

## **SOCIAL ISSUES IN DEBATING OVER HUMAN TRAFFICKING AND FACTORS THAT FACILITATE ITS GROWTH**

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### **ABSTRACT**

*HUMAN TRAFFICKING IS A CRIME AGAINST INDIVIDUALS AND ITS CONSEQUENCES ARE UNDENIABLE, RANGING FROM THE PHYSICAL ABUSE AND SUFFERING OF VICTIMS TO THE PSYCHOLOGICAL TRAUMA, THE ECONOMIC AND POLITICAL IMPLICATIONS. THE IMPACT OF THIS PHENOMENON IS DESTRUCTIVE AND UNACCEPTABLE TAKING PLACE NOT ONLY ON INDIVIDUALS, BUT ALSO ON THEIR FAMILIES AND ON THE WHOLE SOCIETY.*

*THIS PAPER WILL EXPLORE THE IMPACT OF HUMAN TRAFFICKING ON THE LIVES OF INDIVIDUALS AND THEIR COMMUNITIES, EMPHASIZING THE MAIN FACTORS OF RISK, KNOWN AS "PUSH" AND "PULL" FACTORS, WHICH MAKE A PERSON VULNERABLE TO BECOME VICTIM, AND THE WAY IN WHICH EACH OF US CAN CONTRIBUTE TO THE DECREASING DIMENSIONS OF THIS GROWING PHENOMENON. WE WILL TRY TO DISCUSS OVER THE CONSEQUENCES OF TRAFFICKING ON THE VICTIMS OF THE CRIME, AS WELL AS ON OUR SOCIAL SYSTEM, DESCRIBING THE NEGATIVE IMPACT THAT HUMAN TRAFFICKING HAS AT BOTH NATIONAL AND GLOBAL LEVEL. HUMAN TRAFFICKING MEASURES SHOULD BE TAKEN HAND IN HAND WITH APPROPRIATE SOCIAL POLICIES AND MEASURES, TAKING INTO ACCOUNT THE BACKGROUND OF THE VICTIMS AND TRYING TO FIND AN ALTERNATIVE "WAY OF LIVING".*

**KEYWORDS:** *HUMAN TRAFFICKING, CRIME, POLICIES, LEGISLATION, EUROPEAN UNION*

Human trafficking is a major issue that concerns the entire international community, being not an isolated phenomenon specific to a country, but with an international and cross-border character. Addressing this phenomenon involves developing and implementing comprehensive international strategies adopted by individual countries,

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strategies based on the transnational nature of this phenomenon, on its association with criminal activities and organized crime groups, as well as the economic, social and psychological impact over the individual, family and society. Globally speaking, the action against trafficking requires a continuous improvement of the general way in which countries understand the size and the nature of human trafficking, including *root causes* in countries of origin and *factors* in destination countries, that both facilitate human trafficking and other related forms of exploitation, taking into consideration specific groups, victims and offenders that are involved in it, and the links of this phenomenon with other types of crime.

Therefore, the first question at which we look for an answer in this work is which are *the risk factors* that trigger the existence of this phenomenon and the conditions that encourage the spread of it. To the extent that we can identify the causes that give scale to this phenomenon and taking into consideration *the consequences* it has on individuals and society, we will analyze possible *measures* of prevention and control and *policies* that can be implemented to intervene at macro and micro scale.

### ***1. An analysis of the concept of human trafficking***

Studies about human trafficking, in their majority, place the victims of this phenomenon in the category of poor, isolated or being in a disadvantaged situation, identifying as main causes of these situations the natural disasters, political or armed conflicts, as well as policies and practices used by states, conditions that put individuals in marginalized situations which leads, ultimately, as those individuals or groups of individuals to find themselves in risk situations, to become vulnerable and perfect targets of traffickers.

