

**RESEARCH on
TRAFFICKING IN HUMAN BEINGS
LABOR EXPLOITATION**

ROMANIA

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I. Introductory Concepts

Trafficking in human beings is a multidimensional phenomenon: a critical violation of human rights, an economic and social phenomenon with serious consequences upon the region and society as a whole.

Trafficking in human beings **is a serious crime**; victims are treated as commodities and sold to get a profit. For some people it is just a business - most often under the control by the organized crime – bringing maximum profits from what it is considered to be ‘a property’ of their own - a business seriously affecting the health, wellbeing and security of other human beings. Trafficking in human beings is one of the most profitable crimes – it is top 3 after weapon and drug trafficking. The last decade might be characterized by a wide spreading of this phenomenon, while only few traffickers have been convicted.

Moving to the market economy incurred a number of **social costs** for most of the Romanian population which favored and encouraged the wide spreading of human trafficking, bringing on a negative and long lasting social impact. As a counterbalance, an efficient fundamental social policy, would have led to the diminishing of the factors favoring human trafficking wide spreading.

Romania is an origin and transit country for HT victims. The time of Romania’s European Union integration determined new perspectives over the human trafficking, meaning that Romania was expected to become more and more visible as a destination country, as well as in terms of the need to increase the capacity of the Romanian authorities to respond to human within the new European context.

The wider liberty to travel abroad of the Romanian citizens led to an increase of their exposure and vulnerability in front of apparently more advantageous job offers, behind which human trafficking networks hid. Under these circumstances, dissemination of useful information to most vulnerable groups becomes extremely important.

To facilitate knowledge and understanding of this complex phenomenon, interdisciplinary cooperation in the formulation of policies to effectively prevent and to combat trafficking in persons is necessary.

Despite the clear theoretical definition of labor exploitation provided by legislation, in terms of practice, the law implementing mechanisms are insufficient or confuse.

Thus, the Law no. 678/2001 defines exploitation of a person as follows:

Labor exploitation of a person should be understood as:

1. Execution of certain work or services in forced manner or by breach / violation of legal provisions on labor conditions, payment / remuneration, health and safeness.

Labor exploitation assumes to force a person to perform certain lucrative activity against his/her own will or under improper conditions related to the respective performed work, work load / rate, duration, remuneration and social security.

- *Victims of trafficking are forced, by various coercive techniques, such as physical violence, intimidation, blackmail or sexual abuses, as well as slave-like long working hours for insignificant payment, under hard and hazardous conditions in constructions, food industry, hotels, hothouses or domestic services (house cleaning or people home care).*
- *Very often, the exploitation for economic gain purposes generally target the children, a preferred category since they are easier to manipulate, do not create problems and, due to their young age (can be paid much less than any other qualified adult person, are not aware of their rights and can not report the abuses, they do not need papers, labor contract, health insurance, work record and require less expenses in terms of accommodation and food.*

2. Holding someone under slavery-like or similar situations such as deprived of freedom or servitude.

It represents the status or the condition of a person over whom any sort of or all forms of power connected to the property rights are exercised, in accordance with the Convention on Slavery signed in Geneva in 1926.

II. Legislation

From the human rights perspective, human trafficking represents violation of fundamental status of human existence, of human being itself – status which all human rights and liberties derive from.

The victim is deprived of any of his / her rights and turned into a negotiable and manipulative object, for any purposes and conditions comparable to any commodity and its estimated value. Such purposes and conditions are always independent from the victim's will.

To facilitate knowledge and understanding of this complex phenomenon, interdisciplinary cooperation in the formulation of policies to effectively prevent and to combat trafficking in persons is necessary.

Romania, along with other worldwide countries, have adopted a number of conventions and protocols in the fields in order to permanently consolidate and make its legal framework more efficient in terms of human trafficking crime incrimination.

At national level, Romanian legislation includes labor exploitation as well.

According to the Law no. 678/2001 on Human Trafficking Prevention and Combating, labor exploitation is defined as:

- Execution of certain work or services in forced manner or by breach / violation of legal provisions on labor conditions, payment / remuneration, health and safeness.
- *Holding someone under slavery-like or similar situations such as deprived of freedom or servitude.*
- *Organ removal*
- *Performing other similar activities which violate the fundamental human rights and liberties;*
- *Forced beggary;*

Based on a National Action Plan, the Romanian Government has, through the Governmental Decision no. 1266 / 2001, imposed to all the relevant institutions involved in combating human trafficking, directions for cooperation and actions meant to increase efficiency of this activity in accordance with the provisions in the Law No. 678/2001.

Thus, the National Action Plan states the activities which should be carried out on cooperation basis by the institutions with attributions in fighting against human trafficking, the main focus being on research, prevention, combating, assistance and legal framework strengthening.

