

**Helping and Hurting:  
Policies and Actions on Human Trafficking in Romania by the  
EU, UN, the Romanian Government, and NGOs**

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## Introduction

Romania is a beautiful country, full of winding roads and lush green pastures. The country has recently entered the European Union, bringing along hopes for a brighter future for Romania. Unfortunately, this former communist country has not been immune to the epidemic of human trafficking. Even more disturbing, the country has become internationally recognized for its place in the global sex trafficking business. The country has become a major source, destination, and transit country for human trafficking. Governmental, inter-governmental, and non-governmental organizations have worked hard to combat human trafficking not only around the world but also in Romania. While the European Union, the United Nations, and the Romanian government have not actively facilitated human trafficking within Romania, I argue that the implementation of their conventions, laws, and policies have been insufficient. With my research, the aim is to provide context to facilitate a meaningful discussion on human trafficking, and especially sex trafficking, in Romania. The work of the Romanian government, non-governmental organizations, the EU and UN to combat human trafficking will be explored, with an emphasis on where their policies and actions have lacked. I will be discussing instances of corruption within the United Nations Peacekeeping Operations that have directly led to an increase in sex trafficking of Romanian women. I hope to accomplish all of the above by providing my research findings, which were attained using qualitative geographical methodological approaches, including an interview with an NGO based in Romania. Although the paper is predominantly based on secondary data, I hope that the struggles of survivors of human trafficking are sufficiently emphasized so that the urgency of this difficult conversation can be grasped.



Fig. 1: Political map of Romania

Source: <http://www.infoplease.com/atlas/country/romania.html>

I would like to briefly elaborate on why I chose Romania as a case-study. The geographical location of this country makes it unique to human trafficking. It is located in the Balkan region; it is next to the Black Sea, and shares a border with Ukraine, making it an easy transit country, source country, and destination country for those being trafficked. As mentioned, Romania is known for its global sex trafficking business. I did have preconceived negative notions about Romania and I wanted to see what was actually happening in the country and bring light to it. I find it interesting to see how former communist countries, many with some of those same characteristics that tend to violate

human rights, have integrated with the European Union and worked to make their values and beliefs align with those of this progressive institution. Additionally, Romania is one of the more recent countries to have entered the European Union and with the union being somewhat fragile right now because of the Schengen Agreement and the influx of refugees, examining it under the pretext of border complications makes it a unique subject for research.

While I do not specifically look at the Roma people in my research, it is critical to acknowledge them and the suffering they have endured over time. The Roma are very susceptible to human trafficking. Twelve million Roma currently reside in the European Union. The Roma represent only 3.1 % of Romania's population (Central Intelligence Agency) but they are 50% of those trafficked in Romania (Kushen). It is estimated that 15% of the trafficked Roma people have been put into sex slavery (Kushen). The Roma make up a significant portion of the Romanian population even though the government seems not to admit this fact, and they need to be accounted for and spoken up for. They have been trafficked across Europe for decades and their rights have been abused; these abuses can create even more problems in Europe. The marginalization of the Roma over a long period of time has made them one of the most vulnerable people to human trafficking. In order to combat trafficking, it is important to realize that we can no longer marginalize and push people to the outsides of society because that only creates an environment where human trafficking can flourish.



Fig. 2: Map depicting Romania's location and size compared to the rest of Europe.  
Source: CIA World Factbook: <https://www.cia.gov/library/publications/the-world-factbook/geos/ro.html>

The U.S. State Department's Trafficking in Persons (TIP) report discusses Romania's difficulties with human trafficking. The TIP report reflects an effort to put countries around

the world into “tiers” that describe how active a country is in human trafficking and what that specific government is doing to stop human trafficking. A ranking system is in place to see how well countries adhere to the Trafficking Victims Protection Act or TVPA. TVPA is a United States law that is the most comprehensive anti-trafficking law passed in the world, with reauthorizations in 2003, 2005, and 2008. The United States government made standards that people globally see as stepping-stones for anti-trafficking work. There are essentially four levels that rank how a country reacts to human trafficking: *Tier 1* is the best ranking a country can get, though that does not necessarily mean human trafficking does not exist at all within that country. *Tier 2* means that the country is both a source, transit, and destination country for human trafficking, but the country is making strides to combat human trafficking. *Tier 2 Watch List* means that human trafficking is on the increase even with strides being made. *Tier 3* is when a government does not meet any of the standards outlined in the TVPA (U.S. Department of State, TIP). Where does Romania fall in this ranking system? In 2001 the country was ranked as a Tier 3 but as of 2015, Romania is listed as a Tier 2 country (U.S. Department of State, TIP). The report states that,

[The government] issued weak or suspended sentences that did not deter traffickers or keep victims safe when traffickers were released. The government identified a large number of victims, but public and private institutions assisted only half of them. The government did not provide funding to NGOs offering victim assistance, and victims had difficulty obtaining medical services, psychological counseling, and restitution from traffickers. Some victims who had been returned to their homes by the government, instead of being placed in shelters, were subjected to trafficking again by family members. (U.S. Department of State, TIP)

There should not be differential treatment of the victims. They should all be treated the same and treated with respect; that is how you build a better civil society and help to bring an end to human trafficking. It seems that the Romanian government is feeding into the cycle of human trafficking as it is failing to help all victims and lets many of its traffickers

walk the streets. By having weak sentences, criminals are not deterred from continuing their business. I will explore the business model of human trafficking later in regards to the Romanian mafia. First though, I will briefly explain my research methodology.

## Methodology and positionality

As all research will to some extent be influenced by the relationship of the researcher to her research topic, “[k]nowledge will always be partial and situated (from a certain perspective).” (Aitken and Valentine, pg. 27) Therefore, I find it necessary to explain my positionality. As a feminist activist, I am prone to sympathize with all victims, not just sex trafficking victims. I question power structures, not in a malicious way, but to ensure that each institution is working in the most equal and helpful way. This comes across in my choice of topic and methodology, the questions that I am asking, the way I have conducted my research and the way I present my research.

The first approach I decided to use was the feminist school of thought. Rob Kitchin describes the feminist approach as being motivated by “feminists’ suggestion that there needs to be a renegotiation of the role and structure of institutions” (Kitchin, pg. 18). Feminists recognize the need for a change of power relations in society—that such relations should be more reflective and diverse like society itself instead of dominated by (typically) white men. This approach challenges societal norms, traditional methods used, and the mainstream labeling of certain topics as more important than others. By using a feminist approach I have been able to deconstruct some “norms” within the mindset and practice of “saving” survivors and within the creation of policies implemented to stop trafficking. While I acknowledge that not all victims of trafficking are women, policies are



often created with women in mind or women are thought of as the default victim. Once these policies are created, they often pacify and keep women in a constant state of victimhood. This keeps the survivors submissive and fragile and creates a sense of helplessness instead of empowerment. I will be using the feminist critique to take a critical look at whether society and governments have made human trafficking a high enough priority in terms of policy and agendas set forth, and actions taken. By using a feminist critique, I aim at breaking down stereotypes and traditional barriers that have dominated the narrative of human trafficking victims in relation to power, and also drawing attention to the way we tend to turn a blind eye to how institutions that are meant to help vulnerable people may end up hurting them due to employees' negative behavior being tacitly approved.

A second approach that I used in my research is the cross cultural approach. T. Skelton states that,

This political approach forces researchers to question why research is being done within the South or a postcolonial (or continued colonial) context, and what are the consequences of such research for the people and places involved. Cross-cultural research has been envisioned as a process in which connections and dialogs with others can be enabled in ways that do not perpetuate postcolonial/Northern/Western authority, but rather create spaces and discourses of progressive politics. (Skelton, 401)

This approach allows me to deconstruct political authority in relation to developed and underdeveloped countries. The European Union is often seen as a progressive developed beacon of hope while lower-income countries like Romania, although being members of the European Union, tend to be given second-class treatment. Romania was also a part of the Soviet bloc, so the heritage of Russian influence is still there, which one could discuss in terms of neo-colonialism, although Romania was more independent vis a vis Russia than

quite a few other Eastern European countries. I believe that the way people in government and society view underdeveloped countries, impacts the way they see human trafficking. Many people tend to believe that human trafficking is something that cannot be changed in those countries, making it harder to actually stop trafficking. The views and scope of research, policy crafting, and implementation have not been working to its full capacity because a narrow view has been created of what trafficking is and how victims should be treated. With the cross-cultural approach, new dimensions can be added to this already complex discussion.

It should be noted that I have been using qualitative methods in my research. R. Dowling describes the use of both qualitative and feminist approaches to research. The author states that “For feminist researches, in depth interviews have been advocated as appropriate feminist research methods because they allow women to tell their stories in their own words” (Dowling, pg. 597). Although my initial plan was to interview Romanian survivors of human trafficking, time constraints and the cultural barrier made it impossible for me to do this. However, I am keeping this with me as a plan for future research. For this thesis I ended up conducting only one interview, with an operative inside a non-governmental organization in Romania that works directly to end human trafficking. The interview was conducted on Skype and I made sure to get the interviewee’s permission to use his name and statements, and to record the interview. I let him know he could be anonymous or we could go off the record, or even stop the interview, at any time, without him having to give me a reason. I also made sure not to bring in any preconceived notions about Romania in how I presented my research topic and phrased my interview questions.

I faced several constraints throughout this research process. The first major constraint was clearly the length of time I had at my disposal. Writing and conducting research on such a vast topic in only a semester's worth of time limited the scope of my research. While I enjoyed doing research on institutional responses, I would have liked to explore and interview more non-governmental organizations and governmental institutions. Furthermore, a larger constraint was trying to find Romanian non-governmental institutions with workers that spoke English. While such language barriers frequently come into play with the cross-cultural approach, if I had more time I would have tried to pick up at least a basic conversational command of the Romanian language (especially if I were to do field research in Romania). This language barrier also appeared when I was browsing academic journals and Romanian government documents; many of them were written in Romanian. As mentioned I was fortunate enough to be able to conduct one interview with eLiberare, an NGO, with an English-speaking employee who graciously volunteered his time to me. His English was impeccable, and he seemed appreciative of the opportunity to share his views and experiences. He agreed to have me record the interview, which I found very useful when later transcribing the interview based on both the recording and my notes. I have shared my transcription of the interview with him via email to assure that there were no misunderstandings on my part of what he intended to convey.

I would also like to discuss how I found my secondary data and why I chose certain articles, academic journals, and reports as compared to others. While I am not sure I would state it was a total constraint during my research, it was difficult to find solid statistics on human trafficking since it is an illicit crime. Furthermore, each country tracks these

numbers differently making it hard to figure out which numbers are the closest and most accurate representation of what is happening. So, I worked hard to find consistent data and used numbers that were published by Romania, the European Union, and the United Nations, which all had similar data sets. This challenge also applies to my attempts at trying to find out how much money is in the “business” of trafficking, as it takes place in the informal economy. While at times the material was emotionally difficult to read because of its content, I have significantly increased my knowledge of human trafficking in Romania. This was an arduous process, with all of the reading and attempts at getting interviews, and editing; at the same time it was a very rewarding process. The aim of my thesis was to educate readers on human trafficking in Romania, what the Romanian government, NGOs, the EU and UN have been doing to address it, some unintended negative consequences of the UN’s presence in the region, and the difficulties that still lay ahead. Although I have shed some light on this illicit trade there is still much more to cover. This is an ever changing trade and my hope is that one day, sex slavery will be non-existent and survivors are uplifted and empowered, in Romania and around the world. For that to happen, we need to first learn about the magnitude of the problem, so I will now present numbers of human trafficking in Romania.

