

HUMAN TRAFFICKING ROMANIA – ITALY

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ABSTRACT:

ORGANISED CRIME IS ONE OF THE BIGGEST THREATS TO ALL COUNTRIES IN THE BEGINNING OF THIS CENTURY. THE PHENOMENON KNOWN AS A DIVERSIFICATION AND EXPANSION ESPECIALLY WHEN DEVELOPING AT CROSS-BORDER AND INTERNATIONAL LEVEL. TRAFFICKING HAS BECOME ONE OF THE BUSINEST AND MOST PROFITABLE ILLEGAL ACTIVITIES COMMITTED BY ORGANIZED CRIME GROUPS. UNFORTUNATELY, HUMAN TRAFFICKING HAS BECOME A HIGHLY DYNAMIC ACTIVITY AND WORRYING SOURCE OF INSTABILITY, BEING PERCEIVED AS A VIOLATION OF HUMAN RIGHTS AND A THREAT TO THE SECURITY AND INTEGRITY OF THE INDIVIDUAL HUMAN BEING.

A LARGE NUMBER OF TRAFFICKED PERSONS IN THE WEST ARE COMING FROM ROMANIA. VICTIMS ARE TRAFFICKED FROM ROMANIA TO COUNTRIES IN EUROPE, INCLUDING ITALY FOR FORCED WORKING, BEGGING AND THEFT. WOMEN ARE VICTIMS OF TRAFFICKING FOR FORCED PROSTITUTION AND ABOUT A THIRD OF THE VICTIMS IN ROMANIA ARE MINOR.

ARTICLE "HUMAN TRAFFICKING ROMANIA – ITALY" SHOWS HOW THIS ACTIVITY TAKES PLACE BETWEEN THE TWO COUNTRIES, THE PERSONS LIKELY TO BECOME VICTIMS, STATISTICS, CASE STUDIES AND OTHER ASPECTS OF THE PHENOMENON.

KEY WORDS: ILLEGAL MIGRATION, CRIMINAL ORGANIZED GROUP, VICTIMS OF TRAFFICKING.

Ensuring individual freedom and respect for fundamental rights is a goal, since they are the main targets of national and international political actors but also civil society. Guaranteeing freedom of the individual and respect for his life have become today, more than ever, fundamental values, which increasingly more people worldwide report to, while becoming part of social policy.

Simply take a look at today's criminal policy to notice the importance that human life and individual freedom have taken on a current societies. It is therefore normal that the plight of individuals and modern forms of slavery are likely to cause concern and to determine the mobilization of collective action for their elimination.²

Human trafficking is a violation of human rights and an offense to human dignity and integrity, a threat to individual security and social and moral values. Although it is on the international agenda since 2000, trafficking, as criminal and social phenomenon, remains a reality that requires a sustained and continuous effort from international organizations, to

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² Margareta Fleșner, *Human trafficking: modern form of slavery in a world vulnerable*, (Bucharest: Bren, 2010), 140.

individual countries but also the whole society. This type of crime directly affects the individual through the impact it has on one of the fundamental individual rights, individual freedom, societies having to deal, at the same time, with the negative influences of the growing corruption, and violent antisocial acts, the creation of criminal mechanisms profiting substantially from this type of activity, affecting economic stability and regional security. Awareness of the negative effects of the destructive impact that this scourge has on children, youth, women, the disabled and other social groups becomes a fundamental requirement of the institutional approach in modern rule of law.

Economic and social reality over recent years and the economic crisis that has affected European states have increased the vulnerability to trafficking of certain social groups. Increased demand for sexual services, cheap labor, the desire to make profits with minimal investment, are all factors that directly influence the increased activity of trafficking networks.³

According to Directive 2011/36/EU on preventing and combating trafficking, human trafficking can be defined as following: *"The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."*⁴

The purpose of the crime of trafficking is the exploitation of victims. Although you might think that there is an overlap between the texts of trafficking offenses and the offense of slavery and subjection to forced or compulsory labor, there is, however, an etiological connection because a crime is committed, with the purpose of committing another.⁵ Exploitation of persons means, according to law number 678/2001, *"the execution of a work or performance of services, forcibly, in violation of legal rules on working conditions, wages, health and safety, enslaving or other similar deprivation of liberty or servitude."*⁶ Slavery is, according to the Penal Code *"putting or keeping a person in slavery and the slave trade"*⁷, *an offense to submission to forced or compulsory labor "act of subjecting a person, in cases other than those provided by legal provisions to perform work against his will or compulsory labor."*⁸