Primarily, the actions to be implemented by the governmental institutions and non-governmental organizations in human trafficking prevention as concerns forced labor shall fall under the following directions:

- a) Monitoring of economic activities in various sectors (agriculture, construction, trade, industry, alcohol industry, wood processing industry, marriage agencies, employment agencies, travel agencies, transport companies, so on) in order to identify cases of internal trafficking and exploitation cases of foreign persons, potential victims of trafficking;
- b) Development of prevention programs to prevent trafficking and raise awareness of those who work in business sectors exposing people to high potential of trafficking risks (such as modeling or similar agencies, employment / job application agencies, transportation companies, so on);
- c) Consultation with decision makers from countries of origin and destination in order to identify common ways to reduce the possibilities of committing trafficking in persons;
- d) Strengthening the exchanges of good practices regarding the state routes for trafficking of workers.
- e) Providing protection and assistance to victims of trafficking for labor exploitation purposes. The specific measures likely to be taken with regard to labor exploitation are:
 - a. ensuring community support for victims (providing food, accommodation and clothing, medical care, psychological and legal assistance, educational reintegration and professional training, facilitate and providing support in finding a job);
 - b. social inclusion and reintegration of victims: educational and professional reintegration of victims of trafficking in persons;

The phenomenon of trafficking for labor exploitation purposes should be must be analyzed and regarded from different angles.

III. Conditions which act in favor of and lead to forced labor trafficking situations:

As concerns the Romanian society, beyond and besides the economic background causes, the emergence of trafficking was primarily the effect of poor functioning of state institutions which were unable to formulate an appropriate response to new challenges.

There are a number of causes that generate and sustain the phenomenon of trafficking in persons, among which the most important are:

Poor social and economic standards

The poor economic conditions of many people make them most vulnerable to trafficking while the lack of means to ensure a minimum existence standard turn these people into victims of trafficking, regardless of the form of exploitation they suffer.

Unemployment / lack of job opportunities

The economic crisis leads almost everywhere to fulminate inflation, loss of markets for selling goods and hence to unemployment.

Under the current difficult economic and uncertain economic situation in Romania, for many people, especially for the low education and professional level ones, it is almost impossible to find jobs at home, reason why they go abroad in search for a job.

At the same time, even if they manage to find a job abroad, such persons are not hired by proper labor contracts, are usually paid at minimum wage rates and subject to various forms of serious discrimination by the employers.

Standard of living affects the economic equilibrium of the family, resulting in a change of job and constant search for better paid jobs.

The inequalities in the development level between different countries, within and outside the European Union, incite people to go abroad in search of well paid jobs, in more developed countries where performed work is fairly and appropriately appreciated.

Low educational level

The institution of education is one, if not the most important factor in terms of behavior. It builds the necessary professional skills for the labor market and, at the same time, it is a control institution that imposes certain rules and norms, thus contributing to social integration and affiliation of people to certain particular groups.

In this context, it is obvious that both higher education level, as well as the time spent in school to accomplish all educational levels represent a strong protective factor against human trafficking.

The low level of professional training of the trafficked persons determines their limited

and distorted vision on how to integrate in social life, and consequently creating problems in their social adaptation.

Many young people consider education as a useless and worthless strategy to be successful in life. Being highly educated is not seen as a way to acquire a high status in Romania.

The model of the person who left to "work" abroad, displaying expensive cars, and brand clothing represent is the 'ideal' to be followed by many young people nowadays.

Most of the students from the terminal years would like to study or to work abroad, at least for the first years after high school or vocational school graduation.

Globalization

Globalization implies the free movement of goods, services and people that can travel from one part of the world to the other in a very short time.

This resulted in the elimination of financial and political boundaries and it is characterized by large-scale international agreements and alliances.

Criminals, who are part of organized crime networks, had exploited this new 'world order' at its maximum, with consequences such as disturbances of the financial industry, rapid development of organized crime, division of precise zones of influence, mobility in moving from one region to the other, from country to country, so on.

Lack of information

Another factor that favors human trafficking for labor exploitation purposes lies in the lack of information, at the level of overall society, on the trafficking related issues, especially as concerns the traumatic consequences over the trafficked persons and the usual methods used by traffickers to recruit their victims .

Although trafficking has become increasingly visible and several wide scale information and awareness campaigns have been conducted, there still remains a striking lack of information addressing most vulnerable people and those exposed to a high risk of being trafficked.

The most common recruitment method is still the 'false promise' for a well paid, safe and legal job abroad, quite used and 'successful' for traffickers because the recruited persons have a low level of knowledge and cannot perceive or understand the inconsistencies in the arguments and motivations provided by the traffickers and are not able to ask relevant additional information.

The companies that run commercial contracts promising job placements for various sectors of services abroad **are not verified by anybody** in terms of correctness / accuracy and truthfulness of the provided information, legitimacy of the labor contracts with the foreign partners or legitimacy of the foreign partners, social or medical security attached to the employment contracts.