## **Statistics on human trafficking in Romania**

Between 2010 and 2012 (this will be the main time frame for the presented numbers) there were 30, 146 victims of human trafficking in the European Union, of whom 90% were sex trafficking victims (Eurostat). There were 5,614 Romanian sex trafficking victims registered in the European Union, making them the most trafficked people. In

Romania, of its suspected 22,600 trafficking victims, 3,230 are sex trafficking victims (Walk Free Foundation). The number of suspected traffickers in Romania is 1,209, and 254 of them are women. Romania has prosecuted 8,805 traffickers and solicitors and of those 3,855 have been convicted. Romania itself has assisted 1,587 victims, 1,147 of whom are women. None were assisted with complete re-integration. Re-integration is a process, not an event. 355 victims/survivors were provided with accommodation, 181 were given assistance with education, and 934 victims were given legal assistance. 45 were given job placement, 1434 were given medical and psychological assistance, 348 victims were given assistance to return home and 166 were given other assistance (European Commission, Trafficking in Human Beings). It should be noted that no victim was given a residence permit and there was no data on the reflection period. The exact meaning of “reflection period” is not given though, as can be seen from this excerpt from EU Council Directive 2004/81:

The reflection period for third country victims of human trafficking is regulated in the EU Council Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. Member States should offer a reflection period for third country nationals, allowing them to recover and escape the influence of the perpetrators of the offences. The term reflection period itself is not further defined in the Directive. (European Council).

In the ensuing discussion of the business model of human trafficking we need to remember that all these above-mentioned numbers are not just numbers, these are actual lives.

## **Trafficking business model in Romania and beyond**

What makes a person fall victim to human trafficking? Typically, women are preyed upon the most in sex trafficking, especially if they are in debt or do not have a job. People

that are unemployed are targeted through promises of employment at their current location or a promise to take them to a new country where they will get a job. Often times friends or family lure them. Many times women are tricked by female friends who have “pimp” boyfriends who force their girlfriends to trick others into slavery rings. They are taken across country lines and their passports are kept away from them, making them essentially stateless. They are told they have to work to pay off their travel and housing expenses and then are put into unimaginable circumstances. There is often mental and physical abuse at the hands of their captor that makes them afraid to run away or to speak up. Many are told their families will be killed if they try to run away or if they try to press charges. Immigrants are also targeted because they are vulnerable in general with a lack of both the Romanian language and knowledge of the cultural norms, and they may also lack legal residency status. Currently we see increased targeting of immigrants due to the migrant crisis in Europe (Human Rights Watch, Europe). Many Syrians are being trafficked across Europe either for forced labor or for sex slavery (McDonald-Gibson). In mainstream culture of the United States, there seems to be a tendency to think that people who are prostitutes, whether here or in other countries, *want* to be doing that job. We tend *not* to see prostitutes as victims; whether they are victims of trafficking, abuse by their pimps, or victims of society and capitalism, we see them as criminals (Pross). In order to best help the victims of human trafficking, there needs to be a fundamental shift in the way we perceive women, sex, and other countries. We need to see other countries as neighbors in our global community. When I picked Romania to do research on, I needed to change the way I thought of the people there; I, probably along with many other Americans, saw Romania merely as a former communist country, one that was not developed and where prostitution

was rampant simply due to a lack of opportunity and a real social safety net. Obviously, that is a wrong stereotype and one that needs to be broken but it is important to notice because it can influence one's research. Also, if that image is in someone's head, it will impact how one reads this research and views victims. We cannot just continue seeing victims as powerless people because even though they may feel that way, we need to empower them. We need to not see them as prostitutes but as victims and survivors of trafficking. We need to see Romania not as a broken country but a country that has a chance to improve and use innovative strategies to stop human trafficking.

Romania is notorious for human trafficking. Not only has it become a top sex tourism spot and a major source for trafficking victims but also it has its own business model for human trafficking (Kara, pg. 92). Romania's infamy when it comes to human trafficking describes not only the vastness of human trafficking in the country but also the brutality of it. In order to end human trafficking in Romania, one must identify and understand some key elements that are common in trafficking rings in Romania.

It is important to note who runs human trafficking rings in Eastern Europe. The main exporters of trafficked Romanian women are Romanian organized crime rings. Siddharth Kara, a prominent scholar on the subject, discusses the issue at length in his book, *Sex Trafficking; Inside the Business of Modern Slavery*. He interviews a human trafficking scholar named Michael who stated, "Italy in particular is a hub in the female sex trade for numerous international mafia groups." (Kara, pg. 92). "'There are five main organized crime groups that traffic women and children into Italy...Albanian, Romanian, Russian, Nigerian, Chinese.' Michal explained that each group operated in three tiers: high,

middle, and low.” (Kara, pg. 92). The hierarchy of the organized crime is described as follows:

The high-level operators were big bosses with big money. They managed the overall transport of individuals from origin to destination as well as contacts with political, diplomatic, and law-enforcement officials to ensure safe passage and arrival. They also organized the sale of victims to brothel owners and pimps in the destination countries. The mid-level operators oversaw specific territories, usually along the borders of the destination countries. They knew the borders well and facilitated transport across them. They also provided false documents, interacted with corrupt police, and chose the exact routes to be taken on any given day. The low-level operators worked in destination cities and delivered victims to the final point of exploitation. They might be taxi drivers or grunt men who took a small commission from the sale price and passed the remainder back to the mid-level operators, who took their cut and sent the bulk of the money to the bosses at the top. These high-level bosses typically reinvested trafficking profits into other illicit businesses—drugs, firearms—as well as legitimate businesses, such as travel or job agencies, that facilitated slave-trading operations. Not every organized crime group operated in this neat, tiered fashion, but... most of them did, most of the time. (Kara, pg. 92-93).

Romanian organized crime groups are notorious not only for their violence but their tech savvy ways of trafficking women:

Michael told me that the Romanian crime groups were the best at electronic crime, including credit-card fraud and using the Internet to solicit customers for child pornography and prostitution. Increasingly, the Romanians arranged for the sale of trafficked minors electronically, through emails and web pages. The Romanians were also the first to start a rental market for sex slaves in Italy. Rather than sell women outright, the Romanians began leasing them to protectors or brothel owners for six to twelve months at a time. In this scheme, the brothel owner paid 100 percent of revenues generated by the slave to the lessee (the crime group) for the first three months, then one-half of revenues after the third month. (Kara, pg. 93).

It is important to note that in many cultures, women and girls are seen as “lesser” than men and boys. Even in our most developed and “modern” societies, there is systematic sexism and misogyny. This often translates to the objectification of women and even violence



against women. The culmination of this systematic sexism is the sex trafficking of women and girls.

Slaves are raped, tortured, starved, humiliated and drugged during transportation, both for the pleasure of traffickers and also to break the slaves to make them more submissive upon sale...Breaking the spirits of slaves begins during transportation and continues once the slave is sold. More torture, rape, and humiliation await slaves as their owners do everything possible to ensure they will service their clients submissively and never try to escape.” (Kara, pg. 12).

Women who try to escape face brutal retaliation through broken limbs, beatings, and even death. “If they tried to escape, they might have their throats cut in front of other slaves, who were subsequently required to clean up the slaughter as a visceral lesson in the fate that awaited them should they try to escape.” (Kara, pg. 12). Younger women, and minors, are even drugged before having sex with “johns” in order to ensure their subordination.

Once these women and girls are abducted and forced to endure torture, they are sent or sold in six types of venues: brothels, clubs, massage parlors, apartments, hotels, and streets. They are then forced to sleep in houses or apartments where they all live together, sometimes up to between 20-60 women in a home or apartment. They may not have a bed, or simply sleep on a worn out mattress on a floor, where they often are forced to have sex. If a bathroom is available, there is most likely no hot water available and the bathrooms are barely kept up. There is mold growing in bathtubs and showers, which create health risks. There is a lack of food security, which creates health risks, and again, there is a lack of access to health care (Wickham). “Survivors of sex trafficking report chronic symptoms such as frequent headaches, stomach pain, lower abdomen pain, skin disease, body itching and fatigue...sex workers also experience asthma and other rheumatic disorders.” (Wickham). As the women are often forced to have sex without condoms or other forms of

protection, they are subjected to contracting sexually transmitted diseases and even HIV/AIDS. These women and girls are also at a high risk of becoming pregnant, experiencing high risk pregnancies due to the stress on their bodies, and many are forced into getting abortions which also creates stress on their bodies. Many are forced to continue having sex even while pregnant, immediately after giving birth, or after an abortion, which creates health concerns (Wickham).

There are also emotional and psychological traumas that trafficked women endure: “Impatience, irritability, short-temper and violence, lack of obedience, distrust towards others, lack of self-confidence, emotional instability, depression, stress, feelings of isolation, hopelessness or desperation for the future, shame and guilt, humiliation, loss of virginity, negative attitudes, withdrawal, post-traumatic stress disorder, and self-mutilation.” (Wickham). Many try to commit suicide during and after their time in captivity. They also experience negative behavioral effects because of their time being trafficked. They experience “social withdrawal, altered behavior in front of males, lack of motivation, and aggression, inability to dream and hope and a lack of aspiration and vision for the future.” (Wickham). Survivors experience the same emotional and behavioral problems as captives because they often are not welcomed back into their homes and communities and are shamed and punished to a life of isolation and discrimination for a crime they never committed.

Romanian trafficking rings have very specific ways of luring women into their spheres. Some ways include newspaper ads or modeling casting calls. Another way is to promise a job in a city or in another country. This would not be something uncommon

because in 2009, three million Romanians left their country, which equates to 13% of the population (World Bank). In an interview with a local newspaper, one woman, Ioana Eugenia Gavril, or Cristina, discussed her time as a trafficker. She stated that she had trafficked over 300 Romanian women across Europe and was subsequently arrested and sent to jail for 10 years. She herself said she is trying to get out early through good behavior and bribes. Cristina stated: "A lot of them were recruited by the boys in our network who promised them the world. The classical story that you must have heard about: they make them fall in love with them, they get them out of the country, and then send them to [produce money]." (Caramello). This is very much a component of the "Lover Boy" recruitment technique that is used across Romania. Women are lured by men who convince the women they love them and they buy them presents. The men then tell the women they need to make money for them and then the next step is that they force them into prostitution. This is very similar to the "pimp" model that we see in the United States. Certain groups of society are specifically targeted like the Roma people or the "macumbe" who are poorly educated girls picked up from small villages in Romania (Caramello). The trafficker stated that she recruited women by asking their parents for permission to take their daughters to work abroad. She stated, "...I sometimes went to their houses and asked for permission from their parents to let them go with me. The parents knew that I was a recruiter for hotels and bars and that their daughters were going to be maids or waitresses." (Caramello). It seems that parents and older adults need to be educated on signs of traffickers. With less ignorance and naiveté among parents and other adults, fewer children and adolescents would become trafficking victims.