Human trafficking becomes operational around the following elements: passenger transport; It presupposes the existence of two sides, the victim and the trafficker; the two parties have a clearly defined status; action is targeted to the purpose of exploiting the victim; Every trafficking action is based on coercion; activities resulting in the action do not derive from a consensual activity, which allows differentiation from other forms of trafficking; It is identified as a form of modern slavery; Crime parameters vary due to political, economic and social conditions of each country.⁹

Human trafficking is one of the most profitable activities of organized crime in the EU, according to Europol, ranking, depending on income, third in the world, surpassed only

³ National strategy against human trafficking for the period 2012-2016, approved by H. G. no. 1142/2012.

⁴ Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, art. 2. 1.

⁵ George-Cristinel Zaharia, *Human Trafficking*, (Bucuresti:C.H. Beck, 2012), 150.

⁶ Law no. 678/2001, Chapter I, Art. 2, paragraph 2, a), b).

⁷ The new Romanian Penal Code, Slavery Trafficking and exploitation of vulnerable persons, Art. 209.

⁸ The new Romanian Penal Code, Submission to forced or compulsory labor trafficking and exploitation of vulnerable persons, Art. 212.

⁹ Alina Anghel, Modern slavery violence and trafficking in women - sociological perspective, (Bucharest: Universiatara) 2011, 31.

by drug trafficking and the arms, with an illicit profit between 6 and 9 billion. However, according to UNODC, traffickers in human beings annually have illegal profits of about \$ 8 billion, comparable to profit from drug trafficking.¹⁰

In Romania the monitoring, evaluation and research of the many dimensions of human trafficking is the responsibility of the National Agency against Trafficking in Persons, with strong performance and strategic continuity.

Margaret Flaşner's sociological research into human trafficking in Romania, has the following data on the profile of the victim and her family:

The area of origin, 65 of the 80 victims interviewed come from the urban areas with a precarious social and economic development which no longer offers chances on the labor market (Haţeg, Calarasi).

The interviewed victims were first involved in trafficking at ages between 14 and 25 years. Experts in this field share the same opinion that recruitment age for women is between 18 and 25 years old.

Educational and professional status. 68% of victims interviewed only attended secondary education, 15% are high school graduates, 10% vocational school. This proves older diagnoses which were performed, showing that most victims are people with low and very low education.

The family situation. Most victims more respect from families with children (4-7 siblings) with several relatives, the number of those who bring money into the house is reduced. Low living standards and a tense atmosphere in these families determine victims to leave home with the desire to obtain a better life at any cost. In terms of material status 54% of them were unmarried, 23% living in cohabiting relationships, 12% married, 11% divorced.

Another European institution with the mission to support and strengthen coordination and cooperation between national authorities in the fight against serious cross-border crime is Eurojust. In the 2013 report we were presented a case of human trafficking for prostitution and Eurojust intervenes at the request of the Anti-Mafia Office in Florence. Most suspects of the organized crime group were of Albanian nationality who were in Italy, Belgium, the Netherlands, France, Switzerland and Albania. Following joint Eurojust actions, 19 people in Albania, France and Italy were arrested and the organized crime group was neutralized.¹¹

TESTIMONIES OF VICTIMS EXPLOITED IN ITALY

"An acquaintance of mine told me that people were recruited for picking potatoes. They called me, they asked if there are other willing and they came here in the village. We met at my place, about 30 people, adults and children "(victim exploited in Italy).¹²

The recruitment happens in the online space through various websites apparently mediating the labor market, but also by telephone or social networks (most commonly for sexual exploitation):

"I found the ad on Mercador, saying that people need to pick tomatoes." (Victim exploited in Italy).¹³

"We had a good phone conversation a few weeks, then, we met via the Internet, and we decided to meet in person. Since it was the holidays season, I decided to go and get to know

¹⁰ Report on the situation of human trafficking in 2012, the National Agency against Trafficking in Persons, Bucharest, 2013, p.5.