IV. Modus operandi

Recruitment: can be achieved when the job offer is proposed to the victim, in the initial phase of the process of trafficking.

This job promise' proves, ultimately to be false as concerns either the nature of work, the travel destination of the victim, the work conditions to be provided, accommodation and food, the work place or activity to be performed. Recruitment can be accomplished by one or more individuals or even legal entities, either by direct contact or through newspaper announcements, other media or Internet, using one or more of these means.

Recruitment: *means when potential victims are 'attracted' by traffickers through different means, such as:*

- *Success stories of others whom they claimed to have helped to get abroad and who returned with large amounts of money in a relative short period;*
- *Promise of an honorable and well paid job made directly by the trafficker or through relatives or close persons: modeling, jobs in bars, clubs, baby sitting or housekeeper;*
- *Ads in newspapers for jobs abroad, attractive in terms of income, although much larger as compared to the minimum training required;*
- *Private matrimonial agencies. Victims are lured by the prospect of marriage foreigners, which look like a unique opportunity to escape poverty and thus, to be able to help their families at home.*
- *Methods and techniques of recruitment are different, depending on the degree of vulnerability of the victim, level of education, economic background (mostly poor), lack of life experience or how naïve the person is – all these are but aspects speculated by the traffickers to deceive the potential victim.*

Transportation: means the movement of a victim by traffickers (intermediaries or carriers) from the place of origin or recruitment to the place of destination, where the exploitation is to happen. Transportation does not always mean that victim is carried over the borders of a country.

- *It is often organized by trafficker and achieved by crossing the border legally, through agencies of transport or by hired cars.*
- *When the victims do not have the necessary documents to travel, or you do not meet the legal requirements, the traffickers use a diversity of ways to make the travel look legal, such as: use of false or stolen passports from previous victims, or false visas;*
- *Sometimes, they avoid the cross border points and use 'guides' to illegally cross the borders;*

Transfer or sale may take place if the victim is 'entrusted' by the trafficker to an intermediary for transportation and who 'conveys' the victim further to one or more individuals or legal entity for exploitation purposes. Transfer may be accompanied by payment of a sum of money, goods or others. There are cases when the transfer or sale is made by the person or entity who exploited the victim at first and who transfers or sells him / her to another person / group to be further exploited.

- *Victims realize that they were sold and became the property of 'owners' when their documents are taken away and they are kept in isolated places, under*

permanent control, deprived of any means of communication, not allowed to come into contact with other people.

- *Subject to dehumanizing treatments, they become extremely vulnerable and easily exploitable: captivity, death threats, mistreatment, deprivation of food, water and basic hygienic stuff. Under those circumstances, the victim turns into an object of exploitation object in the hands of traffickers who ask them to services to be able to pay back the so-called 'debt'.*

Housing or accommodation can be provided by a trafficker, intermediate, individual or legal entity who exploits the victim; the victim can be hosted in a house, hotel or improvised spaces, so on.

- *Accommodation is usually an 'agreement' between trafficker and those who provide housing.*

Receiving: Person or persons receiving the 'object' for exploitation under the context of the transfer or sale *in order to exploit the victim;*

- *If the victim is over 18, the offender is required to use various forms of coercion, abuse of authority or position of vulnerability of the victim, various methods by to dominate or to obtain the consent of the person(s) which has authority over him / her by offering financial incentives.*

* There are cases when all the above listed actions are carried out by the same person.

Means:

By threat, violence or other forms of coercion, abduction, fraud or deception, abuse of authority or taking advantage of those persons' inability to defend or to express their will, or by offering, giving, accepting or receiving money or other benefits to obtain approval of the person who has authority over another person in order to exploit the people.

- *Victims are death threatened, cruelty beaten, thus constrained to 'accept' abuse and humiliation,*
- *Threats on the victim's own family, whether she / he will try to escape or to denounce traffickers;*
- *Use of physical force or other brutal methods by which the victim is forced to obey their trafficker.*
- *Violence of traffickers is streamlined, controlled and directed to the victim, in perfect awareness, with the precise purpose to attain total control over the victim;*
- *Deprivation of liberty of the victim (she / he is held captive and forced to obey to the trafficker);*
- *Confiscation of the victim's documents, so that he / she be unable to move freely;*
- *Servitude for the payment of debts, always exaggerated, and used a means to keep the victim under slavery or forced labor;*
- *Use of drugs, to be easier for traffickers to manipulate the victim;*
- *Usually, the trafficker gives all sort of guarantees and promises to the victim (regularly originated in disadvantaged areas or places, having low education, unable to speak foreign languages and likely to be discriminated at home or at work, if any) in the sense of facilitating transportation, finding a place to stay and*

- / or obtaining the necessary travel documents, including financial support to be paid back sometime after employment.*
- *Once in the country of destination, the victim finds herself caught in a chain of never ending debts, being obliged to work, under totally different conditions than the promised or guaranteed ones, or she / he is forced into prostitution, in the situation when the victim is not transferred to other persons for exploitation purposes.*

Purpose

Exploiting a person for labor purposes:

- Performing a work or providing services in a forced manner, by violation of legal regulations concerning working conditions, wages and health security, keeping a person in slavery-like conditions or other similar processes of deprivation of freedom or enslavement.