Once girls and women are deceived and forced into sex slavery, they are subjected to brutal conditions in order to keep them submissive. Cristina discusses how her husband Eduard, a fellow trafficker, tortured the women that were put into sex slavery. She states that “I never beat them but my husband did...Sometimes he was breaking their nose...some he even mutilated...He was locking them in rooms and we were not allowed to go in to give them food or anything for weeks at a time.” (Caramello). Another trafficker was given the nickname “The King of Prostitution in Eastern Spain” or Taganu. He is also serving time for trafficking; he will be spending six and a half years in prison. Taganu stated that he specifically targeted women from broken homes and of poor financial standing, and he perpetuated violence against them to keep them submissive. One of his victims was interviewed in a local newspaper, *Evenimentul Zilei*, where she stated, “I was abducted by two members of the Tagnau clan while hitchhiking right outside Predeal. They sequestered me in this house in Calarasi and I was raped continuously for two weeks.” (Caramello). She then goes on to discuss the “ritual” she had to partake in when another victim tried to escape her captors.

They made her go down on her knees, hands tied behind her back. There was a circle formed by 10-12 people, all members of the clan. They all (with no exception) forced themselves on her and then one of them said: «If you’re fed up of this job, then this is the last time you you’ll get to taste it!» When they were done, one of the men grabbed her lips and held them tight together with a pair of pliers while another was sewing them with a metal wire. (Caramello)

In response, Taganu stated:

They wanted to be there. They brought each other. Why would they recruit their friends, classmates and cousins if they didn’t like it? Of course we had to do the same. If they like it and wanted it so badly then we have to give it to them! (Caramello)

This certain trafficker also beat, cut, and burned anyone who raised her voice to him. All of his “girls” were also branded with tattoos so that they could be easily found, a common tactic used by traffickers to show their ownership. What is Romania doing to stop these traffickers, and to assist the survivors?

## **Romania: Laws, governmental efforts, and EU membership**

Many factors can help explain why human trafficking has become so prevalent in Romania. There are economic factors, like unemployment, there are cultural factors, like how the society tends to perceive women, and there are political factors, like the laws put into place to combat human trafficking. I will now explore what Romania has done to stop human trafficking, punish traffickers, and help survivors.

I would first like to address the legal background pertaining to human trafficking and violence against women in Romania. Article 16 of the Romanian Constitution guarantees equality under the law:

(1) Citizens are equal before the law and public authorities, without any privilege or discrimination. (2) No one is above the law. (3) Access to public, civil, or military positions or dignities may be granted, according to the law, to persons whose citizenship is Romanian and whose domicile is in Romania. The Romanian State shall guarantee equal opportunities for men and women to occupy such positions and dignities. (4) After Romania's accession to the European Union, the Union's citizens who comply with the requirements of the organic law have the right to elect and be elected to the local public administration bodies. (Romanian Government)

Articles 185 and 186 of the Romanian penal code address domestic violence by handing out harsher punishments when violence is perpetrated against a family member. Similarly, if a woman is trafficked and is hurt by someone outside of her family, the perpetrator may receive less time than if the perpetrator was a family member. It should also be noted that

if a rape is to be convicted, there needs to be a medical certificate *and* active cooperation from the victim. If the victim reconciles with her abuser, then charges are dismissed. This can cause a problem if there is intimidation at the hands of the perpetrator, which scares the victim into not cooperating or going back to her abuser, which is a common occurrence (Kloer).

Articles 202-209 of the Romanian penal code were all created to address human trafficking but I will only be referencing specific parts. Article 202 states: “Placing or keeping a person in slavery, as well as trafficking in slaves, shall be punished by strict imprisonment from 3 to 10 years and the prohibition of certain rights.” (Romanian Government). Unfortunately, this sentence stipulation represented a reduction from the previous *five to fifteen years*, to *three to ten years* (Bruce). The topic of penalty for human trafficking is continued in Article 204, which specifically references trafficking in adult persons:

**Art.204** – (1) The act of recruiting, conveying, transferring, lodging or taking over a person by threat or by other forms of coercion, by abduction, fraud or deceit, abuse of authority or taking advantage of the person’s inability to defend him/herself and to express his/her will, or by giving, accepting or receiving money or other benefits in order to obtain consent from the person having authority over another person in order to exploit that person, shall be punished by strict imprisonment from 3 to 12 years and the prohibition of certain rights.

(2) The penalty shall be severe detention from 15 to 20 years and the prohibition of certain rights, if:

- a) the act has been committed by two or more persons together;
- b) if the victim suffered serious injury of corporal integrity or health;
- c) the act produced significant material benefits.

(3) If the act resulted in the victim’s death or suicide, the penalty shall be severe detention from 15 to 25 years and the prohibition of certain rights.

(4) The penalty para.(1) shall also sanction the act of determining or allowing, in full knowledge, either directly or indirectly, the entrance or stay on

Romanian territory of a person who is not a Romanian citizen or does not domicile in Romania, and who is a victim of trafficking in persons, committed in one of the following circumstances:

- a) by using fraudulent means, violence, threats or any other form of coercion against the victim;
- b) by abusing the special condition of the victim, because of his/her illegal or poor situation of entrance or stay in the country, or because of pregnancy, disease or disability or a physical or mental disability.

(5) If the act in para.(4) is committed repeatedly, the special maximum of the penalty shall be increased by 2 years.

Romania also adopted several laws to combat domestic violence and violence against women. Law 217/2003:

...Established the National Agency for Family Protection ("NAFP") within the Ministry of Labour, Family and Equal Opportunities, provided standards for counseling offices and shelters for victims, and defined domestic violence as "any physical or verbal action deliberately perpetrated by a family member against another member of the same family, resulting in physical, psychological, sexual suffering or material loss." Domestic violence also includes encroachments on women's fundamental rights and freedom... [The law] further addresses the role of social workers, prevention measures, mediation, shelters, and protection measures and sanctions. The NAFP is charged with implementing protective strategies, training, funding, educating, creating shelters and hotlines, collecting data and setting up rehabilitation centers for both victims and perpetrators. Law 211/2004, which was adopted in 2004, expands upon Law 217/2003 and affords victims the right to free psychological counseling and legal support, as well as financial compensation from the Government. (Romanian Government)

In 2012, the law was then amended and Law 25/2014 was created.

The new legislation (a) amended the definition of domestic violence to include verbal, psychological, physical, sexual or spiritual violence, (b) allowed victims to request a court order of protection and a restraining order against the abuser, and (c) provided that the victim is entitled to respect to personality, privacy, dignity, special protection, counseling, rehabilitation, reintegration, free medical care, and legal aid. Perhaps the most significant of these provisions is the provision allowing a victim to seek an order of protection and restraining order, which can be used to prohibit an abuser from remaining or returning to the family home (even if it is his

property) or contacting the victim, require the abuser to keep a minimal distance from the property, and force the abuser to bear some costs, such as medical and court expenses. Law 25/2012 also provides for some penalties to the abuser, including psychological testing, psychological counseling, detoxification programs and fines. (Romanian Government)

It should also be noted that Romania decriminalized prostitution in 2014. The United States' State Department assessment of Romania when it comes to human trafficking has already categorized them as a Tier 2 country but the US government also stated that in 2013:

...For a fourth consecutive year, the government did not provide funding to NGOs offering assistance to trafficking victims, and did not offer specialized shelter services in Bucharest for adults and children... The Government of Romania demonstrated weak efforts to protect and assist victims of trafficking during the reporting period, although victim identification remained high... During the year, some government-funded psychological assistance reportedly was not consistently adapted to trafficking victims' needs. No trafficking-specific shelter for adult trafficking victims operated in Bucharest, the country's largest city, creating an assistance gap for victims identified in the capital or arriving there in the course of repatriation. The government maintained six transit centers for child victims located near international border crossings, although child victims identified abroad were often repatriated by plane via the airport in Bucharest. The government provided non-specialized care for child victims at emergency reception centers for abused children, which are located in each of the 41 counties and six administrative districts of Bucharest. The government continued to operate a trafficking-specific hotline, which allowed officials to identify victims and refer them to care. During the reporting period, the government fined some sex trafficking victims for prostitution. Romanian law permitted foreign victims a 90-day reflection period to remain in the country, though the government did not report the number of victims granted this reflection period. Third country national victims of trafficking could receive a temporary residence permit to remain in the country until the completion of a prosecution, although they were not allowed to work in Romania during the time of their residence permit. Romanian trafficking victims participated in criminal prosecutions at a high rate; in 2012, 600 victims participated as an injured party in a trial and 205 victims testified, compared to 882 victims participating in 2011 and 123 testifying. (U.S. Department of State, "Relations with Romania")



From the US State Department's report it becomes clear that Romania still has a long way to go to properly address the needs of survivors of human trafficking.

The Global Slavery Index ranks countries all around the world on government responses to human trafficking and the prevalence of human trafficking in said country. Out of 35 countries in Europe, Romania is listed as the 18<sup>th</sup> in prevalence of modern slavery (Walk Free Foundation). The Romanian government was given a "B" in terms of government response to human trafficking, making it one of the worst responding governments in Europe (Walk Free Foundation). What does a "B" mean? Global Slavery Index states that in Romania:

The government has introduced a response to modern slavery, with limited victim support services, a criminal justice framework that criminalises some forms of modern slavery, (or has recently amended inadequate legislation and policies), a body or mechanisms that coordinate the response, and has policies that provide some protection for those vulnerable to modern slavery. There is evidence that some government policies and practices may criminalise and/or deport victims, and/or facilitate slavery. Services may be provided by International Organisations (IOs)/ NGOs with international funding, sometimes with government monetary or in-kind support. (Walk Free Foundation)

A few government policies that have led to this "B" rating is the policy that publicly names survivors who testify against their trafficker through open documentation. The police have been known to also publicly name survivors. This creates a greater chance of retaliation and may persuade survivors not to testify because they may be so ashamed of what they endured (Walk Free Foundation). In 2014 the Romanian parliament, as mentioned above, reduced sentences for traffickers from "five to fifteen years" to "three to ten years" (Bruce). These reduced sentences do not harmonize with the fact that Romania is a member of the European Union (EU), an institution well known for its high human rights standards.

Romania's ascension into the EU came in 2007 with hopes of being as successful as Poland, which entered in 2004; both were former "Iron Curtain" countries. Poland's entry into the EU is often hailed as a success as the country's unemployment decreased, their GDP increased, and their human rights violations decreased (Piatkowski). There were high expectations for Romania to break the shackles of its communist history to become a capitalist, European nation. Unfortunately, it has been a longer path to the success levels of Poland. One of the most problematic issues with Romania's government currently and historically, is the issue with corruption within the government. Romania is ranked one of the most corrupt countries in Europe and in the world (Transparency International). This corruption, I believe, has led to the facilitation of human trafficking.

When a country enters the European Union, it must adhere to certain standards such as high standards of democracy, economic opportunity, and human rights. Currently, Romania is working on cleaning up corruption within its government. "...of the 588 members of the Romanian parliament, one in 10 has had problems with the law." (Paun). Romania's serious corruption problem extends into the judicial system. It was reported that there has been political pressure on judges and other parts of the judicial system. The European Commission stated that they "received a large number of representations from judicial institutions concerning direct criticism by politicians and politically motivated media attacks on individual judges, prosecutors and members of their families, as well as on judicial and prosecutorial institutions." (Jurist). What does this all mean? Politicians are taking over the judicial system, they have appointed friends to become judges, and are allowing corruption to decay the rule of law in Romania. The judicial system is no longer separate from political institutions making it much harder to fight corruption. While this

leads to issues with democracy, it also leads to issues with bribes. In such a political climate, government officials may have been paid off to allow for shady deals to be made including the facilitation of human trafficking.