In order to understand this phenomenon and to identify the causes, consequences and measures that are needed to be implemented locally, nationally and globally, we must start by defining the phenomenon. Human trafficking is defined in the Palermo Protocol<sup>1</sup> of 2000, art. 3, based on three elements: acts (what), the means (how) and purposes (why). In terms of the Protocol, “«trafficking in persons» shall mean the recruitment,

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<sup>1</sup> The Trafficking in Persons Protocol was adopted by the United Nations General Assembly in its resolution 55/25 of 15 November 2000 and entered into force on 25 December 2003. On 14 December 2000 in

transportation, transfer, harbouring or receipt of 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”<sup>2</sup> This definition of trafficking had been transposed into the Romanian legislation<sup>3</sup>, the crime of trafficking in persons being provided under Law 678/2001 on preventing and combating trafficking in persons, art. 12<sup>4</sup>.

The definition of trafficking underlines the act and alternative ways of achieving the main proceedings in trafficking, namely: *recruitment*, which involves identifying and attracting the victims in order to exploit them; *transportation*, relating to moving the victim to another location within the country or in another country; *transfer*, which consists in passing the victim from one to another dealer or changing the victim’s place of accommodation; *lodging*, which involves that the victim is receiving a housing or shelter; *receipt of persons*, which involves taking the victim in custody from another person for the purpose of exploitation<sup>5</sup>. These ways will become an offense “if the offender acts by the means of law, being capable of altering the victim’s ability to represent reality or the victim’s freedom of will and action.”<sup>6</sup> In this sense, are considered means: threat, violence or other forms of coercion as the deprivation of documents or blackmail; kidnapping, fraud and deceit, consisting in the use of deceptive or fraudulent maneuvers such as seduction or drugging the victim, presenting to the victim under a false identity, misleading activities by false promises leading to altered representation of reality, abuse of authority, taking advantage of the inability of a person to defend himself or to express their will; giving,

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Palermo, Romania signed the United Nations Convention against Transnational Organized Crime and its two Protocols adopted in New York on November 15, 2000.

<sup>2</sup> UNODC, *Toolkit to Combat Trafficking in Persons. Global Programme Against Trafficking in Human Beings* (New York: United Nations, 2006), xi, accessed April 22, 2012, [www.unodc.org/pdf/Trafficking\\_toolkit\\_Oct06.pdf](http://www.unodc.org/pdf/Trafficking_toolkit_Oct06.pdf).

<sup>3</sup> Romania has ratified the United Nations Convention against Transnational Organized Crime through national Law no. 565/2002 and ratified the Council of Europe Convention on Action against Trafficking in Human Beings, adopted on May 3, 2005, by Law no. 300 of 11 July 2006 published in *The Official Gazette* no. 622 of 19 July 2006.

<sup>4</sup> For details see *Codul penal și 10 legi uzuale*, 11<sup>th</sup> edition, revised on January 20, 2010 (Bucharest: Hamangiu, 2010), 232-233.

<sup>5</sup> Gavril Paraschiv, *Traficul de persoane* (Bucharest: Ars Academica, 2008), 20-21.

<sup>6</sup> Paraschiv, *Traficul*, 22-23.

accepting or receiving money or benefits to achieve the consent of a person having authority over the victim etc.

From these statements we conclude that the purpose of the crime is not restricted to sexual exploitation, but also includes the conditions of forced labor, slavery or similar practices, and the term victim does not focus solely on women and girls, designating any person who is subject to trafficking in human beings. Women, men, girls and boys could be all victims. Also, trafficking does not require the victim to go over the internationally recognized border, but takes into consideration the fact that there are people trafficked from one region to another within the borders of a country, involving some form of distortion of the will of the victim. An exception is for victims under the age of 18, the offense is considered “trafficking in persons” even if there were not used the means mentioned above.