Modus operandi of the traffickers

The main modes of operation for each of these forms of trafficking in human beings are as follows:

- ◆ **Crossing borders through illegal places**, with the support of cross-border networks of ‘guides’. It is used mainly by those pursued by the authorities and the main option for those who organize groups of illegal migrants (smuggling). The illegal migrants in Romania, breaking especially the southern border, are taken to Bucharest – one stop on their route - and then to the western border to the countries of destination;
- ◆ **Avoid border controls** by hiding people in the different compartments of vehicles;
- ◆ **Crossing the border by bribing the border authorities, both by the trafficker and the potential victim;**
- ◆ **Use of forged or counterfeit documents**, either to cross the border (passport, insurances, vouchers) or to obtain visas for countries that require visas (invitations, false labor contracts, false diplomas certifying qualification or any other documents as required);
- ◆ **False statement as concerns the scope of the visit** - mode of operation under the complicity and financial support of some travel agencies or international transport companies, which ‘offer’ – against high interests rates - the amounts of money the migrants need to demonstrate their touristic purposes in front of the authorities when leaving the country.
- ◆ **Signing a contract written in a language other than the respective persons’ native language;**
- **Pretended purpose to carry out legal contract activities abroad** – especially with the complicity of certain modeling or employment agencies dealing with recruitment of workers for foreign countries (labor recruitment centers);
- ◆ **Emotional manipulation method**
The ‘lover boy’ method – the victim is convinced by her ‘lover’ to go abroad together and start a new, better life and build their ‘future’ together. It is just another ‘attractive job’ false promise since the ‘lover’ plays his part until arriving in the destination country where he sells her to traffickers.

V. Indicators for identifying victims of trafficking

Regardless of the identification place and the institution or organization that came into initial contact with the victim, the following indicators should be considered for the proper identification of possible victims of trafficking: sex, age, social characteristics, the place where the victim was found / identified or a previous place, the circumstances in which a person was identified, signs that may indicate the presence of forms of abuse, assessment and opinion of other institutions or organizations.

Concrete ways to identify potential victims of trafficking

- Formal identification - by the judicial authorities through police investigation and by social service providers through social investigation;
- Informal identification – by analyzing the indicators which might provide hints about a potential trafficking situation;
- Through the missions and consular offices;
- Through churches active in the Diaspora;
- Through the ‘help / info lines’;
- Citizens suspecting a trafficking situation;
- Clients or former clients;
- Employment inspectors checking the companies;
- Hospital or other health unit staff;
- Schools or communities.

Referral Mechanisms

Depending on the institutions and organizations involved in the fight against trafficking in persons, and on where and how the victim is identified, there are the following possible victim referral mechanisms:

1. Victim identified by the judicial bodies;
2. Victim referred and repatriated by ILO;
3. Victim identified by an international NGO, repatriated and referred to a Romanian NGO;
4. Romanian citizen victim in a foreign country, identified by the Romanian diplomatic mission ;
5. Foreign citizen victim
6. Child victim of trafficking

Government decision no. 1238 on October 10, 2007, on the Approval of the National Standards for Specialized Victim Assistance and Protection Services

The specific national standards on the specialized assistance and protection of victims of trafficking represent the set of norms based on which:

- the protection and assistance of victims of trafficking are implemented,
- activities of service providers are evaluated,
- quality of the provided services are evaluated;

We must mention that in Romania there exist no special shelters or services for victims of trafficking for labor exploitation.

In the meaning of the national standards, the concept of ‘victim of trafficking’ means any person aggrieved and about whom there is information that he / she has been subject to trafficking in persons, in accordance with the provisions of the Law no. 678/2001, as later on modified and amended.

VI. Protection services and assistance provided to victims of trafficking

- In assistance and protection centers for victims of trafficking, set up in accordance with the Law no. 678/2001;
- In centers or shelters of NGOs;
- Service providers can organize and provide services to victims of trafficking at home / in family, in day centers or residential centers
- Depending on the duration, services can be provided for the emergency period or on long term;
- Emergency services mean all the necessary actions and measures undertaken by the assistance provider to help the victim overcome the crisis period;
- Long-term services mean all necessary measures and actions taken by the assistance provider to help and support the victim’s social reintegration.

The Law no. 211/2004 on certain measures to ensure protection for victims of crime, This Law specifically refers to the psychological counseling provided for the victims of crimes as defined by the Law no. 678/2001. The institutional mechanism based on which psychological counseling is provided to victims is represented by the probation and protection services of the victims, services available by the courts.