¹¹ Eurojust Report 2013, 32.

¹² http://www.cnslr-fratia.ro/media/8631/raport_de_cercetare_calitativa__exploatare_munca_in_agricultura.pdf, Éva László, Imola Antal, Situation of human trafficking for purposes of labor exploitation in agriculture in Romania research report produced within the AGREE, 2014, 28.

¹³ http://www.cnslr-fratia.ro/media/8631/raport_de_cercetare_calitativa__exploatare_munca_in_agricultura.pdf, 29.

her... He said he dialed a random number. He simply said, "Hey, I want to get to know you." We confided. How we are, what we hope from life, from people. We met. What was actually talking on the phone was not so in reality... He seemed a serious person on the phone, not at all showing how he really proved to be. Greedy for money, profiteering, misleading..."(victim exploited in Italy).¹⁴

"Somewherenear the town of S there is a farm., where currently some workers are picking potatoes. They live in barns, in conditions not quite appropriate." (Victim exploited in Italy).¹⁵

"When she saw that I was packing , she made a scene and called her parents, brothers and in-laws. From that moment, it was hell. I was no longer able to get in touch with my family, tell them I'll be back. I was always accompanied by her father and her brother-in-law and nephews that were about 20-23 years old. But they were massive, well built. As if I had bodyguards at all times ". (Victim exploited in Italy).¹⁶

"When I said that, however, he should give us some food that we could eat, he began to hit us saying that he is going to show us what complaining means. I could understand some Italian, but it was in that Sicilianaccent. They told me that if I wanted to try to flee or do anything stupid in there,or go to the carabinieri, I have no chance because the owner's son... was a carabinieri and it was a rather isolated area. " (Victim exploited in Italy).¹⁷

They told us not try to run away, sincehe is president of Roma in their county, that he has connections everywhere, Police, even the Parliament." (Victim exploited in Italy).¹⁸

"We found that Italy, in the South of the European Union has for years held a disguised form of slavery based on threats and constraints. Let's not forget it's the land where the mafia was born and still exists. There are stories of Romanians working correctly, in difficult conditions, "apart" from families that await them at home. There are dramas in this respect, because we are talking of parents who do not see their children in the country for years." journalist Rares Nastase.

Italy is a country of destination and transit to other European countries for trafficking persons for sexual exploitation. Italian authorities discovered many victims of trafficking originating in Romania. Albanian pimps' networks are prevailing in street prostitution in cooperation with the Italian mafia. The Italian government fully comply with minimum standards for elimination of trafficking . The government holds a strong legal framework that incriminatestrafficking , with particular focus on human rights. Italian anti -trafficking law operates effectively both nationally and internationally. Jurists are involved and concerned that the laws to be adopted on immigration could conflict with the existing strong system concerning victims' protection.¹⁹

The largest agricultural basin in Italy is in the province of Ragusa , on the island of Sicily. We speak of a place with more than 17 thousand hectares of greenhouses , farms and fruit orchards . A place where there areofficiallyover 40 thousand immigrants, of which only

¹⁴ http://www.cnslr-fratia.ro/media/8631/raport_de_cercetare_calitativa__exploatare_munca_in_agricultura.pdf, 29.

¹⁵ http://www.cnslr-fratia.ro/media/8631/raport_de_cercetare_calitativa__exploatare_munca_in_agricultura.pdf, 30.

¹⁶ http://www.cnslr-fratia.ro/media/8631/raport_de_cercetare_calitativa__exploatare_munca_in_agricultura.pdf, 33.

¹⁷ http://www.cnslr-fratia.ro/media/8631/raport_de_cercetare_calitativa__exploatare_munca_in_agricultura.pdf, 34.

¹⁸ http://www.cnslr-fratia.ro/media/8631/raport_de_cercetare_calitativa__exploatare_munca_in_agricultura.pdf, 34.

¹⁹ Gheorghiu Mateuț, Tiberiu Rudică, *Human trafficking offenders, victims, offenders*, (Iași: Social Alternatives Association, 2005), 181-182.