In 2000, the U.S. Congress had developed the “Victims of Trafficking and Violence Protection Act of 2000” with the purpose “to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.”<sup>7</sup> This modern form of slavery was affecting, at that time, at least 700,000 people annually, especially women and children, 50,000 of who were trafficked annually in the United States of America. The Act states that the vast majority of victims are women and girls because this category is the most affected by poverty, limited access to education, chronic unemployment, discrimination and lack of the economic opportunities in their home countries. Traffickers are those that attract women and girls in the circle of victims through false promises of providing decent working conditions, relatively well-paid, for services as a nanny, housekeeper, factory worker, dancer, clerk, modelling etc., or buy children from poor families and sell them into prostitution or forced labor networks. Traffickers are often those who also assure the transportation of the victims to those unknown destinations, bringing them into a state of vulnerability and inability to defend themselves. The traffickers often use physical force against the victims, or violence which often includes rape, sexual abuse, torture, starvation, isolation, threats, psychological abuse and coercion.

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<sup>7</sup> Public Law 106-386-Oct. 28, 2000, “Victims of Trafficking and Violence Protection Act of 2000”, Division A, Sec. 102. Purposes and Findings, 114 Stat. 1466.

## 2. *Statistical overview of the incidence of human trafficking*

In order to provide a statistical overview of the phenomenon, International Labour Office<sup>8</sup> estimated that at least 2.4 million people are trafficked for forced labor. However, only a few thousand cases end up being prosecuted in court each year. The vast majority of the victims are not identified and therefore they do not receive justice. Despite being known globally and the legislation being more effective, the human trafficking remains an activity perceived as “low risk and high benefit” for organized crime, perception that encourages traffickers to engage in this type of activities. Annual profits expected to be generated from human trafficking globally amount to 32 billion U.S. dollars.

In what regard the trafficking through sexual exploitation, in 2009, globally, it was estimated that “43% of victims are trafficked for sexual exploitation, against only 32% who are trafficked for economic exploitation”<sup>9</sup>, and in the western and central part of Europe, 84% of victims were trafficked for sexual exploitation<sup>10</sup>. According to the estimations made, in Europe alone there were a total of 140,000 victims trafficked in this way, 60% of victims coming from the Balkans, Central Europe and the former Soviet Union, particularly Romania, Bulgaria, Ukraine, Russian Federation and Moldova<sup>11</sup>.

According to the national statistics<sup>12</sup>, Romania remains a country of origin for trafficking in persons rather than a country of destination, trafficking victims being exploited both in the country and abroad. For 2010, 1,154 victims have been identified, a higher number (with 32.5%) than that recorded for the same period of 2009 (780 victims). Analyzing the indicators about age and level of education, it appears that an early age and/or education around the mean (secondary and high school level of education) are prone to exploitation and traffic, with a high concentration in Romania for victims aged between 14 and 26 years, trafficking in minors registering a growth from 22.5% (186 children) in 2009 to 27% (307 children) of the total population of identified victims. Regarding the

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<sup>8</sup> International Labour Office, *ILO action against trafficking in human beings*, (Geneva, 2008), 1, accessed April 22, 2012, [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_090356.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_090356.pdf).

<sup>9</sup> Ioan Gârbuleț, *Traficul de persoane* (Bucharest: Universul Juridic, 2010), 13.

<sup>10</sup> UNODC, *Trafficking in Persons to Europe for Sexual Exploitation*, 2, accessed April 22, 2012, [http://www.unodc.org/documents/publications/TiP\\_Europe\\_EN\\_LORES.pdf](http://www.unodc.org/documents/publications/TiP_Europe_EN_LORES.pdf).

<sup>11</sup> UNODC, *Trafficking*, 7-8.

<sup>12</sup> “Evaluarea situației traficului de persoane în România în anul 2010”, (Bucharest: National Agency against trafficking in persons, 2011), 3-16; accessed April 22, 2012, <http://anitp.mai.gov.ro/ro/docs/studii/evaluare%202010.pdf>.

level of education, most victims of trafficking for forced labor (73%) had completed secondary education or high school when entered into traffic, which, in line with the report, reveals a growing higher susceptibility among people who have this level of education to become victims. Victims of labor exploitation came in a majority of 56% from rural areas, and 94% were exploited abroad, so that even against the average educational level that they have they were misled due to their environmental features provenance in general, characterized by lack of social, economic, or political information.