According to the legal provisions and norms, the NGOs can, independently or in cooperation with the public authorities, provide psychological assistance services for victims of trafficking.

According to the Law no. 272/2004 on the protection and promotion of child rights, as later on amended, and to the Government Decision no. 1295/2004, on the approval of the National Plan of Action to prevent and combat child trafficking, protection and assistance to children victims of trafficking is provided by specialized services within the childcare system.

National standards in the field of human trafficking:

National standards include the following aspects with regard to ensuring a coherent and functional in terms of assisting and protecting victims of trafficking: national network of protection and assistance to victims of trafficking, assisting and protecting victims of trafficking, rehabilitation Social victim; quality of care for victims of trafficking, provided the victims of trafficking, human resources, management and administration.

- | | |
|------------|---|
| Standard 1 | The position of the assistance center within the national victim protection and assistance service network. |
| Standard 2 | Inter-sectorial cooperation |
| Standard 3 | Acceptance of human trafficking victim in the center |
| Standard 4 | Confidentiality Requirement |

Standard 5	of comprehensive and multidimensional evaluation of the case for defining the protection measures
Standard 6	Assistance services provided in the center
Standard 7	Assessment of intervention and post-intervention monitoring
Standard 8	Documentation of cases and data protection
Standard 9	Transmission and exchange of information on the case
Standard 10	Exit of the assisted person from the center
Standard 11	Individualized counseling / psychotherapy
Standard 12	Psychosocial rehabilitation of trafficking victims assisted in the center
Standard 13	Food providing
Standard 14	Clothing and personal stuff
Standard 15	Health condition and prevention
Standard 16	Structure and organization of day centers
Standard 17	Structure and organization of residential centers
Standard 18	Housing requirements
Standard 19	Sanitary Conditions
Standard 20	recruitment and hiring staff for the centers
Standard 21	Initial and on-service training of the center staff
Standard 22	Supervision for the Centers' Staff
Standard 23	Professional Ethics
Standard 24	Coordination of center activity
Standard 25	Management of the assistance program for HT victims. Assistance program assessment and monitoring.

VII. Favoring causes and consequences of trafficking for labor exploitation

Trafficking in persons, in particular when it comes to forced labor exploitation, is one of the most widespread crimes worldwide.

The phenomenon extended due to causes which differ both from one region to another and in terms of type of exploitation. It was favored by the existence of a wide category of people who wanted to emigrate, by the poor education of people unlikely to make them understand the risks, by the inability and lack of intervention from the authorities and by the huge demand of sexual services and labor on the foreign markets.

In Romania, the development of the organized crime, in general, and of human trafficking, in particular, has been highly favored by the absence of a proper legislation in this sector until 2001.

The only crimes linked to human trafficking related to pimping, illegal deprivation of liberty or slavery.

Consequences of trafficking upon society

Trafficking in persons is a crime that affects not only the victims and their families but the society as a whole.

Trafficking should not be regarded only as a form of victimization of the human being, but also as a matter of human and social development.

The negative consequences of trafficking are expanding from the direct victims (physical and psychological traumas, serious consequences upon health, as well reducing the

chances of individuals to live a normal life, by preventing them to behave as full members of the society), to the communities and society they originate from, causing important loss of human capital and increased recovery and reintegration costs. Once organized, trafficking marks its territory in a state or region and will rapidly grow, exposing the affected regions / countries to serious instability risks.

In Romania, identification of forced labor is very difficult, due to illegal migration. So far, Romania tends to remain a country of origin and transit, rather than a destination country.

The main effects are:

- **Increased violence in the organized criminal groups** – highly financially interested on the labor exploitation markets. Such markets are partially controlled by local traffickers, acting in close cooperation with larger networks that supply them with the required labor.
- **Growth and diversification of organized crime.** Trafficking does not occur in isolation. Once established, trafficking networks diversify rapidly and develop mutually beneficial relationships with existing organized criminal organizations.
- **Destabilization of society.** Human trafficking can destabilize populations at the micro and macro level, either in terms of number of victims who are trafficked outside the country of origin, either in terms of number of specific ethnic or national groups who are trafficked in a specific area or market in the country of destination.
- **Increasing corruption in the public sector.** The crime of trafficking in persons favors the development of crime and corruption. Multi-facet nature of the crime creates numerous opportunities for corrupt officials in different institutions, and the daily cash flow provides the means to undermine the effort to combat trafficking of the law enforcement.
- Trafficking as a crime and its links with the corrupt practices may be deemed to threaten the ability of the criminal justice system and civil society confidence in itself.

Many countries have found evidence of the involvement of local officials and local law enforcement in tolerating the presence of trafficked persons in public, providing information about the police actions against the perpetrators, making it easier to obtain passports and travel documents for people to be trafficked or not checking them when crossing the borders.

Psychological consequences of trafficking on victims

Any incident occurring in a total unexpected way may result in both physical trauma, and emotional shock.