As an EU member, Romania had to sign on to the European Convention on Human Rights in 2007. This convention was modeled after the United Nations Declaration of Human Rights, which was created in 1948. In this declaration though, there is no mention of human trafficking. Article 4 of the European Convention on Human Rights does discuss slavery and forced labor. The article states:

1. No one shall be held in slavery or servitude. 2. No one shall be required to perform forced or compulsory labour. 3. For the purpose of this Article the term "forced or compulsory labour" shall not include: (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention; (b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service; (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community; (d) any work or service which forms part of normal civic obligations." (European Convention on Human Rights)

This article applies to human trafficking, including sex slavery, although it does not specifically reference these terms. However, since the Convention was first drafted in 1950, there have been several legal cases regarding human trafficking. In the 2012 European Court of Human Rights case *M. and Others v. Italy and Bulgaria*, it was established that sex trafficking does fall under Article 4 (European Convention on Human Rights). So, Romania had to sign on to this human rights convention in 2007 but some of these rights were not explicitly established until 2012. This leads me to wonder how many other human rights abuses must explicitly be stated before they seem to become important. How has Romania done so far with human rights? Not too well. Human Rights Watch has accused Romania of torturing terrorism suspects and of widespread human rights violations against the Roma

people (Human Rights Watch). While Human Rights Watch did not mention human trafficking, the lack of respect for the Roma people and the use of torture do show a lack of respect for basic human rights in Romania. If this government will allow this to happen, what else will they allow?

Although a civil society would argue that combating and stopping human trafficking would be in the government's best interest and that the government should always be looking out for the safety of its people, that may not happen. Was it the fault of the European Union or the government of Romania to not *legally* stop human trafficking until 2012 even though Romania ratified this document in 2007? Furthermore, does the United Nations have an obligation to specifically mention human trafficking in their human rights declaration? This hailed institution does have a few operations and protocols that aim to end human trafficking so why would it not be mentioned or even added to the Declaration of Human Rights. Although these are questions that go beyond the scope of my current research, later in this paper I will at least provide an overview of what the European Union and the United Nations have done in terms of developing conventions and strategies pertaining to human trafficking.

I will now be looking at an economic factor in Romania that makes conditions ripe for human trafficking. When Romania first entered the EU, the country was at about a seven percent unemployment rate and even today, the country is at six and a half percent unemployment, which is just a little more than average in comparison to other European Union nations (Romania Unemployment Rate). But if one takes it a step further, the youth unemployment rate is at about 21.2% (Statistia). Why look at youth unemployment? Youth

unemployment usually leads to political and social instability. Typically, the most vulnerable people in situations regarding human trafficking are those who are young and unemployed (Polaris Project). Many young people are promised occupations or are even promised a pathway to another country where they are told they can get a job as a waiter (or waitress) or as a model and then they are forced to become sex slaves. Especially if *young* people are taken and put into this life of trafficking, it creates the only life they know. Unfortunately, they later on could become traffickers themselves because they know who to pick out and they know how to work within this system. It only creates a bigger cycle of trafficking. One could argue that the corruption and incompetency of Romania's government officials have led to high youth unemployment which has allowed for traffickers to pick up the most vulnerable people. Also, although an unemployment rate of 6.5% is not dramatic in a comparative perspective, it is problematic. Unemployed people may become attracted to illegal work or they may become prostitutes and may be forced to stay prostitutes. As previously mentioned, Romania decriminalized prostitution in 2014. Unemployed women are vulnerable to this because they want to provide for their family at all costs (if they have a family). If they are single, they need to support themselves and have a greater chance of being lured to another country because they may not have as strong ties to their home country of Romania. High unemployment creates an environment where human trafficking is allowed to happen because it puts money into the country, either through sex tourism or through black markets. If a government is more concerned with private bribes, it will not work for its people or work all together for that matter. Romania's government then becomes complicit in the demise of their civil society when it has the resources of the European Union at its disposal. Romania needs to work on bringing down

their youth unemployment along with their general unemployment. No country wants to boast high unemployment but especially in Romania where human trafficking already flourishes, this only creates more of a perfect storm for this to happen. How Romania plans on bringing down unemployment rates is yet to be seen but there have been mass demonstrations in the streets regarding not only the mass unemployment but the mass corruption that exists within the government structure (BBC News). In this transitional time for Romania, Romanians now look to non-governmental organizations for guidance and assistance.

### **Non-governmental organizations' efforts at helping survivors**

Now that we have established what the Romanian government does to stop human trafficking and to help survivors, I will be looking at what Romanian NGOs do in terms of rehabilitation and reintegration. When women who have been trafficked are finally able to escape their traffickers, there is still a long road ahead to liberation. If a woman is lucky enough to escape, people tend to think of it as the end of the trauma for her and she may therefore not be given the resources she needs. Governments often do not provide the services needed for survivors, and non-governmental organizations (NGOs) are there to pick up where the government slacks. These NGOs often lack funding but continue to persevere when it comes to providing rehabilitation and reintegration services for survivors of trafficking.

There is a lack of funding from the Romanian government to NGOs that work with trafficking survivors so there is a limited capacity in what they can do (U.S. State Department, Romania). In order to best, and most efficiently, help survivors of trafficking

there should be cooperation from the international community, national and local government, the local community, and non-governmental organizations themselves.

Non-governmental organizations provide, "...legal and financial support, recovery facilities, counseling, medical care, and education." (Wickham, pg. 10). All these sectors need to be involved in supporting and empowering survivors because of how complex and layered the problems that stem from trafficking are. In many countries, Romania included, and especially in the rural areas, the communities shun and shame the survivors of trafficking because they view them as "used" and "dirty", which creates more problems for survivors. Education needs to spread to all parts of the country to explain to people that trafficking is not the victim's fault and they should be accepted back into the community or village. Leah Wickham suggests that, "All survivors require a central location for support, counseling, education and skills training, medical services, and a supportive community." (Wickham, pg. 10). If a survivor was moved around though, one should wait to try and reintegrate them back into their home community because they need a time of recovery. It would make sense to have one central spot, like a group home, to create a feeling of community and shared social environment. I would also add that security measures for the survivors need to be in place because of the notoriously violent ways of Romanian traffickers. This may sound like a very large undertaking, especially since many survivors of trafficking come from rural areas where access to the same services provided in cities like the capital, Bucharest, are not materialized. Services should be given to survivors at no cost, which is where the government comes in to provide funding. Unfortunately, the Romanian government does not fund these NGOs so they must spend valuable time and resources applying for grants. If these are rural NGOs, they may not even have access to all

the available grants. There is inequality amongst NGOs because the larger and more established organizations have access to knowledge of grants, and how to obtain them. It makes it harder for smaller and more rural NGOs to compete and get funding.

Romania also hinders the process of rehabilitation and reintegration by their own laws and practices. The 2015 United States TIP Report stated that because Romania stopped funding anti-trafficking NGOs:

Nearly 30 anti-trafficking NGOs either closed or changed their focus to issues other than human trafficking in order to retain federal funding; some of these NGOs provided critical victim assistance including shelter, counseling, vocational training, and other rehabilitative care for victims. The number of victims who received government-funded assistance significantly decreased for another consecutive year, and the government identified significantly fewer victims compared with the previous reporting period. NGOs and international organizations reported that the reorganization of NAATIP [National Agency against Trafficking in Persons] has left Romania without a true national agency to provide direction to other ministries with anti-trafficking responsibilities. (US Department of State, TIP)

The report then goes on to state the government “...did not undertake proactive measures to identify potential victims among populations vulnerable to trafficking, including illegal migrant detention centers.” (US Department of State, TIP). The Romanian government is working to try and bring back funding for NGO’s but has yet to accomplish this (Coman, personal communication).

Wickham states that survivors need temporary housing when coming out of the sex trade because they are “...unable to return to their communities due to distance, danger from criminal networks, or community rejection. Recovering sex slaves also require extensive psychological counseling and long term care.” Unfortunately for Romanian NGOs, it is very expensive to run a shelter that would be the most effective in helping survivors.



(Wickham, pg. 10). She also references a “drop-in” center with condoms, health clinics, and a bathing facility amongst other services for “sex workers” but I think this is also an option for women and girls who are under the influence of a pimp that allows them some freedom. This is a cheaper option for NGOs and is easier to set up in more rural locations; unfortunately it cannot provide the extensive care required to rehabilitate and reintegrate survivors of human trafficking.

ADPARE, a non-governmental agency that fights trafficking in Romania also states that the country is “...routinely listed as a top destination on websites promoting and rating sex tourism.” (ADPARE). But why is this happening? Why is Romania, a country that has been in the EU for 9 years now, becoming one of the biggest sex tourism destinations and places of origin for trafficking victims? One answer could be the economic inequalities of the country. Romania itself has a population of 19.9 million people, and the GDP per capita (adjusted for purchasing power parities) is \$19, 712 (Central Intelligence Agency). The 3<sup>rd</sup> poorest region in the EU is Nord-Est, a Romanian region which includes Bacău, “...one of the regions inside the EU with the greatest number of missing girls due to trafficking.” (Bruce). Bucharest, the country’s capital on the other hand, is currently booming. It has a GDP per capita of 22,300 Euros (\$25,024)(World Bank). The country has centralized its economic prosperity in its capital and because of that, Bucharest has become a destination not only for sex tourism but also for trafficked women. It is believed that many of the missing women have been kidnapped and forced into sex slavery. It has even been reported that local police in small villages are complicit with the trafficking of women (Bruce).

Where the police and government lack in their efforts and sincerity, non-governmental organizations take over. There are a multitude of non-governmental organizations currently located in Romania. Some are religiously affiliated and some are secular. There are at least 18 major anti-human trafficking NGO's in Romania alone (eLiberare). The organization that I interviewed was eLiberare, one of the largest anti-trafficking non-governmental organizations in Romania.

### **Interview with eLiberare, an anti-trafficking NGO in Romania**

On March 4, 2016, I conducted an interview with the Director of Operations for eLiberare, Stefan Coman. eLiberare is one of the largest, and newest, anti-trafficking NGOs in Romania and the group is using grassroots tactics to spread awareness. The organization has a four-pronged approach to ending trafficking in Romania: awareness education, prevention training, restoration assistance, and network development. The organization shows documentaries and extends them to communities to share information about human trafficking. They provide volunteers to other NGOs, they help shelters by giving them supplies, and they organize awareness campaigns through billboards and events to educate people on the signs of trafficking victims. They also work with at risk kids and they have created educational tools for the 250 school districts in Romania. They have worked with banks to have them look for signs of trafficking victims. eLiberare also looks to build trust with the governmental "National Agency Against Trafficking in Persons".

Based on my questions to Mr. Coman about his organization, I learned the following about eLiberare: The organization as a whole has a \$300,000 budget while this year, at least \$77,000 will go to prevention. The rest of this money is used to pay 17 employees; 14

of them work for the design agency side of the organization, and 3 work for the prevention side of the organization. The design agency portion of the organization conducts design work and art for other NGOs. This helps fund the prevention portion of eLiberare. The funding for eLiberare comes from donations, the design agency, and the European Union. eLiberare works with many volunteers but the aim of the organization is to empower all the communities of Romania. They give training and distribute documentary films and other forms of help, such as organizing workshops and helping communities gain the tools to spread awareness about trafficking victims and what they may look like (and how they typically may behave), in order to enable the community to spot those who are trafficked and help survivors of trafficking. Mr. Coman did not say how many survivors of trafficking the organization has worked with because this NGO does not directly work with them but he did say he believes they have reached a quite high number through their outreach programs and the help they provide to other NGOs.