The presence of minors in trafficking through sexual exploitation is much higher than in any other situation of exploitation. The report shows that the critical age at which the minors usually enter into traffick is that of teenage, 14-17 years old, characterized by several psycho-social factors, including: the desire for independence, naivety, lack of life experience etc. These minors are mainly coming from rural areas with dysfunctional families or youth who previously left the orphanages or shelters for people in need.

Women continue to be the most vulnerable trafficking sexual exploitation category, in 2010 being identified 650 female victims who arrived in traffic through manipulation and being influenced by recruiters in accepting an offer that appeared as unique circumstances they will have in life or unrefusable. Regarding males, in 2010, the number of identified victims of trafficking amounts to a figure of 504, of which 467 were adults and 37 children, average age stood at 32 years old. 72% of male victims of trafficking had completed secondary school or high school at the time of entry into traffic, which shows us the image of the opportunistic trafficker, who is taking advantage of people's vulnerabilities in their search for a better life. Most male victims were forced laborers (393 victims), especially in agriculture, construction, or in various other sectors, trafficking taking place in preference abroad, the main destination countries being Spain, Cyprus, the Czech Republic and Italy.

According to the report, *the method of recruitment of victims of trafficking* for labor exploitation in Romania has a particular feature in the way that despite the fact that usually the recruiter approaches the victims through a direct contact, a significant number of victims responded to ads in newspapers, ads that offered particularly well-paid jobs and favorable conditions abroad, managing to meet the needs of the people who were looking for a job, people who want to "change for the better" something in their lives. Instead, in their majority (91% of victims), the victims for sexual exploitation are being recruited through direct approach by the recruiter. The majority of the victims were deceived

through promises that include getting a job abroad or at home, travelling abroad or marriages of convenience in order to acquire certain advantages in the destination country. But there were also cases where victims have opted for prostitution, but the conditions in which they were forced into prostitution placed them in the state of victims of trafficking.

### ***3. Risk factors that facilitate the growth of the phenomenon***

Given the magnitude of the phenomenon, both globally and in our country, the question we should ask is: which are the causes that trigger this phenomenon and support the spread of it? The analysis of the causes that facilitate this phenomenon increases the complexity of it, causes being varied and different from one region to another, from one country to another. The general opinion is that, in the most cases, people find themselves as a victim due to their poor economic situation and as a result of their search for a better lifestyle and decent living conditions. Faced with disadvantaged situations, these people are often attracted by criminal groups who are taking advantage of their situation. Economic difficulties, social violence, domestic violence, crime, political conflict, armed conflict, natural disasters lead to desperate situations and make people vulnerable to various forms of exploitation. Thus, in general, we can say that among the main factors contributing to contemporary forms of human trafficking is poverty and unemployment. Other risk factors related to socio-economic and cultural context are restrictive immigration policies, racism, lack of migrant rights, discriminatory policies and laws in obtaining employment, and economic interests of some states to ignore human trafficking, corruption or international organized crime groups. Sometimes the limited capacity of government to take appropriate measures in order to prevent, suppress and punish trafficking in human beings or unwillingness of politicians to engage in developing consistent policies are also main factors that facilitate its growth.

Studies have found that often human trafficking occurs in the context of immigration, especially in terms of traffic within the European Union by manipulating the legal channels of immigration and vulnerabilities of people, especially women who leave their country in search for a job safer and better paid. Also, the case study reveals that human trafficking affects mainly those persons whose rights have already been compromised, meaning that either they are on a territory of a state as refugees or immigrants or were already a victim of physical or sexual violence.