The effects of such incidents over the human body and psyche are traumatizing and dramatic. The shock can create emotional reactions to stress, called post-traumatic stress. Symptoms of post-traumatic stress can occur before, during and after the event. To understand these reactions, previous life experience of the victim, character and personality should be considered, so that to determine the needed type of help and assistance.

In the case of victims of trafficking, victimization begins at the very moment of recruitment; recruiters use 'invented' success stories, deceiving and threats with violence which are but violation of fundamental rights to liberty, self-determination and dignity.

Those who thought to go abroad and have a decent legal job, end up obliged to work in terrible conditions, poorly fed, inhuman accommodation and, unfortunately they become aware of their mistake only when it is already too late.

Once in the country of destination, trafficked persons start to discover the real, problems and abuses of labor exploitation.

Many trafficked persons are subjected to severe psychological abuses. The experience of being trafficked shall violate the autonomy of the basic physical integrity. Victim is not allowed to decide when or whether to eat, when or if she can rest and physical punishments are repeatedly applied, causing serious physical injuries. This total loss of self-control is often invoked as being the most humiliating aspect of the trauma. As a direct consequence of environmental abuse, the victims are pushed to adopt a kind of conformist behavior, causing obedience, just to avoid violent reactions against them.

They live in continuous disappointment, the trafficker provides false information in order to prevent them to go to police to ask for help or try to escape. The techniques the trafficker uses are meant to destroy any ability and capacities of the victim to respond or react to danger. As a consequence, most victims become apathetic, passive and dubitative, finding it difficult to fight against the created situation.

Experts talk about three common ways of manifestation of post-traumatic stress:

- **Re-experimentation** - involves re-living the traumatic event, at intervals of hours, days, months or even years after. Re-experimentation disorder may involve mild or overwhelming feelings and emotions, unexpectedly occurring triggered by certain images, TV shows, movies, photos, articles, or when people talk about that.
- **Avoidance** - any traumatic event warns the victim of the possibility of being repeated. The victim may deny his / her own feelings such as fear, shame, since she/he does not want the other to know the experience he/she passed through.
- **Challenge** - because the shock causes sensibleness of the nervous system, the reactions of the victim can strange and unexpected, while contradiction between what she/he says and what she/he does are likely to be visible. It is known that the persons held by force, direct their fears and frustration to those who have the authority and need to blame someone else for the produced trauma. Turning frustrations into aggression, some of the victims can become recruiters. Victims held captive come to believe that those who hold them captive are not as bad as thought at first.

A victim suffering pain or is deprived of liberty, goes through several stages:

- **Denial** – refuse to realize what really happened, trying to convince herself that everything is like before trafficking happened;

- **Anger** – can be shown in different ways: the victim may consider herself guilty or may place the guilt on someone else for the experienced traumatic situation or may have violent episodes.
- **Negotiation** - is the phase when the victim is trying to understand herself, to accept the status she/he is in at that point in time;
- **Depression** - is a phase when the victim has the sense of loss, the inability to exit from the state of exploitation. The victim loses interest in those around her, burst into tears repeatedly and considers that she deserves punishment she receives.

Victimization can have consequences on several levels

- **Social level** - victimization may be accompanied by disturbances in the social relations, especially in the community the victim belongs to. Feelings of shame and alienation from family members, friends and community occur because the victim has often the feeling that people around her would not be willing to consider her in the same way as before the trafficking experience.
- **Mental functioning level** - the victim will show depression, anxiety, lack of desire to engage in family activities, isolation. Return to the community does not solve the traumatic experience. It takes time and specialist support, but also a right and fair attitude from the family and friends;
- **Judiciary level** - the conduct of criminal proceedings and the victim participation may lead to re-victimization and indirect production of irreparable harm. Every time the victim participates in judicial proceedings, she actually re-experiences all the traumatic events she passed through.

Knowing and understanding the psychological consequences of trafficking over the victim is essential for an efficient recovery of the victim. Restoring and improving the physical and mental health of the victim should be the first two priorities for all the specialists relating to the victim during the assistance process.

In order to avoid the trafficking consequences become more severe than they already are for the victim, a change of mentality should be produced at the level of those involved in the victim assistance (psychologists, social workers, doctors and other medical staff, prosecutors, judges). Prejudices should be eliminated at all levels.