I asked Mr. Coman if he felt the situation in Romania in relation to human trafficking had gotten better or worse over time. He stated it was hard to tell but he believed that it was getting better. The number of those prosecuted have started to increase, but since it is an illegal business it is hard to track traffickers and those trafficked. Mr. Coman stated that his organization does work with the Romanian government, along with other governments. In 2015, eLiberare held the 2015 Forum Against Human Trafficking in collaboration with the United Kingdom, United States, and Dutch Embassies along with the Romanian Parliament. When I asked Mr. Coman if he thought the government should be doing more in the fight against trafficking he stated he believes the Romanian government already is pretty progressive in terms of fighting trafficking through legislation. But there were a few

areas in which he said there could be improvement: the “johns” of trafficked women are only fined or nothing at all happens to them, which increases demand for trafficked women. Romania also does not confiscate the assets of the traffickers. Often those assets are in the names of relatives or friends and they are not seized, which increases the desire to go back and traffic others. He also stated there should be a more uniform way to track and collect data on those who are trafficked across the European Union. He does not believe that Western European countries are doing enough to stop human trafficking through their legalization on prostitution. He also stated: “The will to stop trafficking needs to come from communities and that will transcend authority.” He also stated that victims of sex trafficking are not able to “sue” their trafficker to get money that they worked for.

Finally, I asked him what his hopes were for the future of fighting human trafficking and for his own organization. He said he hopes to see the impacts of his NGO in the next 10-20 years, especially more shelters, knowledge, and a decrease in trafficking. He also hopes to see civil society step up and take part in the fight against trafficking, and he would like to see consistent funding for NGOs come from the Romanian government. The Ministry of Internal Affairs has cut funding but the Romanian parliament is working to get that funding back. I was surprised to hear Mr. Coman state that he felt that Western European nations were not doing enough to stop human trafficking. We typically think of these countries as the best firewalls to human trafficking, but he feels that they should be able to do much more, which makes sense considering the better financial resources and advanced technologies they have compared to lower-income countries such as Romania. Mr. Coman also stated he believed that the Romanian government is doing enough to stop human trafficking; he believed it was more of a societal reason as to why human trafficking is still

prevalent in Romania. What was inspiring though, was to hear that someone so experienced about human trafficking in Romania was relatively optimistic about the future.

## The European Union's anti-trafficking efforts

The European Union's establishment was met with hope for a peaceful future not just in Europe but also the world. The creation of this institution was also meant to enhance the human rights of those living within the Union. As mentioned earlier, the creation of the European Convention on Human Rights in 1950 was a key component in the beginning stages of the EU. But what has the EU done specifically to combat human trafficking? I will be looking at some of the major directives initiated by the EU to stop this illegal activity.

First, I would like to acknowledge how the European Union defines human trafficking. It is very similar to the United Nations' definition as outlined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, also known as the Palermo Protocol. In the European Convention on Human Rights the EU defines human trafficking as,

The recruitment, transportation, transfer, harbouring or receipt of persons, including exchange or transfer of control over that person, 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. [...]

A position of vulnerability occurs when the person has no real or acceptable alternative but to submit to the abuse involved. [...]

Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities or the removal of organs. (European Convention on Human Rights)

As noted earlier, the convention does not explicitly state that sex trafficking is prohibited but after later court cases in the EU Court of Justice illegality was established. Programs and initiatives were then started in 1996; these were focused on women and also aimed to stop the sexual exploitation of children and online child pornography. The action plan was called “On trafficking in women for the purpose of sexual exploitation.” This plan calls for a coordinated approach with non-governmental organizations to help women and children who were victims of exploitation. A program called “Daphne” was created to end violence against women and children. There have been three different incarnations of this program throughout the years, the most recent being DAPHNE III, which legally was established in 2007 but did not go into effect until after 2008 (EUR-Lex). Daphne III has several objectives (the emphases are mine):

- **Assisting and encouraging NGOs and other organisations** active in this field;
- developing and implementing **targeted awareness-raising actions**;
- **disseminating results** obtained under the previous Daphne Programmes;
- identifying and enhancing **actions contributing to positive treatment of people at risk of violence**;
- setting up and supporting **multidisciplinary networks**;
- ensuring the **expansion of the knowledge base** and exchange, identification and dissemination of **information and good practice**;
- designing and testing **awareness-raising and educational materials**, and supplementing and adapting those already available;
- **studying phenomena related to violence** and its impact;
- developing and implementing **support programmes for victims and people at risk**, and intervention **programmes for perpetrators**. (European Commission, Daphne III)

Daphne also aims to bring non-governmental organizations into this process by providing grants (European Commission, Daphne III). What does Daphne have to do with human trafficking though? The current incarnation of this program works to end violence against women and children. If a woman or child is in the hands of a trafficker, they are most likely

exposed to violence. Violence is the number one tool to imprison and to keep a victim submissive. I believe that Daphne should include *psychological* violence against women and children, as there is an aspect of psychological violence that comes into play with human traffickers. In fact, manipulation and psychological violence is seen as a main component of contemporary human trafficking (Batstone, pg. 36), which means that the mental chains are stronger than the physical chains of human trafficking victims. Psychological violence is also something seen a lot outside of the realm of human trafficking—for instance in domestic violence—and it needs to be treated as seriously as physical violence. Just because there is a lack of scars to be seen does not mean damage has not been done. Again, this goes back to a cultural shift in how we perceive women and victims of abuse. Daphne should be expanded to include anti-trafficking programs or at least state that human trafficking is a part of this cycle of violence so that more non-governmental organizations can be a part of this process.

Before going into a description of the European Commission, I would like to note the European Union Charter of Fundamental Rights. Article 5 explicitly states that trafficking in human beings is illegal. Article 5 is the prohibition of slavery and forced labor. This charter was created in 2000 but it was not required to be signed onto by EU member states until 2009 (European Commission, Fundamental Rights).

While there was no specific treaty or other conventions on human trafficking, several subdivisions were created within the European Union to stop human trafficking. The European Commission was created in 1958 as the executive body of the European Union to create legislation and to uphold treaties (European Commission, European

Strategy). Within the Commission, there is the department of Migration and Home Affairs, and the office/section of Organized Crime & Human Trafficking is a subset of that department. This department is clearly under a lot of stress and scrutiny right now due to the ongoing migrant crisis. In 2005, the European Union and the European Commission began a decade-plus long overhaul of their policies toward the European Union. It was called the “EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings.” (EUR-Lex).

This plan outlined several tactics in emboldening survivors and ending the cycle of trafficking. The description of the plan by the European Commission states that,

*The 2005 Council of EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings provides for specific actions to be implemented by Member States, the Commission and other EU bodies. The Action Plan adopts an integrated human rights-based approach and focuses on the protection and assistance of the victims of human trafficking. Actions include coordination, collecting of data, prevention, reducing demand, investigating and prosecuting, protecting and supporting victims, return and reintegrating victims and external relations. Additionally, the plan demands Member States to swiftly transpose Directive 2004/81/EG (on the residence permit issued to third-country nationals who are victims of human trafficking or who have been the subject of illegal immigration and who co-operate with the competent authorities) into their domestic laws and national strategies. (European Commission, European Strategy)*

This creates a coordinated tactic for all EU members to fight human trafficking. There is a lack of data on how information is shared between countries, and with EU countries under scrutiny for the recent lack of information sharing when it comes to suspected terrorists, most likely the same problem exists when it comes to the exchange of information of suspected traffickers (European Commission, European Strategy). However, it is imperative to note the Open Method of Coordination (OMC) in the European Union:



The OMC is principally based on: jointly identifying and defining objectives to be achieved (adopted by the Council); jointly established measuring instruments (statistics, indicators, guidelines); benchmarking, i.e. comparison of EU countries' performance and the exchange of best practices (monitored by the Commission). (Europa, Open Method Coordination)

Unfortunately, in my interview with Mr. Coman and through my literature research, I found that there has been a lack of implementation of measuring instruments. The OMC is something the EU needs to continually strive to uphold, even though it is not a binding agreement within the EU (Europa, Open Method of Coordination).

In 2012, the “EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings” was updated yet again and became a program called the “EU Strategy on the Eradication of Trafficking in Human Beings.” This program began in 2012 and will continue throughout 2016. A major component of this program was the creation of Directive 2011/36 EU on preventing and combating trafficking in human beings and protecting its victims. It states that the

Directive adopts a comprehensive, integrated approach that focuses on human rights and on the victims and is gender-specific. It is expected to have considerable impact, once fully transposed by the Member States by 6 April 2013. It not only focuses on law enforcement but also aims to prevent crime and ensure that victims of trafficking are given an opportunity to recover and to reintegrate into society. (European Commission, European Strategy)

This fresh strategy encompasses all of the past directives and cases to have one comprehensive plan of action to actually *end* human trafficking. In the past, these directives were meant to help victims or to deter offenders. This plan's new element is that it puts into place a strategy to stop human trafficking altogether. Much of this plan aims to create cooperation with “third countries of origin, transit and destination and identifies as one of its four pillars the prevention and reduction of irregular migration and trafficking in human beings.” (European Commission, European Strategy). No longer is the EU just looking at its

member states but countries like Ukraine and Moldova and even parts of the Middle East and North Africa as partners in ending human trafficking. This creates an awareness of global community that is essential. To see some of these poorer nations as partners in this fight may empower them to work towards the same goals within their own countries. It also gives them the tools and the ideas necessary in crafting their own policies that would be effective in their respective countries. This strategy goes on to ascertain five “priorities” to end trafficking (European Commission, European Strategy). They are:

- A. Identifying, protecting and assisting victims of trafficking
- B. Stepping up the prevention of trafficking in human beings
- C. Increased prosecution of traffickers
- D. Enhanced coordination and cooperation among key actors and policy coherence
- E. Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings.

Priority A aims to establish national and transnational referral mechanisms that “identify, refer, protect, and assist victims” (European Commission, European Strategy). It aims to better identify victims, which would include better training of officers, public awareness campaigns, and more guidelines for border officers to identify victims. This strategy also aims to set up a child protection system for child victims of abuse, and sexual exploitation either online or through trafficking. Lastly, the creation of a new and improved website for access to information for victims or those seeking to share information of possible victims was created, thus facilitating public awareness and public education.

Priority B is based on the more research-oriented and academic side of human trafficking. Funds are to be given to “...research on reducing the demand for and supply of services and goods by victims of trafficking in human beings.” (European Commission, European Strategy). When applied to sex trafficking, Priority B alludes to cultural attitudes

that keep demand steady, especially how mainstream society tends to see women and objectify them. Creating a relationship between government officials and researchers does provide more information that will make this program more effective. This priority was also established in 2014 by the European Business Coalition against Trafficking in Human Beings. The people in this coalition are out in public every day and have the chance to see and identify victims of trafficking. Especially in the hotel industry this becomes very important. Priority B also establishes EU wide guidance in prevention. There are many local, regional, and nation wide programs and initiatives to end trafficking but none that are unilateral, which has made it hard to stop, spot, and end human trafficking (European Commission, European Strategy). By creating an EU wide awareness campaign, more people can learn about the perils of human trafficking, which could save someone from becoming a victim or help someone identify a victim.