From another perspective, socio-cultural context and specific customs existing in different societies at a time make some people more vulnerable to reach the victim status when compared to others. There are societies where girls, for example, are less valued than boys, so it is created a custom that girls will assume family responsibilities, giving up education and taking care of the family. These situations create cleavages bringing women and girls in disadvantaged situations making them vulnerable when confronted with activities of criminal groups. Therefore, to address this phenomenon, “it should be recalled that gender refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women, and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context- and time-specific, and changeable. Gender determines what is expected, allowed and valued in a woman or a man, a girl or a boy, in a given context. Gender is part of the broader socio-cultural context. Men and boys are also victims and survivors of gender-based violence. As such, the analysis of roles in and vulnerabilities to trafficking, as well as responses to this phenomenon, will need to take into account the gender perspective.”<sup>13</sup>

For a classification of risk factors, *the National Strategy against Trafficking in Persons for 2006-2010*<sup>14</sup> listed the risk factors of trafficking identified as a result of a sociological research by classifying them in macro, micro and individual risk factors. In this view, macro-social factors have a high level of generality and include: high decline in the living standards of the population and unemployment or lack of access to legitimate means of livelihood for large segments of the population; lack/insufficiency of relevant educational programs (education about sexual relations etc.), and scarcity of educational opportunities for certain segments of the population; a socio-cultural environment tolerant to discrimination based on gender or ethnicity, as well as behaviors such as domestic violence; development of international migration for employment; inefficiency/low involvement of political and legal system; natural disasters or catastrophies that cause sudden impoverishment of a large number of households, mainly those who live predominantly in agriculture; family abandonment. The micro-social factors, placed at the

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<sup>13</sup> Joint UN Commentary on the EU Directive – A Human Rights-Based Approach, *Prevent. Combat. Protect. Human Trafficking* (November 2011), 21.

<sup>14</sup> See “Anexa” at H.G. no. 1.654 of November 22, 2006 regarding the approval of “The National Strategy against trafficking in persons for 2006-2010”, published in the *Official Journal* no. 967 of December 4, 2006.

level of social groups and households, are: household impoverishment and lack of access to jobs, social benefits and social assistance programs; low level of education and lack of professional training, for trafficked persons and their family members. Human trafficking is often associated with dropping out of school; family instability and/or poor relationships between adults and children; deviant behaviors, such as alcoholism, drug abuse, domestic violence and/or criminal record. The individual factors are very different, for example: the gap between expectations/goals and resources (individual and household) in order to achieve them by legitimate means; availability of violating some legal norms for a job abroad and lack of information on the associated risks; the desire for adventure and/or pressure from “close friends”; failed romantic relationships and/or adolescent sexual debut, and a possible history of sexual assault; mental alienation; lack of self-confidence; lack of trust in others and in institutions that could provide assistance and support.

Some specialists classified macro-social factors in socio-economic factors (living conditions, unemployment), educational, legal (still incomplete and insufficiently harmonized legislation) and socio-cultural, while they consider micro-social factors the family model (family educational climate) and the belonging to various groups. Besides these exogenous factors, the endogenous factors are identified, “where we find its own life history of that human involved in traffic”, category in which will intersect “the causes that, at the individual level, will constitute predispositions for such occupational orientation”. This category included “structural differences of personality persons involved in trafficking: moral flaws of character, mental instability, alienation, anti-social orientation; consequences of sexual debut during adolescence, as well as previous sexual aggression (in the family, friendship group or occasional jobs); interest to exercise diverse occupations that promise a number of advantages: substantial revenue meetings with «personalities», opportunities to travel and affirmation in another social context, and so on.”<sup>15</sup>

In summary, the factors that push the victims to leave their home environment, also known as “push factors”, such as socio-economic disparities between countries or regions, urban-rural differences, unemployment, poverty, low level of education, discrimination against women, violence, the gap between the social model promoted and the impossibility of acquiring it, are often leading to devaluation of self and acceptance of degrading

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<sup>15</sup> Florea Pasca, *Combaterea fenomenului infracțional de trafic de ființe umane: considerații criminologice privind traficul de ființe umane și mijloace juridice de combatere*, vol. I, (Craiova: SITECH, 2009), 27-32.

