

HUMAN TRAFFICKING IN ROMANIA

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Abstract

The business called sexual slavery has become more violent and organized and involves a lot of abusers and victims. The means used by the traffickers for the accomplishment of the trafficking activity consists of threat, violence and other forms of constraint, fraud or deception, abuse of power, taking advantage of the inability of a person to defend themselves or to manifest their will, offering, giving, receiving or accepting money or other benefits to achieve the consent of a person. This cruel form of modern slavery happens more often than we can imagine and it is not just a national and international problem, but also a local one. The victims are exploited, harassed, abused, physically or sexually assaulted with different objects. Often, the meals and accommodation conditions are inhuman. The consequences of trafficking on victims are very serious: they are exploited, harassed, abused, etc. The strategies for human trafficking prevention should take into account both the supply side, i.e. the traffickers, and the demand side of the traffic market, i.e. the owners, consumers, or clients. The institutions in charge of prevention and fighting against trafficking of persons in Romania, either separately or in cooperation, pursuant to *Law No 678/2001*, are the Ministry of Foreign Affairs, the Ministry of Labour, Family and Social Protection, the Ministry of Administration and Internal Affairs, the Ministry of Education and Scientific Research, the Ministry of Health, the Ministry of Justice, the Public Ministry, the National Authority for Child Protection, County Councils, Local Councils and other institutions.

Keywords: sexual slavery, human trafficking, modern slavery

Résumé

L'entreprise appelée « l'esclavage sexuel » est devenue plus violente et plus organisée et implique beaucoup d'agresseurs et de victimes. Les moyens utilisés par les trafiquants pour transporter le trafic est constitué de la menace, la violence et d'autres formes de contrainte, la fraude ou la tromperie, l'abus de pouvoir, en profitant de l'incapacité d'une personne à se défendre ou d'exprimer la volonté, l'argent ou d'autres avantages obtenir le consentement d'une personne. Cette forme cruelle de l'esclavage moderne arrive plus souvent qu'on ne l'imagine et non seulement un problème national et international, mais un local. Les victimes sont exploitées, harcelées, abusées, agressées physiquement ou sexuellement avec différents objets. Souvent, la table et les conditions d'hébergement sont inhumaines. Les conséquences de la traite sur les victimes sont très graves: elles sont exploitées, harcelées, abusées, etc. Les stratégies de prévention de la traite des êtres humains devraient prendre en compte à la fois l'offre, c'est-à-dire les trafiquants, ainsi que la demande pour le marché du trafic, les consommateurs ou les clients. Les institutions

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chargées de la prévention et de la lutte contre la traite des êtres humains en Roumanie sont mentionnées dans cet article. Les recherches futures mettront en évidence des moyens efficaces de prévention et d'intervention.

Mots-clés: esclavage sexuel, traite des êtres humains, esclavage moderne

Rezumat

Afacerea numită sclavie sexuală a devenit mai violentă și mai organizată și implică o mulțime de agresori și victime. Mijloacele folosite de traficanți pentru realizarea activității de trafic constau în amenințare, violență și alte forme de constrângere, fraudă sau înșelăciune, abuz de putere, profitând de incapacitatea unei persoane de a se apăra sau de a-și manifesta voința, oferind bani sau alte beneficii pentru a obține consimțământul unei persoane. Această formă crudă a sclaviei moderne se întâmplă mai des decât ne imaginăm și nu este doar o problemă națională și internațională, ci și una locală. Victimele sunt exploatare, hărțuite, abuzate, agresate fizic sau sexual cu obiecte diferite. Adesea, masa și condițiile de cazare sunt inumane. Consecințele traficului asupra victimelor sunt foarte grave: sunt exploatare, hărțuite, abuzate etc. Strategiile de prevenire a traficului de ființe umane ar trebui să țină seama atât de partea ofertei, adică de traficanți, cât și de cererea pieței de trafic, de consumatori sau clienți. Instituțiile responsabile de prevenirea și combaterea traficului de ființe umane în România sunt menționate în articol. Cercetări viitoare vor putea evidenția modalități eficiente de prevenire și intervenție.

Cuvinte cheie: sclavie sexuală, trafic de persoane, sclavie modernă

1. Adult and Underage Victims of Human Trafficking

In Romania, the victims are recruited especially among girls and young women aged between 13 and 33 years (a quarter are minors, more than half are aged between 18 and 23). Of the voluntary returners and young women assisted by the International Organization for Migration – IOM Bucharest Office, most were taken to Bosnia and Herzegovina, also Macedonia, Albania, Kosovo, Italy, Cambodia, and the rest to other countries. As far as the purpose of trafficking to certain countries of destination is concerned, we can note Spain, Austria, and Germany when it comes to trafficking for sexual exploitation, Greece for labour trafficking in illegal conditions, France and Italy for begging. The trend noticed is that the transport is carried out in small groups, which makes it more difficult to observe by the authorities¹.

The object of activity of the human trafficking is: women and girls for the sex industry; children for adoption; the elderly, the disabled, the children, etc. for begging, children for committing crimes; women, men, and

¹ http://ms.politiaromana.ro/prevenire/trafic_persoane/despre_trafic.html, visited on June 20th, 2014

children for forced labour or slavery; organs and human tissue or individuals for organ cropping etc.²

Around 600.000-820.000 individuals are trafficked over the states' borders, worldwide, annually. The ones trafficked within a country's borders are not included; otherwise the numbers could reach millions. Around 70% of the trafficked individuals are women and girls, which are mostly forced into prostitution. About 50% of the trafficked persons are minors, who become sexually exploited or are subject to forced labour, or their organs are cropped³.