Priority C pertains more to the legal ramifications of human trafficking with increased prosecution of traffickers. This priority established “national multidisciplinary law-enforcement units on human trafficking.” (European Commission, European Strategy). These would be specifically trained teams to identify victims, explicate how to work with victims, and how to combat traffickers. They would know every aspect of human trafficking whether it is the business model or recruitment tools; this is unique because many countries do not have law enforcement teams designed to combat trafficking. Furthermore, this priority aims to cut off the financial gain of human trafficking. This is a multi-billion dollar a year industry and by eliminating the financial profit of human trafficking rings, ending human trafficking becomes more realistic. By analyzing where the money comes from, more people involved in these crimes can be identified and convicted. This priority

also aims to create “...joint investigation teams and involve Europol and Eurojust in all cross-border trafficking cases. Member States should make full use of EU agencies to share information with a view to increasing the number and quality of cross-border investigations at the level of law enforcement and at the judicial level.” (European Commission, European Strategy). This is something one might expect to already be happening but with the many different agencies of the European Union, combined with national agencies, and then local agencies, it becomes a real bureaucratic problem to try to figure out who has the authority to investigate, and where. By creating cooperation amongst all these groups, the efficiency in ending human trafficking may increase.

Priority D is about enhanced coordination. In 2009, national rapporteurs were employed to monitor human trafficking in specific countries, including Romania. Under this priority they can now work together and share information. Coordination of EU external policy activities was also initiated. This aims to strengthen ties with non-governmental organizations and countries outside of the EU through sharing information and funding projects that aim to enhance civil society. Also instigated was, “an EU Platform of civil society organizations and service providers working on victim protection and assistance in Member States and selected third countries.” (European Commission, European Strategy). This platform was established in 2013. The European Commission funded this part of the program, and it also established the need to develop a:

...tool, such as a handbook or a guide, to assist Member States in addressing fundamental rights issues specifically related to anti-trafficking policy and related actions, which will take into account relevant structures, processes, and outcomes and will focus on the rights of victims, incorporating a gender perspective and the best interests of the child. As a next step, the Commission will, through the future

justice funding programmes assist Member States in implementing this tool (European Commission, European Strategy).

By creating this handbook the European Commission takes a more unilateral approach to combating human trafficking and makes it more universal so that there is less confusion later on in the process. This priority also creates more specific training for border control and others working in law enforcement. In order to ensure that victims of human trafficking are treated not as prostitutes or law-breakers but as survivors of a traumatizing experience, the law enforcement officers need to be specially trained (European Commission, European Strategy).

Priority E establishes an “EU-wide system for the collection and publication of data broken down according to age and gender.” (European Commission, European Strategy). While it is hard to collect data on trafficking victims because it is an illegal crime and is very much in the shadows, this stated priority does foster a stronger focus on understanding trafficking and where it is coming from so it can be stopped. This priority emphasizes research on the gender aspects of human trafficking to better understand how we can help those who are most vulnerable. The priority then goes on to establish the need for more information on methods of online recruitment and how that can be stopped. Lastly, this priority’s further goal is to help those harmed by labor trafficking (European Commission, European Strategy).

This EU strategy aims at better monitoring of human trafficking by creating a report every two years that will evaluate whether human trafficking has been slowed down by this new strategy in the European Union as a whole. In the past few years, especially in relation to the migrant crisis, the European Commission has worked hard to standardize its

policies and message when it comes to combating human trafficking. The European Union has also made a strong effort to bring public awareness to human trafficking by implementing an EU wide Anti-Trafficking Day that was established in 2006 and is used to hold conferences and testimonials about human trafficking (European Commission, European Strategy).

The European Union has created many initiatives and policies that aim to slow down and now eradicate human trafficking. The EU Commission had to make a website so people in all member countries could understand different laws but even that website is not maintained as much as it could and should be. There is still a lot of work that needs to be done by the EU, in my opinion. Their website was hard to navigate, which creates issues for those who are not well versed in research to find the resources needed within the site. Furthermore, the 2012 program has yet to be reported on in terms of Romania, so it is still too early to tell whether it has been an effective program for anti-trafficking efforts in Romania.

## **United Nations' anti-trafficking efforts**

The United Nations has laid the framework for human rights around the world since its incarnation in 1945, and its predecessor, the League of Nations in 1920. In this section, I will be examining the history of anti-trafficking treaties and conventions that were created on the international stage. The United Nations and the League of Nations (while no longer in existence) have a storied past when it comes to human trafficking. But how has it evolved over time?

The first international treaty that prohibited the sale of women goes back even further than the League of Nations, with the International Convention for the Suppression of the White Slave Trade in 1910. It was originally negotiated in 1904 before countries started ratifying it in 1910. This is widely considered the first *multilateral* agreement aimed at human trafficking. Article I of the convention states that governments need to:

...Establish or name some authority charged with the coordination of all information relative to the procuring of women or girls for immoral purposes abroad; this authority shall be empowered to correspond directly with the similar department established in each of the other Contracting States. (League of Nations)

It seems very progressive for that era to propose establishing a specific agency aimed at stopping human trafficking, although the main objective may have been to stop women from having sex outside of marriage. I also find it fascinating that even as early as 1905, countries wanted to share information to stop the spread of human trafficking. It seems that this is still an issue today, with data sharing across countries not happening to a satisfactory degree. There yet seems to be an efficient and secure way of doing this today, which I will get back to.

Article II states that those specific agencies created need to have police officers at specific places of transit, like ports and railroad stations, to keep an eye out for victims. If a victim is seen or suspected, they will then be taken care of appropriately (League of Nations).

Article III states the importance of collecting:

...declarations taken of women or girls of foreign nationality who are prostitutes, in order to establish their identity and civil status, and to discover who has caused them to leave their country. The information obtained shall be communicated to the authorities of the country of origin of the said women and girls, with a view to their eventual repatriation. The Governments undertake, within legal limits, and as far as can be done, to entrust

temporarily, and with a view to their eventual repatriation, the victims of a criminal traffic when destitute to public or private charitable institutions, or to private individuals offering the necessary security. The Governments also undertake, within legal limits, and as far as possible, to send back to their country of origin those women and girls who desire it, or who may be claimed by persons exercising authority over them. Repatriation shall only take place after agreement as to identity and nationality, as well as place and date of arrival at the frontiers. Each of the Contracting Countries shall facilitate transit through its territory. (League of Nations)

Clearly with this article we begin to see the evolution of survivors' rights. Currently, many advocates for survivors argue that they should not be forced back to their home country, which is where they most likely were lured into trafficking. Further, it is interesting that the use of "private charitable institutions" or what we would call non-governmental organizations today, were seen as partners and a resource even that far back.

Article IV states that if a woman cannot manage to travel back to her home country, the country she is currently in will pay for her fees to go back home. Within this article it is noted about a woman's husband or guardian, and even though these were different times, we get an impression of the sexism and infantilization of women in general and specifically female survivors.

Article V discusses that this convention will not impact any other agreements between other countries. Article VI states that a government agency should watch over companies that state they can help find employment for women overseas. By creating this watchdog group, it set the stage and precedent for what we have today when we monitor "modeling" agencies or mail-order bride agencies that trick women into trafficking. Article VII states that even countries that did not sign on to the agreement may also follow the articles set forth (League of Nations). It should be noted that Romania, a country that obtained its independence after the Russo-Turkish War in 1878, did not sign onto this



agreement. While this treaty did not have much teeth, it set precedence and established a building block for treaties and plans of action for decades to come. While it may have been rooted in sexism and a classic, conservative mode of thought, it still tried to end the crime of human trafficking.

In 1921, the League of Nations adopted the International Convention for the Suppression of the Traffic in Women and Children. This was based primarily off of the International Convention for the Suppression of the White Slave Trade but now that a new international body was formed, it needed to be adopted and discussed in this new institution. This convention discusses the trafficking of children of both sexes, which was not discussed in the original convention. Romania did sign on to this convention and also the 1933 International Convention for the Suppression of the Traffic in Women of Full Age. This convention just extended the original convention to women of all ages. It was then amended in 1947 with the creation of the United Nations, just to say that it is now a convention of the United Nations (League of Nations).

In 1949, the Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution of Others was put into place. Again this encompasses all former international agreements and conventions. This one does specifically target certain aspects of sex trafficking though. Article II states that signatories to this convention should punish any person who, "Keeps or manages, or knowingly finances or takes part in the financing of a brothel; Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others." (League of Nations). Cutting off the financial profit of human trafficking and punishing the profiteers makes it a more effective convention in

ending the trade. This was not something discussed or even mentioned in previous conventions.

Article V states that: “In cases where injured persons are entitled under domestic law to be parties to proceedings in respect of any of the offences referred to in the present Convention, aliens shall be so entitled upon the same terms as nationals.” (League of Nations). Many victims of trafficking tend to be foreigners and they are trafficked into new countries. By giving them the same rights as citizens, it creates a sense of equality in survivors.

Article VI presents something interesting about registration:

Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification. (League of Nations).

This gets rid of any possibility for legal data collection on those that are trafficked, which would be an essential tool in trying to stop human trafficking. At the time of this convention’s creation there may not have been an effective way of tracking suspected survivors but this is one of the most crucial aspects of ending trafficking today. While I do not think trafficked people should have to carry around special papers or documents, this certainly was not a proper article, and one may wonder what exactly the creators of this convention had in mind.

Article XIV states:

Each Party to the present Convention shall establish or maintain a service charged with the coordination and centralization of the results of the investigation of offences referred to in the present Convention. Such services should compile all information calculated to facilitate

the prevention and punishment of the offences referred to in the present Convention and should be in close contact with the corresponding services in other States. (League of Nations)

This article is very important and has a lasting legacy for anti-trafficking work. By creating an agency that cooperates with other countries' agencies, the spread of information will be essential in ending trafficking.

Article XVI provides a hopeful and lasting framework in assisting victims. It states that:

The Parties to the present Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention. (League of Nations).

By creating a culture of assistance, and not just putting survivors into prisons, the survivors will lead more fulfilling lives that may lead them to becoming rehabilitated back into regular society to the extent that they will be able to help other survivors. I believe this, while again going off of former conventions that aspired to work with private institutions to help survivors, creates yet another stepping stone by discussing "social adjustment of the victims." This is an all-important process that is often forgotten.

Article XVII goes a step further than past conventions in protecting the rights of immigrants. This article aims to:

...make such regulations as are necessary for the protection of immigrants or emigrants, and in particular, women and children, both at the place of arrival and departure and while en route; To arrange for appropriate publicity warning the public of the dangers of the aforesaid traffic; To take appropriate measures to ensure supervision of railway stations, airports, seaports and en route and of other public places, in order to prevent international traffic in persons for the purpose of prostitution; To take appropriate measures in order that the appropriate authorities be informed of the arrival of persons who appear, prima facie, to be the principals and accomplices in or victims of such traffic. (League of Nations)

Within this one article, public awareness campaigns were fostered and immigrants became protected. This is a much more in depth protection of immigrants than seen in past conventions. This convention was by far the most comprehensive plan to stop the spread of human trafficking at that time, and it remained the most important international document on human trafficking for almost half a century.

In 1995, the Beijing Platform for Action was created at the United Nations Fourth World Congress on Women. This world congress is often remembered for the remarks made by then First Lady Hillary Clinton when she said, “Human rights are women’s rights and women’s rights are human rights,” but it also set the stage for the modern fight against violence against women. There are three objectives in this Platform for Action:

1. Take integrated measures to prevent and eliminate violence against women.
2. Study the causes and consequences of violence against women and the effectiveness of preventive measures.
3. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking. (United Nations Women).