behavior. Besides these, there are “pull factors” as the “mirage” of foreign countries, the hope for getting a new job and a salary, the hope to earn large sums of money, access to facilities offered by another country, the hope for a better position in society and more human treatments, the demand for cheap labor, lack of information, success stories etc.<sup>16</sup>

#### ***4. Best practices in preventing and combating human trafficking***

In this activity of preventing and combating this phenomenon efficiently, for an effective implementation of rehabilitation measures for victims, it would be useful to identify a pattern for the victim profile. In this regard, experts in the field say that we can not speak of an accurate profile of potential victims, but could be identified only some basic features that seems to remain constant, such as: “an overwhelming majority of victims are women and girls, although it is estimated that about 2% of trafficked victims are men or boys; victims tend to be between 18 and 25 years old, however there is a growing number of victims under 18; victims are recruited from poor and disadvantaged villages, towns and cities; most of the times, victims do not have a job or they are poor; the victims have low levels of education, have suffered discrimination in the family and at work; often, the victims come from dysfunctional families; in most cases, victims do not speak foreign languages.”<sup>17</sup>

Social implications that human trafficking has on the individual, family and society are arising from the act of violation of dignity, freedom of movement of persons, the right to decide in full knowledge about themselves, thus affecting social relationships that are created around these social values, but creating a state of danger to other values and social relations as dignity, sexual inviolability, freedom of the individual, physical and mental integrity, which are to be harmed by exploiting the victim. Serious consequences of human trafficking, as we have already argued, are concerning individual safety, health and fundamental rights of the victims who are reduced to the condition of a “product”, the smugglers treated them as objects, being subject to a regime of continuous physical or psychological threat and performing a work without his consent and without a regulated form of payment. Trafficking is thus a major threat to freedom, physical and mental

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<sup>16</sup> Ionuț-Valentin Marin and Iuliana-Irina Marin, *Aspecte privind traficul de ființe umane* (Drobeta Turnu Severin: IRCO Script, 2008), 24-25.

<sup>17</sup> Marin and Marin, *Aspecte*, 50-51.

integrity, and sometimes to person's life. From a socio-human perspective, "trafficking is a serious indictment of the society. He is constantly expanding due to scientific and technological progress, registering an inability of large segments of society to overcome that primitive education and mentality, in which the human being is considered and treated as a commodity. Trafficked people are dehumanized, gradually making it the deepest feelings about the trauma suffered by marking them in their future development."<sup>18</sup>

Globally, the social implications of human trafficking are evidenced mainly by a significant increase in migration flows and complex networks of traffickers. Consequences are remarked also in the demographic field, especially when it comes to trafficking people of certain ethnic appartence or nationality, in political and administrative sector, where the increase in corruption creates numerous opportunities for public officials to be corrupt, and diversification of organized crime through their cooperation with the network of terrorism, drug trafficking, arms trafficking etc. The implications over the economic environment, on one hand, materializes in that human trafficking for prostitution is a very profitable business, financially speaking, causing forms of money laundering and undermining financial markets and business conditions and, on the other hand, the costs of these crimes incorporates several elements, including "the value of all resources devoted to its prevention, the treatment and support of victims and the apprehension and prosecution of offenders". Trafficking in persons also results in "loss of human resources and reductions in tax revenue. Further, trafficking in persons redirects the financial benefits of migration from migrants, their families, community and government or other potential legitimate employers to traffickers and their associates."<sup>19</sup>

*EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings* states the need to strengthen the commitment of the EU and the Member States "to prevent and fight trafficking in human beings, committed for the purpose of all forms of exploitation and to the protection, support and rehabilitation of its victims"<sup>20</sup>. Human trafficking requires an integrated and coordinated policy response in the

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<sup>18</sup> Pasca, *Combaterea*, 41.

<sup>19</sup> UNODC, *An Introduction to Human Trafficking: Vulnerability, Impact and Action* (United Nations, New York, 2008), 8-10.

