Prohibitionist approach criminalizes the buying, selling, and commercialization of sexual services. Countries that follow this approach maintain that prostitution and its commercialization is immoral, unsafe, and a threat to traditions. While this approach does reduce the demand of sexual services, it prevents prostituted women and girls from coming forward and getting the care they need. It leads to their prosecution, and does not address the underlying causes of vulnerability that lead them into prostitution in the first place.

The Partial Legalization approach allows the buying and selling of sexual services, but not its commercialization, and the Regulationist approach allows all three. Both policy approaches strive to give women and girls the right and freedom to make their own choices, to remove the social stigma attached to prostitution, and to improve the working conditions of prostituted women and girls. Unfortunately, both approaches have increased the demand for sexual services, leading to a greater number of women and girls entering prostitution and being sexually exploited. It also increases human trafficking.

The Abolitionist approach allows the selling of sexual services but criminalizes its purchase and commercialization. This approach focuses on eliminating the demand for prostituted sex and addresses the root causes of sexual exploitation. It ensures that prostituted women and girls are not being punished or marginalized simply because they are prostitutes. The unintended consequences of this approach are that it increases the stigma attached to prostitution and drives it underground, potentially making it more dangerous for these women and girls.

Despite these concerns, however, based on an analysis of the complete situation in Romania and the nation’s values, standards, and priorities, this study concludes that the Abolitionist approach is best way
In order to effectively implement the Abolitionist approach in Romania, this project puts forward the following seven policy recommendations:

1. **Create and implement a new prostitution policy.** The Romanian government should amend its penal code and introduce a new legal framework that focuses on criminalizing the purchasers of sex and includes protective mechanisms for prostituted women and girls. The Romanian government should also form a Working Group to take on the mandate of forming a National Action Plan to combat sexual exploitation against women and girls in Romania.

2. **Set up survivor-centered services in collaboration with NGOs and CSOs.** The Romanian government in collaboration with Romanian NGOs and CSOs should set up survivor-centered shelters, counseling, hotlines, legal services, education and vocational training centers, and medical services, among others.

3. **Train law enforcement agencies and personnel.** The Romanian government, in partnership with the OSCE, should train law enforcement agencies and personnel, in accordance with OSCE standards, to empower them to identify, combat, and prevent criminal activity related to prostitution and trafficking for the purpose of sexual exploitation.

4. **Collaborate with regional partners.** The Romanian government, in partnership with the OSCE, should convene neighboring states to alert them of potential implication of Romania’s prostitution policy change.

5. **Form partnerships with community leaders.** The Romanian government should focus on building partnerships and engaging with local political and social leaders in order to facilitate regional and local buy-in and understanding of the policy change.

6. **Work with religious institutions and leadership.** The Romanian government should engage with the Romanian Orthodox Church. This can be accomplished by working with the Orthodox laity and clergy members through proper, established channels.

7. **Engage in promotional activities.** The Romanian government should create and implement promotional activities to establish awareness and understanding with regard to the policy change.