5000 are officially Romanians. It is estimated that the number of Romanians is however three times higher. This means that for every Romanian with contract, there are other two who work illegally.²⁰

Housing conditions are generally below minimum standards. Often, people are accommodated in halls and barns, cellars or in tents, sometimes locked in so as to be prevented from leaving. The food they have been promised turns out to be inexistent, or it is very scarce and of poor quality, only enough for them to survive and be able to work.²¹

Sometimes victims work extremely long hours: 14-17 hours / day. Payment does not coincide at all with what they have been promised in the recruitment phase: it is either very little, or inexistent. Or, the facilitator is paid, but the money does not reach the workers. It is typical of the recruiters to promise different people different amounts of money for the same job.²²

Attempts to request help even from authorities have sometimes failed, since escaping is difficult. Victims do not know whom to trust, they are frightened and isolated. Neighbours who witness it, rarely get involved since they are generally afraid of the employer or they do not want to come up against the employer, or their family. Sometimes, the authorities do not react, because of prejudices regarding the Romani ethnic group, while in Italy or Spain because of prejudice against Romanians. Victims even accuse the police of not acting on own initiative as well as of ignoring the illegal acts victims are subjected to.²³

Isolation in which these people work, especially constraints to which they are subjected when accepting illegal work is a form of modern slavery. In Sicily there were mysterious deaths which have been or are still being investigated, but in Romania there is no mention about them, about Romanians missing or having been killed. Romanians are kept away from the civilized world and are forced to accept living in solitude among Sicilian greenhouses.

Journalist Rares Nastase conducted a journalistic investigation complex in the TV show "Romania, te iubesc" ("Romania, I love you") on PRO TV that presented the story of modern slaves, the isolation these people work in and most importantly the constraints they put up with when they accept undocumented jobs from the mafia who seized the destinies of Romanian workers. The investigation reports on the circumstances in which the shift from agriculture to the underworld is made in Sicily, how Romanians become carriers in drug trafficking or how vegetable greenhouses may serve as a cover for other illegal business.²⁴

"I believe that she consented. Even though she denied afterwards! If I go with a woman, it is not sexual exploitation, I'm exploiting if I ask you to work by going with other men and make money. If we consent to making love, it is not sexual exploitation!" The man who said this is 66 years old and has been married for 35 years. He claims that unlike other immigrants, such as Albanians, Romanians do not know how to keep their women close, as a business owner stated while being filmed with a hidden camera.

²⁰<http://stirileprotv.ro/stiri/international/retea-de-traffic-uman-pe-relatia-romania-italia-situatia-disperata-a-romanilor-care-muncesc-in-fermele-din-catania.html>

²¹ http://www.cnslr-fratia.ro/media/8631/raport_de_cercetare_calitativa__exploatare_munca_in_agricultura.pdf, Éva László, Imola Antal, Situation of human trafficking for purposes of labor exploitation in agriculture in Romania research report produced within the AGREE, 2014, 30.

²²http://www.cnslr-fratia.ro/media/8631/raport_de_cercetare_calitativa__exploatare_munca_in_agricultura.pdf, 32.

²³http://www.cnslr-fratia.ro/media/8631/raport_de_cercetare_calitativa__exploatare_munca_in_agricultura.pdf, 36.

²⁴<http://www.protv.ro/stiri/noul-sezon-romania-te-iubesc-debuteaza-duminica-la-ora-18-00-cu-povestea-sclavilor-de-pe-pamantul-mafiei.html>.

The owners are middle-aged men who employ mostly younger and naïve women, whom they are trying to conquer by doing them various favours on the farm, or sometimes by even trying inappropriate physical contact.

There are nationalities such as the Americans, where a look and a word may be considered sexual harassment, followed by a criminal punishment. In Italy, however, there are different ways of understanding the notion of “conquering” a woman, even at work, where employer - employee relationship may involve advances, touching and even constraints, in the case of the Sicilians who cannot take no for an answer.