VIII. Statistics on the phenomenon of trafficking in persons from exploitation through forced labor in Romania for 2007-2008 (identified victims)

YEAR 2007

Total: **877 persons** - representing 68% of victims identified in 2007

Sex:

male: 81%

female: 19%

Age:

Adults: 98%

Family: 2%

Background origin:

rural: 59%

urban: 41%

Level of education:

without education: 53

Grades 1-4: 107

Grades 5-8: 318

Grades 9-12: 287

University: 8

Recruitment mode:

Job offers (false promises): 93%

Newspaper advertisement: 7%

Relations with the recruiter:

Person Unknown: 56%

Meet: 35%

Neighbor: 7%

Relative: 2%

Sectors they worked in:

Agriculture: 68%

Construction: 28%

Hotel services: 4%

Countries of destination:

Spain: 28%

Czech Republic: 27%

Italy: 21%

Greece: 18%

Romania: below 3%

Other destination countries: (Germany, Cyprus, Belgium and Slovakia): below 2%

Experienced Abuses:

- Indebtedness and financial penalties: 31%

- Emotional abuse (threats): 27%

- Restricted access to food and water, poor hygiene: 21%

- Destruction or confiscation of identity documents: 11%

- Deprivation of liberty or isolation: 5%

- Physical abuse: 5%

YEAR 2008

Total: **716 persons** - meaning 58% of all victims of trafficking

Sex:

male: 78%

female: 22%

Age:

Adults: 97%

Minors: 3%

Background origin:

rural: 62%

urban: 38%

Level of education:

without education: 72

Grades 1-4: 74

Grades 5-8: 295

Grades 9-12: 204

degree: 5

Recruitment mode:

Job offers (false promises): 652

Newspaper advertisement: 64

Relations with the recruiter:

Unknown person: 440

Meet: 224

Neighbor: 35

Relatives: 19

Sectors they worked in:

Agriculture: 578

Construction: 111

Hotel services: 27%

Countries of destinations:

Spain: 39%

Greece: 18%

Czech Republic: 13%

Italy: 12%

Germany: 5%

Romania: below 3%

Cyprus: 3%

Other destination countries (Slovakia, Austria, Ireland, Belgium, France, South Korea, China):
6%

Experienced Abuses:

- Indebtedness and financial penalties: 358
- Emotional abuse (threats): 104
- Restricting access to food and water hygiene: 74
- Destruction or confiscation of identity documents: 101
- Deprivation of liberty or isolation: 46
- Physical abuse: 26

IX. Study Cases

- a) **Ion**, 32 years, resided in a county in southern part Romania, rural area, no education.

Social and family situation:

Ion has a household personal property in a village. He is married and has two children, one with disabilities. His wife receives some welfare benefits.

Ion is working on day basis engagements, has no stable job and the family income is insufficient to provide a decent living for the two children.

Recruitment:

In 2007, he accidentally met a family who wanted to go to Greece to get a job in agriculture.

The amount requested for facilitating getting this job was 550 EUR, while the cost for the transportation and accommodation was supposed to be paid at a later date.

Ion was promised a EUR 22 per day amount, out of which he had to pay a monthly rent for a room in a villa, at about EUR 150 per month.

Together with two other people in the same village, they were driven by car by the people who recruited them. They arrived in the destination country in a village and they were placed in tents and told that 'they were to live there'. Another 20 Romanians, recruited by the same family lived in the same 'tent community'.

Period of trafficking:

John and the others were obliged to work 12 hours a day, under strict surveillance. They received no salaries, although some Romanians had already been working for 3 months. They were constantly aggressed, physically and verbally and threatened to be sold to Albanians – who are known to be very cruel and would not hesitate to kill, if necessary.

When they realized that they were victims of trafficking, never to be paid, ten of them, including John, managed to escape, calling the Greek police.

Romanian citizens were temporarily sheltered by and Greek NGO and repatriated.

Assistance provided:

- Legal, psychological and social
- With the support of County Agency for Employment, Ion got a stable job at about 10 km from his home.

- b) **Cristi and Alina:** 50 and 54 years, married, in a town in the south of the country, graduate of compulsory education (8 grades):

Family socioeconomic situation:

Cristi and Alina, are married couple, with two have two teenage children. Alina is physically disabled and cannot use her hands and her legs and that's why she needs a personal assistant to help her. She cannot have a job. The family owns an apartment, the husband is retired for medical reasons, but the family income is insufficient to ensure a normal life for them and the two children.

Recruitment:

The family was contacted by a person who proposed them to go abroad to receive medical care offered by an organization and a wheelchair for the woman. The proposal was seen as a rescue solution and the couple accepted it. They left for Belgium by bus, accompanied by the recruiter, who paid for both tickets and travel expenses. They were supposed to live in the house of someone the recruiter knew well.

Period of trafficking:

The amount requested for these services summed up at EUR 1,800 which should have been repaid by doing some work there. Cristi was bound to win money playing the violin in the street while Alina had to beg. She was sat in a wheelchair (collected from garbage) so that to be able to remain in the street throughout the day.

The space they were supposed to live in was inhumane, shared with other people, children and adults, who were used for begging or forced to steal, with no food or water. They traffickers collected the money at the end of each day and they were always dissatisfied with the amounts so that they used to threaten them for getting more and more, otherwise they would go to Romania a bring their kids to work and pay for the debt:, i.e. the girl should prostitute while the boy should steal.

After about half a year, the family was identified following a police action and managed to be repatriated.