While the first two actions are certainly related to human trafficking and finding ways to end this crime, I will be focusing on the last objective and going more in depth with the plans for it to be carried out. The platform outlines five actions that can be taken to eliminate trafficking and to help survivors. The first action is to ratify and enforce all international conventions on human trafficking. The second action is to:

- Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures. (United Nations Women).

This action is a huge step forward not just in helping victims but truly finding a way to stop human trafficking. By analyzing root factors, whether they be cultural, societal or a lack of

economic opportunity, new and innovative ways to end trafficking can be created. These are more effective tools because the underlying problems are finally being addressed. While it may seem hard to change societal norms and stereotypes, acknowledging that they are present begins the process of changing how we think and act towards women in general and towards survivors of human trafficking. The third action calls for “Cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking.” (United Nations Women). The aggregation and dissemination of data and knowledge is crucial to infiltrating and breaking up the rings of human trafficking even if they are just at a small scale. Cooperation between not only countries but also non-governmental organizations will increase the efficiency of fighting human trafficking. The fourth action to be taken is to:

Allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care, and take measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking; (United Nations Women).

By setting up resources that are available to survivors, not only does it help them find their way back into society and helps them get back into a healthy mental and physical state, it also shows them that they are important. By setting up resources, it also may persuade those that are being trafficked to try and flee and obtain help. Survivors are real people who need to be treated with dignity and respect. Furthermore, this fourth action also furthers the cooperation between non-governmental organizations to work not only with victims but also with the government on creating resources for survivors.

The last form of action is to: “Develop educational and training programmes and policies and consider enacting legislation aimed at preventing sex tourism and trafficking,

giving special emphasis to the protection of young women and children.” (United Nations Women). I do believe this should be aimed towards law enforcement agencies but by creating educational programs, it can further be developed into media campaigns for people to spot victims of trafficking. While the Beijing Platform for Action is not legally binding, it does lay down the groundwork for modern anti-trafficking plans. I believe it offers equal opportunities to both help victims and stop traffickers.

The most recent and the culmination of the past conventions and treaties in the United Nations’ efforts to stop human trafficking is the famous “Palermo Protocol” from 2000, which is one of a series of three protocols against Transnational Organized Crime. The full name of the “Palermo Protocol” is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. This came into effect in 2003 though it was drafted and signed in 2000. It is also referred to as the UN TIP Protocol. There are three main objectives of the protocol: “To prevent and combat trafficking in persons, paying particular attention to women and children; To protect and assist the victims of such trafficking, with full respect for their human rights; and, To promote cooperation among States Parties in order to meet those objectives.” (United Nations, Protocol). The Coalition Against Trafficking in Women and the European Women’s Lobby reviewed the protocol and pointed out some of the most important parts of the protocol:

- That trafficked persons, especially women in prostitution and child laborers, are no longer viewed as criminals but as victims of a crime.
- That global trafficking will be answered with a global response. Although organized crime such as traffickers, smugglers, pimps, brothel keepers, forced labor lords, enforcers, and gangs are powerful forces, organized cooperation by police, immigration authorities, social service agencies and NGOs is encouraged by this Protocol (Art. 10)

- That there is now an accepted international definition of trafficking and an agreed-upon set of prosecution, protection and prevention mechanisms on which to base national legislation against trafficking, and which can serve as a basis for harmonizing various country laws.
- That all victims of trafficking in persons are protected, not just those who can prove force (Art. 3a and b)
- That the consent of a victim of trafficking is irrelevant (Art. 3b)
- That the definition provides a comprehensive coverage of criminal means by which trafficking takes place, including not only force, coercion, abduction, deception or abuse of power, but also less explicit means, such as abuse of a victim's vulnerability (Art 3a)
- That this new international definition of trafficking helps ensure that victims of trafficking will not bear the burden of proof (Art 3b)
- That the exploitation of prostitution and trafficking cannot be separated. The Protocol acknowledges that much trafficking is for the purpose of prostitution and for other forms of sexual exploitation (Art 3a)
- That it is not necessary for a victim to cross a border so that women and children who are domestically trafficked for prostitution and forced labor within their own countries, are also protected subject to provisions listed in Article 3 of the main Convention
- That the key element in the trafficking process is the exploitative purpose, rather than the movement across a border (Art. 3a)
- That this Protocol is the first UN instrument to address the demand which results in women and children being trafficked, calling upon countries to take or strengthen legislative or other measures to discourage this demand that fosters all forms of exploitation of women and children (Art. 9.5) (Raymond)

First, by creating an agreed-upon international definition of human trafficking:

Article 3, paragraph (a) of the [Protocol to Prevent, Suppress and Punish Trafficking in Persons](#) defines Trafficking in Persons as the recruitment, 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (United Nations Office on Drugs and Crime)

it becomes easier to understand and fight human trafficking. Also, all victims will be treated the same whether they consented to sex trafficking or not, and regardless of whether they can “prove force”—they will not have to “bear the burden of proof”. This opens up the door to many victims who felt marginalized by the law or were afraid to come forward based on

lack of evidence. It is interesting that this document does not separate trafficking and prostitution; I also applaud the point that the whole purpose of trafficking is not the movement of a person but the exploitation. This brings the crime's victims into a more sympathetic point of view. The United Nations Office on Drugs and Crime implements and assists countries with enforcing the protocols, including providing assistance through peacekeepers. It should be noted that Romania is a signatory on this protocol.

## United Nations Peacekeeping

The United Nations has worked for decades to stop human trafficking not just in Romania but also around the world. Unfortunately, corporate greed within the military industrial complex has made its way into the United Nations Peacekeeping missions. While there are currently several ongoing investigations into sexual assault, human trafficking, and other human rights violations by UN peacekeepers in many geographical locations, I will be focusing on the UN peacekeeping mission to Bosnia and Herzegovina, Croatia, and Kosovo. I will explore whether there is a relationship between actions by peacekeepers in the Balkan region and an increase in demand for trafficked women and children, with the expectation that many of these women and children would be coming from Romania.

Starting in 1995, there have been five peacekeeping operations in Croatia, Macedonia, and Bosnia and one ongoing operation in Kosovo (Department of Peacekeeping Operations). The peacekeepers were from all over the world and were contracted out by the United Nations. Each of these missions had the same agenda, which included:

- military aspects of the peace settlement;



- regional stabilization;
- delineation of an Inter-entity Boundary Line between the Federation of Bosnia and Herzegovina and the Republika Srpska;
- holding of democratic elections;
- human rights;
- assistance to refugees;
- civilian implementation of the Peace Agreement;
- an International Police Task Force. (Department of Peacekeeping Operations)

It should be noted that the former Yugoslavia, where these peacekeeping operations were taking place, was a major destination country for trafficked women and children “...originating from Ukraine, Moldova, Georgia, and Romania.” (Marvis, pg. 1). Romania shares a border with the now sovereign state of Serbia, which was part of the former Yugoslavia. This is why it was so easy to smuggle in trafficked women because during wartime, especially during the brutal genocide, borders often lacked security or officers could easily be bribed to allow passage into the country (Kara, pg. 56).

The United Nations peacekeeping mission during the Yugoslav War 1995-2002 was criticized after disturbing details surfaced. Kathy Bolkovac, who was working for DynCorp, a corporation that helped bring in American officers for peacekeeping missions, was dismissed from her post in Bosnia after stating other peacekeepers were helping in human trafficking rings and even buying women. “When I started collecting evidence from the victims of sex-trafficking, it was clear that a number of UN officers were involved from several different countries, including quite a few from Britain,” she said. “I was shocked, appalled and disgusted. They were supposed to be over there to help, but they were committing crimes themselves. But when I told the supervisors they didn’t want to know.”

(Robson, Bosnia). A fellow American peacekeeper, there to work on aircrafts, also stated that co-workers and supervisors had been involved with “...sex with minors, rape and buying and selling women for sex.” (Robson, Bosnia). It was easy for them to smuggle the women through due to their UN credentials and then the girls would eventually be on their way to the EU. While statistics of human trafficking that far back are hard to find, there is some insight as to how this led to an increase in demand for trafficked girls from Romania.

At the height of Slobodan Milosevic’s rule, Yugoslavia “became a kind of paradise for organized crime” (Robson, Country) and it remained “a black hole for women forced into prostitution” (Binder), a government official admitted in 2004. Lt. Col. Ivan Djordjevic, a spokesman for the Interior Ministry, called Yugoslavia, now Serbia and Montenegro, a “transit country for most forms of organized crime, including human trafficking” (Binder). According to this news report from 2004, in Yugoslavia’s then internationally administered province of Kosovo, trafficked women from Romania, Moldova, Ukraine and other East European countries were “found by police every month in the region’s 33 licensed bars” (Binder). While Yugoslavia was spiraling out of control due to the war and the breakup of the country, the rule of law seemed to be lost. An article also discusses the involvement of UN peacekeepers in Yugoslavia. “This report also showed the complicitous role of UN soldiers in Bosnia, who were regular “clients” of women held as sex slaves, and who did nothing to protect them. Moreover, survivors of nearby prisons testified that they saw girls who were forced into UN vehicles and driven to unknown destinations.” (Nikoliæ-Ristanoviæ). Researcher Vesna Nikoliæ-Ristanoviæ states in her work, *Sex Trafficking: The Impact of War, Militarism and Globalization in Eastern Europe*,

Although sex trafficking that was closely connected to ethnic conflicts stayed mainly within borders of war-affected and neighboring countries, it contributed to the expansion of prostitution and made good basis for these countries to become attractive destination for trafficking in women from other parts of Eastern Europe...Women from the Ukraine, Russia, and Romania make up the majority of women trafficked through Serbia.

This is a testament to the problem of Romania being a major source of origin for trafficked women, who were easily being smuggled into Yugoslavia and now Serbia.

At a conference on “Trafficking, Slavery and Peacekeeping” organized by the UN Interregional Crime and Justice Research Institute in Italy in 2002, the mutual thread between the militarization of the Balkan region and the increased demand of those trafficked, was finally acknowledged:

[T]he combination of the end of hostilities and the arrival of relatively rich PKO [peacekeeping operation] personnel drove the hasty establishment of brothels and, in turn, founded the links between UNMIK [United Nations Interim Administration Mission in Kosovo] personnel and trafficking syndicates. Within this observation lies the most significant challenge, then, to the PKO in regards to trafficking—the fact that peacekeepers are often part of the problem (Picarelli, p. 13).

The United Nations has often tried to shed this image but after similar incidents with UN peacekeepers and human trafficking in Haiti, South Sudan, and the Central African Republic, they can no longer be in denial.

In 2002, the United Nations Department of Peacekeeping Operations prepared a policy paper on a strategy for peacekeepers and human trafficking; this draft policy paper examines human trafficking as it relates to UN peacekeeping: “It aims to define the problem in the context of UN peacekeeping and proposes a strategy for the Department of Peacekeeping Operations (DPKO) to address human trafficking, based on lessons from previous missions and consultations with partner organizations in anti- trafficking.” (Department of Peacekeeping Operations).