The police from Ragusa periodically send crews to check buses that bring workers from Romania. Women receive leaflets written in Romanian in which they are advised to make denunciations. Without a denunciation sexual exploitation and human trafficking are difficult to prove, especially when the woman agrees to live at the farm where the owner has authority.²⁵

For some women coming from a poor environment, some attention matters. Some are tempted to give in to their insistence, especially in exchange for a privileged status that Sicilian owners are willing to pay for an adventure with those who will accept them. The problem is that even real cases of sexual exploitation are not taken seriously if a woman agrees to go with Italians and when the authorities are interested in such cases there are several situations in which Romanian women prove to have accepted this form of sexual exploitation. Italian owners, Sicilians who live in the countryside, without much education, think Romanian women are ‘easy’, being regarded as sexual objects, which they can exploit at the farms, considering themselves entitled to take advantage of them beyond agricultural services. The big problem is that some of them do not know when to stop, do not accept being turned away and resort to constraints. Romanians who live on the greenhouses premises, especially young people have fun at nights by dancing and drinking at their discretion, so the owners see this and consider it a good opportunity to break every barrier that should exist between an employer and its employee. None of these situations is an excuse for aggression. Looking at the problem from every angle, it indicates sexual exploitation. Overall, the owner is to be blame as he is the one who exploits, he is the one who has vulnerable women as his subordinates while his desire to conquer does not justify any abuse or coercion. There might be women who do not complain, hoping that at some point they will have a better life. The Catholic priest from Vittoria says that these women are constrained, as long as they are not on an equal footing with their employer.²⁶

The promises made before employment differ from the actual situation and this problem occurs when the employer does not pay on time female employees, this becoming a rule in many Sicilian farms, Romanians being dependent on the person who permanently owes them money, and offers them free accommodation in return for their work. This is the background in which the modern form of slavery, based on constraints, appears .

As it is known, it is in Sicily where many mafia groups are rooted so the temptations to join are strong. Therefore, not all Romanians are satisfied with the earnings from agriculture. Some men are attracted to commit crimes in various underworld networks run by mafia clans, who require carriers to transport drugs or weapons. Those who speak with the police take an enormous risk. In Vittoria ordered executions take place regularly 10 shots

²⁵http://romaniateiubesc.stirileprotv.ro/emisiuni/2015/sezonul-1/sicilia-locul-unde-romanii-veniti-la-munca-ajung-sa-lucreze-pentru-mafie-te-vede-ca-esti-amarat-te-ia-de-copilul-lui.html?fb_comment_id=721185871327440_724748807637813#fe7027333c307.

²⁶http://romaniateiubesc.stirileprotv.ro/emisiuni/2015/sezonul-1/sicilia-locul-unde-romanii-veniti-la-munca-ajung-sa-lucreze-pentru-mafie-te-vede-ca-esti-amarat-te-ia-de-copilul-lui.html?fb_comment_id=721185871327440_724748807637813#fe7027333c307.

were fired at one of the victims, a Tunisian, who used to work in greenhouses. Sicilian mafia leaders of families do not want to be regarded as dangerous people. Their territories are home to business with drugs, weapons and prostitution. Though many Romanian women are called under the pretext that they are needed in greenhouses, they actually get trafficked for prostitution. The discos within the greenhouses premises from agricultural areas play an important role. Restaurants are closed during the day, but get very busy in the evenings becoming a meeting point for the customer looking for paid sex.

At night, away from the city, police raids are rare. Young women working on farms know exactly how recruitment is done. Each disco owner hires a Romanian as head of the place. Their job is to find girls in greenhouses, willing to give up on farming. Some of these intermediate persons already have convictions for pimping in Romania.²⁷

One of the clients of the discos, an elderly person with a family agreed to speak about it under protection. He says there are lots of women to choose from, and some of the women who prostitute work in the greenhouses during the summer season. The man also states that outside the greenhouses the women paradoxically feel more free, although they end up in prostitution networks. The Italian says he is a greenhouse owner himself but he had only been interested in the women who did not sell themselves, never forcing any of his employees.

A young woman who worked in one of the pubs agreed to tell us what happens in the discos from the greenhouses premises. Romanian women are taken from farms to work as waitresses, everything is only a cover..." To their view, Romanian women are very cheap women, who do everything they are asked to do and that's all." The woman claims that many times women who work in Sicily together with their husbands or partners end up practising prostitution. Unbelievably as it may sound, some of them are even encouraged to do so.

In the summer the young prostitutes are sent to the sea resorts. Only then does the police interfere and find them in apartments rented by their bosses. Moldovans working in greenhouses say that many farms function as cover for the fortunes they made from prostitution. Locally there is *silenziostampa* and young people who know girls trafficked on farms area are reluctant to notify authorities. Large chains of prostitution are disturbed only when Anti-Mafia Squad from Rome are involved.