Provided assistance:

- Assistance provided by specialized NGOs
- the woman was helped to obtain a medical pension, according to her disability.

Anti-trafficking legislation in Bulgaria

■ *Criminal Code, Chapter II, Section IX (New, SG 92/2002, Amended SG 27/2009) - Trafficking in People:*

Article 159a (1) “An individual who recruits, transports, hides or admits individuals or groups of people in view of using them for sexual activities, forceful labour, dispossession of bodily organs or holding them in forceful subjection, regardless of their consent, shall be punished by deprivation of liberty of two to eight years and a fine of BGN three to twelve thousand.”

Article 159c “An individual who uses victims of trafficking in human beings for sexual activities, forceful labour, dispossession of bodily organs or holding them in forceful subjection, regardless of their consent, shall be punished by deprivation of liberty of three to ten years and a fine of BGN ten to twenty thousand.”

Anti-trafficking legislation in Republic of Moldova

■ *Penal Code, Special Part, Chapter III, Crimes against the Freedom, Honor and Dignity of a Person*

Article 165 – Trafficking in Human Beings “(1) The recruitment, transportation, transfer, concealment or receipt of a person, with or without his/her consent, for the purpose of commercial or non-commercial sexual exploitation, *for forced labor or services*, for begging, for slavery or similar conditions, for use in armed conflicts or criminal activities, for the removal of human organs or tissues committed by:

a) the threat of physical or mental violence not dangerous to the person’s life and health, including kidnapping, the seizure of documents, and servitude for the purpose of paying a debt, the amount of which was not set within a reasonable limit, as well as through the threat of disclosure of confidential information of the family of the victim or of other persons, both individuals and legal entities;

b) deception;

c) the abuse of vulnerability or abuse of power, giving or receiving payments or benefits to get the consent of a person controlling another person;

shall be punished by imprisonment for 5 to 12 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or the liquidation of the legal entity.

■ *Labor Code, Chapter II – Basic Principles*

Article 7 – Prohibition of forced (obligatory) work

(1) Forced (obligatory) work shall be prohibited.

(2) By forced (obligatory) work is understood any work or service imposed to one person by threatening or without his consent.

(3) Utilization, under any form, of forced (obligatory) work is prohibited, and namely: b) as method of mobilization and utilization of the working force for economic purposes;

4) As forced (obligatory) work shall be considered:

- a) the breach of terms for the established payment or its partial payment;
- b) the employer's demand that employee fulfills his labor obligations in the absence of some collective or individual protection systems or in the event that fulfillment of the required work implies danger to the life or health of the employee or his neighbor.

Anti-trafficking legislation in Ukraine

In the 2001 in new Criminal Code of Ukraine, there was attached criminal-law responsibility for human trafficking, or any other illegal contract in reference to the selling of a person (*art. 149 CCU*).

In the same year, special groups were created which fight the abuses connected with human trafficking, within the structures of the Ministry of Internal Affairs (MVS) of Ukraine.

By **resolution no. 766** from the Office of Ministers of Ukraine, from 5th June 2002, there was approved a complex program to fight human trafficking in the years 2002-2005.

The main goal of this program was the development of mechanisms which will prevent human trafficking, criminal prosecution of those who are committing this crime, and the protection and reintegration of victims.

Order no. 188-p of the Office of Ministers of Ukraine, from 5th April 2006, approved the founding of a governmental program to fight human trafficking in the years 2006-2010.

The goal of this program is to lower the scale of human trafficking and criminal activity connected with it, by focusing on risk groups, by growth in the effectiveness in the persecution of criminals, and by solving the reintegration problems of victims who have suffered from human trafficking.

N.A.A.T.I.P. – The National Agency Against Trafficking in Persons

The purpose of the National Agency against Trafficking in Persons is to coordinate, evaluate and monitor, at the national level, the implementation of policies in the field of trafficking in persons by the public institutions, as well as those in the field of protection and assistance provided to its victims.

The Agency cooperates with governmental and non-governmental organizations within the country and abroad, as well as with inter-governmental organizations with the view of raising the public awareness on the phenomenon and its consequences.

ADPARE - The Association for Developing Alternative Practices for Reintegration and Education

Non-governmental organizations aiming to provide alternative social services for the reintegration of victims of trafficking in persons and of young people at risk. Main activities are focused on offering:

1. Psychological assistance both at an individual level and at group level;
2. Medical assistance in emergency situations and routine check-ups;
3. Juridical assistance in collaboration with the authorities;
4. Educational reinsertion and professional reintegration

CARITAS Bucharest

Caritas Bucharest Association covers the territory of the Bucharest archdiocese, one third of the Romanian territory and about 10 million inhabitants, out of which 1% Roman – Catholics. The activity is focused on various social areas, such as home medical care, education for children at risk, support for persons in emergency situations, food distribution, and educational programmes in schools and high schools on prevention of trafficking in human beings and on labor exploitation.