<sup>20</sup> "EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings", published in the Official Journal of the European Union on December 9, 2005 (2005/ C 311/01), 1, accessed April 22, 2012,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:311:0001:0012:EN:PDF>.

area of freedom, security and justice, external relations, cooperation for development, *social affairs and employment placement*, gender equality and non-discrimination, through an expanded public-private dialogue. Synchronization is required and an adaptation of practical experience and research findings at the European Union level. Whenever possible, the Member States and the Commission should adopt an “evidence-based approach” with third countries and with international organizations.

On April 5, 2011, the EU adopted *the European Directive on preventing and combating trafficking in human beings and protecting its victims*<sup>21</sup>, grounded in a human-rights based approach, trafficking being viewed as a crime and a violation of human rights, each EU Member State being responsible to respect, protect and promote the rights of the victims, regardless of their country of origin. The Member States of the European Union are invited to ensure the transposition of the Directive into national law until April 6, 2013.

The recommendations of the Directive mention that, when transposing the Directive into national legislation, Member States are encouraged to do the followings: to define human trafficking as a violation of human rights as well as a crime; to incorporate standard of due diligence together with the principle of State responsibility in its national law, although the state can not be held responsible for the acts of others, they can be held liable for their failure to prevent, investigate and punish illegal acts so that states have a obligation under international law to act with due diligence to prevent trafficking, to investigate and punish traffickers and to assist and protect victims of trafficking; to use a human-rights based-approach placing the victims on the center as rights holders and to ensure that victims of trafficking receive appropriate protection measures based on risk assessment of each individual, giving them access to witness protection programs or other similar measures, according to the national legislative procedures; to respect the principle of non-discrimination and to interpret the provisions of the Directive on the basis of this principle; to use victims’ experiences and their opinions in developing anti-trafficking policies; to specify the way in which cooperation between agencies, between them and civil society is made, and the techniques used for monitoring trafficking measures; to take into account the impact of trafficking and anti-trafficking of women, men, girls and boys ensuring a human rights’ and a gender perspective; to ensure that all actions taken in

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<sup>21</sup> Joint UN Commentary on the EU Directive – A Human Rights-Based Approach, *Human Trafficking*, 10-16.

trafficking involving children are guided by the principles of protection and respect of children's rights and is intended only the child's interest in the case etc.

## 5. *Conclusions*

In conclusion, we have to admit that, despite the fact that it is difficult to quantify the expansion of this phenomenon, it is obvious that it becomes larger<sup>22</sup>, mainly because the larger incidence of the conditions that cause a person to become the target of traffickers. International actions in this field are based mainly on the "3P" approach: prevention of trafficking, prosecution of traffickers and protection of victims. Prevention should actually eliminate acts of violence before they occur, and can be carried out through several means: public campaigns in order to inform and educate the population in what regards trafficking in human beings, research and development studies, and socio-economic programs in order to generate alternative life styles for the potential victims. The information and education campaigns advocate on providing counseling services, informing the victims in what regards those organizations and services that can be called when they need help or additional information on how to make a complain addressed to authorities, about how and under what conditions they can obtain protection or legislative advices etc. Studies show that victims who received counseling and who have been provided with such services at their return to their country of origin were less likely to become victims again and less vulnerable to intimidation, social isolation or stigmatization, although no studies have shown that public awareness campaigns actually influence choices, in large part because they are not able to provide potential trafficked persons with viable alternatives<sup>23</sup>.

So, an obvious issue is that most taken prevention methods and actions materializes only in the awareness campaigns, the other two prevention methods, research studies and alternative programs for social and economic integration being less visible. The natural question is whether informational and educational campaigns are sufficient in these efforts directed against human trafficking. What seems to become pressing is a need for more active involvement in large-scale social problems like illiteracy, unemployment and poor

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<sup>22</sup> See, for example, Kevin Bales, *Understanding Global Slavery: a Reader* (Berkeley: University of California, 2005).