It is equally true that Romanians who mind their own business, do not end up in the illegal networks. They choose smaller profits, undocumented, in greenhouses with a work programme from morning until night rather than much higher tempting sums but having their risks accordingly.²⁸

Amnesty International, which is an organization that fights for respecting human rights, enshrined in the Universal Declaration of Human Rights, drew up a report under the title "Exploited Labour: Migrant workers in Italy's agricultural sector", which focuses on the problem of exploitation in labor of migrants in Italy.

Over the last decade the Italian authorities have contributed to increased public anxiety, saying the country's security is endangered by "clandestine" uncontrolled migration thereby justifying their severe migration measures. They put migrant workers in a precarious legal situation, which makes them easy prey to exploiters. Italian policies on migration are trying to control the number of migrants by assigning quotas for different types of workers and

²⁷http://romaniateiubesc.stirileprotv.ro/emisiuni/2015/sezonul-1/sicilia-locul-unde-romanii-veniti-la-munca-ajung-sa-lucreze-pentru-mafie-te-vede-ca-esti-amarat-te-ia-de-copilul-lui.html?fb_comment_id=721185871327440_724748807637813#fe7027333c307.

²⁸http://romaniateiubesc.stirileprotv.ro/emisiuni/2015/sezonul-1/sicilia-locul-unde-romanii-veniti-la-munca-ajung-sa-lucreze-pentru-mafie-te-vede-ca-esti-amarat-te-ia-de-copilul-lui.html?fb_comment_id=721185871327440_724748807637813#fe7027333c307.

issuing residence permits under the contract of employment, but those odds are lower than actual demand for migrant labor. This system is a risk that can enhance labor exploitation, besides being inefficient and open to abuse. Under Italian law "entry and illegal residence" is a criminal offense, which stigmatizes illegal migrant workers and triggers xenophobia and discrimination. This puts them in a situation in which they are unable to report abuse by being paid less or not at all, or by being forced to work more because if they complain to authorities, they will be arrested immediately detained and expelled, having irregular status. The Italian authorities should focus primarily on the rights of migrant workers regardless of their status in the development of migration policies, by doing this offering them effective access to justice. All this should help migrants not to be afraid of being arrested or deported abusively while a safe and accessible mechanism that workers can use to file complaints, including civil enforcement actions against employers, should also be included. Labor exploitation of migrant workers in the agricultural and construction fields in some regions in southern Italy is widespread. They earn 40 percent less although they work more than Italians. The victims of this are migrants from Africa and Asia, as well as EU citizens (mainly Bulgarians and Romanians), as well as people from outside the EU from Eastern Europe (including Albanians).²⁹

The National Agency Against Trafficking in Persons deals with the prevention and combating human trafficking and supports victims or potential victims of human trafficking. The Agency provides a free telephone line - help line 0,800,800,678 where those interested can receive general information about going abroad to work, as tourists or they may announce a possible case of human trafficking. The National Agency against Trafficking in Persons is National Coordinator of implementing policies in the fight against human trafficking with the purpose to carry out prevention and monitoring of this criminal phenomenon.

Under the slogan "Don't be taken in", The Agency against Trafficking in Persons held various prevention activities, focusing on sexual exploitation. Romania is among the countries of origin of this phenomenon on European level and this campaign informing citizens about trafficking and exploitation of persons, as well as the prevention of this phenomenon, is needed. It is not great news, but by getting informed and being cautious, this can be changed!

Italian authorities also use a system for those who know and want to denounce abuses that took place in Italy, for victims of abuse to get information, to be assistants or receive advice on the options that the Italian rules offer to those in situations of exploitation and trafficking. This system is Numero Verde Antitrattra - 800 290290, active 24 hours per 24.³⁰

²⁹<http://old.amnesty.md/news/italia-timpul-de-solu%C5%A3iona-problema-exploat%C4%83rii-lucr%C4%83torilor-migran%C5%A3i>.

³⁰<https://www.migreat.it/ro/rom%C3%A2ni/roma/munc%C4%83trafic-persoane-h9712>.

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