In this policy paper, there is acknowledgement of the concentration of peacekeepers or other international staff as a source of demand:

Any influx of peacekeeping troops and other personnel, contractors, local combatants and reconstruction money will create a source of demand and locally accessible revenue in otherwise poor economies. In such circumstances, UN peacekeepers should *expect* to find trafficking and exploitation emerging in its areas of operations, even as the first personnel arrive. Senior managers of missions should *assume* that traffickers will target UN personnel for revenue, and can *anticipate* that criminal power structures behind trafficking will be actively seeking to capture and corrupt local law enforcement, judicial, bureaucratic and political targets as soon as possible. This can significantly undermine efforts by UN peacekeeping personnel or other partners to implement governance and rule of law mandates. (Department of Peacekeeping Operations)

The policy paper then goes on to describe peacekeeper involvement with human traffickers and trafficking victims:

The use of trafficking victims by peacekeepers for sexual and other services has been a source of major embarrassment and political damage to UN PKOs. Despite the fact that involvement is usually not widespread, the political and moral stigma attached to this behavior can taint entire missions. This can leave missions exposed and vulnerable to attacks on their credibility with the community and key players in the peace process. Opponents of peace missions are increasingly aware that the issue can be effectively exploited to undermine the moral authority and political leverage of UN operations, especially in missions with governance and rule of law mandates. There is a serious crisis in perception for peacekeeping. Peacekeepers have come to be seen as part of the problem in trafficking, rather than part of the solution. These perceptions and any substance behind them need to be addressed directly by DPKO. Although there is very little data available on the issue, and few cases have been fully investigated and proven, there is strong anecdotal evidence of peacekeeping personnel having been involved in the use (knowingly or unknowingly) of sexual services of trafficking victims. The lack of data in itself is a worrying indication of our weak systems to track and detect involvement in criminal acts and other breaches of discipline. The perception of peacekeeper involvement in the use of services by trafficked victims (and thus exploitation of their vulnerable position) is now widespread. Allegations have been made regarding the involvement of peacekeepers in facilitating and/or condoning trafficking. Again, there is little corroborating evidence available to prove or disprove such allegations. (Department of Peacekeeping Operations)

So while there is acknowledgement of the actions and involvement of peacekeepers, there is still the notion that this is just a “political embarrassment” not a systemic problem of human rights violations. There is also discussion of it being a “perception” problem, leading to a discussion on media and the views of people of the United Nations. Furthermore, the

author of the paper states there is little evidence corroborating peacekeepers' facilitation of human trafficking, making it seem that the United Nations does not fully want to accept responsibility for their actions.

The policy paper then outlines a three-pronged approach to combating human trafficking: 1) awareness and training, 2) discipline, accountability and community relations, and 3) support to anti-trafficking activities. It is first acknowledged that there is a zero tolerance policy for UN personnel involvement, even with prostitution in places where it may be legal.

This issue is addressed in the Secretary-General's Bulletin on Sexual Exploitation and Abuse, which explicitly recognize that the procurement of sexual services from nationals in a vulnerable context by a UN staff member (in apposition of disproportionate power) constitutes an act of sexual exploitation, even where prostitution is not a crime (Department of Peacekeeping Operations). To acknowledge the power structure and the inequalities that inherently exist is a step forward in decreasing human trafficking.

The policy paper then goes on to outline a framework for dealing with human trafficking. The first is for the Department of Peacekeeping Operations to find a way to address human trafficking both at its central location through development programs and education awareness efforts, and in missions, stopping it when seeing signs of human trafficking. It also looks to have help from member states of the UN. There is one main goal, "To ensure from the outset of any peace operation, that human trafficking, as a serious form of exploitation and abuse, is given due attention and is managed appropriately as a problem, which can undermine core UN and peacekeeping objectives in the host country."

(Department of Peacekeeping Operations) Within this one main goal, there are two objectives:

- (i) To establish a system to prevent, monitor, minimize, investigate and punish the involvement of UN peacekeeping personnel in activities that support human trafficking and other sexual exploitation and abuse in support of the Secretary-General's 'zero tolerance' stance; (ii) Where mandated and requested, to have available the tools to establish or to support national efforts (with international partners) to prevent and counter human trafficking in post conflict environments, particularly in support of the rule of law.
- (Department of Peacekeeping Operations)

Two programs that are meant to address the earlier stated “programs of activity” are then mentioned. The first one is “Awareness and Training”, which attempts to target “...the overall lack of awareness in DPKO and of peacekeeping personnel in missions about human trafficking and sexual exploitation and abuse.” (Department of Peacekeeping Operations) The training will expand to commanders and managers on how to create an “appropriate organizational culture on this issue.” (Department of Peacekeeping Operations). The second program is “Discipline, Accountability and Community Relations”. This program aims to create more effective disciplinary actions, increasing accountability for monitoring and maintaining discipline, and lastly to create more transparency in host communities. “A strong focus will be on fostering a culture of accountability to, and better relations with, host communities as an essential component to building accountability.” (Department of Peacekeeping Operations). The last program is Support to Anti-Trafficking Activities. “This programme will produce guidance on activities to support host government national capacities to prevent and combat human trafficking where missions are mandated, and requested, to be involved in such activities.” (Department of Peacekeeping Operations). The paper concludes by addressing the need for more research on human trafficking as a whole and in conjunction with UN peacekeepers.

While the United Nations has acknowledged its peacekeeping operations' involvement in human trafficking in the region of the former Yugoslavia, the problem continues to transpire, most recently in two aforementioned countries in Africa and in Haiti (UN News Center). There needs to be a cultural change, and a change when it comes to the hiring practices of the United Nations, to stop peacekeepers from getting involved in any capacity with human trafficking, starting with the indictment of personnel involved in sex trafficking rings.

## Conclusion and reflections

I set out in my research to see if enough is being done not only by the Romanian government to end human trafficking but also to see if the European Union and the United Nations have done enough to eradicate this crime. The Romanian government seems to have come a long way in trying to stop human trafficking, which is reflected in the fact that Romania has recently advanced from Tier 3 to Tier 2 in the US State Department's ranking of countries according to their efforts at combatting human trafficking. At least Romania is aware that they have a problem and may be working as efficiently as they can within a government structure plagued by corruption. It is inspiring to see that the government is working in collaboration with Romanian NGOs to develop better standards in the work towards ending human trafficking, but they need to re-establish funding to NGOs. They also need to change the policy that publicly names survivors who testify against traffickers, and the sentences for traffickers should be increased back to the levels that existed before 2014. Romania's entry into the European Union has shed light on questionable human

rights standards in general in the country, and it is disappointing that the punishment of traffickers has become laxer after their entry.

The European Union is working hard to stop human trafficking, which is especially demanding right now with the migrant crisis. However, I do believe the EU needs to work harder to pressure Western European countries to stop the demand for trafficked persons, and to assist Romania in combatting human trafficking and helping survivors. To this end it seems that stricter EU regulation is needed. The United Nations has even more work to do. While they have well-intended protocols and international treaties, they have a systemic problem within their own peacekeeping organization. The United Nations seems more concerned with their image than with attacking the brutal reality that they have a corrupt peacekeeping organization. Peacekeepers who have committed atrocities need to be held accountable in a public process so that their victims may speak and so that the public is fully aware of what is happening. For there to be real and due process, the United Nations has some serious re-evaluating to do in order to realistically have a chance at ending human trafficking.

Human trafficking may never be eradicated; nonetheless, this is something we, as a global community, should strive for. For eradication to be possible there needs to be an emphasis on addressing some of the deeper causes of human trafficking. These are societal issues like the social construction of gender, the commodification of women, and patriarchal structures. Men and women need to work together in ending human trafficking and men especially need to step up and become allies and publicly declare themselves feminists to eradicate human trafficking.



The social construction of gender plays a role in creating and sustaining a demand for trafficked women. The patriarchal society has forced the ideas of female submission, hyper-sexuality, and the idea that women need men in order to be successful. The notion of submission has been around for centuries, where women were socialized to be submissive to men and to be seen, not heard. This creates implications in present times for women to listen to men, to do what they are told, and to remain silent. Not only are there negative social constructions about how women are supposed to behave but also there is the objectification of women. Men, and some women themselves, see women as objects, or commodities, and thereby force them to become hyper-sexualized beings. A result of this type of perception is that some women are dressing and behaving in specific ways for men, not for their own self-esteem. While this is definitely a problem perpetuated by the media, society reinforces these ideals as people are buying into it by watching degrading and violent pornography, buying certain female-degrading magazines, and seeing movies that perpetuate negative female stereotypes. Even some of the music we listen to perpetuates “pimp culture”, for instance in certain rap and hip hop songs’ lyrics; certainly some songs are misogynistic in the way rappers refer to women and show women in their music videos. Even the way we are expected to dress at parties (and even some business attire) reveal how society perceives the different genders: Women are expected to dress with tight-fitting, revealing clothes, and with high heels (a fashion that originally diffused from brothels where the aim was to hinder women from running away by forcing them to wear strapped-on, high-heel shoes), whereas men are expected to wear all-covering pants, shirts, and jackets, and they can wear comfortable shoes. Women continue to not even be properly compensated for their work, contributing to the gender wage gap. When women take

control of their body and become empowered by their sexuality, they are “slut-shamed” and put down.

Men are also subjected to gender stereotypes when they are told to be hyper-masculine through media and society. Patriarchal society has told men to become hyper-masculine by perpetuating violence against women through music and television shows. In the United States alone, every nine seconds a woman is assaulted (National Coalition Against Domestic Violence). Movies and shows often depict men that are muscular, tall, (and it is implied that they are “handsome”), and they often treat their significant other with disregard; society states that this is what makes a man “manly.” Clearly, this is not how men should be depicted. Furthermore, this creates a health and safety concern for men. One in four men have been “victims of [some form of] physical violence by an intimate partner within their lifetime.” (National Coalition Against Domestic Violence); however, men are far less likely to report being assaulted out of fear of what society will say about them. This creates serious implications to the physical and mental health of men. Women also have an important role in making sure men speak up; everyone needs to be allies to victims of human trafficking and domestic violence. Such violent crimes are the repercussions of misogyny, patriarchal ways of thinking, and hyper masculinity that has been perpetuated throughout history and society.

Not only does society need to address the inherently misogynistic ways in which we see women but we also need to address deep economic causes of human trafficking. We need to realize that the current form of hyper-capitalism that is overtaking the world creates astounding income inequality, pushing an already vulnerable section of society

deeper down into the depths of poverty. We, as a society, need to stop viewing human beings as commodities that are just here to serve the interests of others. We need to uplift and empower the portions of society that are vulnerable to human trafficking; this would in particular include poorer women, single women with children, unemployed women, and women in rural communities looking for jobs. These women are often taken advantage of and trafficked into sex slavery. We need to create a greater social safety net that creates better alternatives for women. They need to know they have other options and this will at least decrease the supply of human trafficking victims. We need to create better economic alternatives, whether it be free college, better unemployment stipends, or simply creating more (safe) jobs that can be filled by vulnerable people. We also need to ensure stronger health care for all so that survivors of human trafficking have access to the health services and rehabilitation counseling that they need at no cost.

While I only discussed a limited amount of what is being done for rehabilitation and reintegration of human trafficking survivors, I would like to emphasize its importance. Strategies include protected shelters, physical and mental health care, and reintegration through classes and group therapy. All of these are imperative in helping survivors of trafficking but are typically not funded, as exemplified by my case study of Romania. While it is expensive to run such operations, state governments, intergovernmental organizations, and supranational organizations need to do a better job to provide funding.

Human trafficking is not a light topic and not one that I find enjoyable to research but I do see the value and importance of such research. This is not just a feminist issue, it is a human rights issue that is often forgotten. This should not be undertaken just by women

or just by those who are religiously affiliated, but by all people. While it may seem daunting to change society and the way we think, it is needed in order to be able to fundamentally change people's lives for the better. People often shy away from the discussion of human trafficking because it is uncomfortable and hard to talk about but we need to lean in to uncomfortable discussions because that is the only way we can truly save lives.

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