<sup>23</sup> For details see UNODC, *An Introduction*, 59-64.

standards of health. To this end, research and development studies, as a means of preventing human trafficking have paramount importance in assessing the causes and the risk depending on: how was trafficked the victim; the fact that maybe the dealer is part of a network range of traffickers; the suppression risk of the trafficker, especially if the victim owes money to the recruiter; risk of being abused, arrested or held by authorities such illegal immigration or involvement in prostitution; risk of social exclusion taking into account age, sex, social position and family situation of the trafficked person; access to counseling and social assistance, including in the home country. Finally, along with public information and research studies in order to explore this phenomenon and to develop specific studies and analyzes, stands out as absolutely necessary the necessity to adopt and implement programs and measures that offer victims and persons at risk viable solutions, viable alternatives at their current way of living, in the global effort to prevent victimization/re-victimization and to reduce the risk of trafficking/re-trafficking.

## BIBLIOGRAPHY

1. **Bales, Kevin.** *Understanding Global Slavery: a Reader.* Berkeley: University of California, 2005.
2. **Gârbuleț, Ioan.** *Traficul de persoane.* Bucharest: Universul Juridic, 2010.
3. Joint UN Commentary on the EU Directive – A Human Rights-Based Approach. *Prevent. Combat. Protect. Human Trafficking.* November 2011.
4. **Marin, Ionuț-Valentin and Marin, Iuliana-Irina.** *Aspecte privind traficul de ființe umane.* Drobeta Turnu Severin: IRCO Script, 2008.
5. **Paraschiv, Gavril.** *Traficul de persoane.* Bucharest: Ars Academica, 2008.
6. **Pasca, Florea.** *Combaterea fenomenului infracțional de trafic de ființe umane: considerații criminologice privind traficul de ființe umane și mijloace juridice de combatere,* vol. I. Craiova: SITECH, 2009.
7. UNODC. *An Introduction to Human Trafficking: Vulnerability, Impact and Action.* New York: United Nations, 2008.
8. \*\*\**Codul penal și 10 legi uzuale,* 11<sup>th</sup> edition, revised on January 20, 2010. Bucharest: Hamangiu, 2010.
9. H.G. no. 1.654 from November 22, 2006, regarding the approval of “The National Strategy against trafficking in persons for 2006-2010”. Published in the Official Journal no. 967 of December 4, 2006.
10. Law no. 678 of November 21, 2001. Published in the Official Journal no. 783 of December 11, 2001.
11. Law no. 300 of July 11, 2006. Published in the Official Journal no. 622 of July 19, 2006.
12. Public Law 106-386-Oct. 28, 2000, “Victims of Trafficking and Violence Protection Act of 2000”. Division A, Sec. 102. Purposes and Findings. 114 Stat. 1466.
13. “Evaluarea situației traficului de persoane în România în anul 2010”, Bucharest: National Agency against trafficking in persons, 2011. Accessed on April 22, 2012. <http://anip.mai.gov.ro/ro/docs/studii/evaluare%202010.pdf>.
14. “EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings”, published in the Official Journal of the European Union on December 9, 2005 (2005/ C 311/01). Accessed April 22, 2012. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:311:0001:0012:EN:PDF>.
15. International Labour Office. *ILO action against trafficking in human beings.* Geneva, 2008. Accessed April 22, 2012. [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_090356.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_090356.pdf).
16. UNODC. *Toolkit to Combat Trafficking in Persons. Global Programme against Trafficking in Human Beings.* New York: United Nations, 2006. Accessed April 22, 2012. [www.unodc.org/pdf/Trafficking\\_toolkit\\_Oct06.pdf](http://www.unodc.org/pdf/Trafficking_toolkit_Oct06.pdf).
17. UNODC. *Trafficking in Persons to Europe for Sexual Exploitation.* Accessed April 22, 2012. [http://www.unodc.org/documents/publications/TiP\\_Europe\\_EN\\_LORES.pdf](http://www.unodc.org/documents/publications/TiP_Europe_EN_LORES.pdf).