With regard to adult victims, an increased distribution was observed among the trafficked victims of 2012, which account for 56%. Of these, 55% were female adult victims. The share of undereducated victims is extremely low (7%), the educational level of victims trafficked in 2012 is between primary and secondary. The situation regarding the extraction environment is different from that of the minors in this category, victims from rural areas representing the majority (61.5%). Most victims were recruited for trafficking using the promise of jobs in the country or abroad (74%). According to the data regarding the relationship between the recruiter and trafficked victims in 2012, recruitment was done either by friends or acquaintances or by people they met at the time of receiving the job offer. Exploitation in agriculture or constructions is the most common (152 victims). However, 136 adult victims were also sexually exploited in private homes, on the street, in clubs or in other circumstances in 2012. Forcing into begging or stealing is scarce among this population of victims (Şerban *et all.* 2013).

A significant number of victims trafficked in Europe come from Romania. Romanian men, women and children are trafficked to the European countries, including Austria, Azerbaijan, Cyprus, The Czech Republic, Denmark, France, Germany, Greece, Italy, Lithuania, The Netherlands, Norway, Poland, Slovakia, Slovenia, Spain and Sweden, for purposes of forced labour in agriculture, household jobs, hotels and industry, and for forced begging and stealing. Romanian men, women and children are trafficked to the European countries, including Belgium, Cyprus, Switzerland, Finland, France, Germany, Greece, Malta, Netherlands, Portugal, Slovenia, Spain, Sweden and Hungary for purposes of sexual exploitation⁴.

² <http://criminology.md/new/index.php/ro/biblioteca/articole/123-4>, visited on June, 20th, 2014

³ <http://www.mfa.gov.md/traficul-fiinte-umane>, visited on June 20th, 2014

⁴ http://romania.usembassy.gov/2013_tip_ro.html, visited on June 20th, 2014

2. Central Institutions Involved in Preventing and Fighting against Human Trafficking in Romania

The institutions in charge of prevention and fighting against trafficking of persons either separately or in cooperation, pursuant to the provisions of *Law No 678/2001*, are the Ministry of Foreign Affairs, the Ministry of Labour, Family and Social Protection, the Ministry of Administration and Internal Affairs, the Ministry of Education and Scientific Research, the Ministry of Health, the Ministry of Justice, the Public Ministry, the National Authority for Child Protection, County Councils, Local Councils and other institutions.

In preventing and fighting against human trafficking, non-governmental organizations or civil society representatives may also be involved and can conduct activities in this respect, separately or in cooperation with similar organisms or institutions of the State, in accordance with the legal provisions.

The large number of institutions involved in preventing and fighting human trafficking is explained by the scale and diversity of this phenomenon, both at national and international level.

By law, each of the institutions was assigned tasks to prevent and fight against human trafficking, tasks to be carried out separately or by cooperation between them. Some of the most important tasks in the field were assigned to the Ministry of Foreign Affairs, an institution whose activity is reflected in both internal and international scope of cooperation.

Among other things, the M.F.A. has the obligation to draw up and send to all concerned institutions a list with high potential states regarding human trafficking. Although the law makes no distinction, we note that, as far as these duties are concerned, only those states which provide transit and “consumption” of human trafficking should be included.

According to the note drawn up in 2004, among the countries with high risk under the aspect of “beneficiaries” of human trafficking, countries such as Germany, Italy, Spain, the Netherlands, and France are included. In the same respect, countries such as Poland, Turkey, Japan, Serbia and Montenegro also have potential.

Regarding the transit and the establishment of connections between traffickers, countries like Albania, Serbia show high potential, as well as the other countries listed above under the aspect of the existence of the beneficiaries of exploitation of persons.

Institutions concerned in receiving such information provided by the M.F.A. should be those that check the documents for traveling abroad of the potential victims. Another important task of the M.F.A. is therefore linked to the possibility of identifying foreign citizens for whom there are indications that they could be involved in trafficking of persons, and taking measures to prevent their access on the territory of Romania.

The collaboration must be carried out by the specialized institutions within the Ministry of Administration and Internal Affairs.

Other tasks of the M.F.A. cover the assistance of victims of Romanian citizenship located on the territory of other countries, the release of documents regarding repatriation – in this respect, a diplomat responsible for implementing the methodology will be designated. Moreover, the M.F.A. facilitates the release of passports or travel documents for foreign citizens, victims of trafficking on the territory of Romania. Other tasks of the M.F.A. point to an activity of informing the victims about the rights granted by the Romanian legislation, the advertising of Romanian legislation and the legislation of other states on human trafficking.

The Ministry of Labour, Family and Social Protection has the obligation of establishing measures that lead to integration into the work force of the persons with high risk of becoming trafficked, especially women from poor areas and socially marginalized persons.

For this purpose, the National Agency for Employment must develop information programs on the labour market, vocational training, information regarding the rights of employees, cooperation with economic operators for hiring individuals at risk of being trafficked as a matter of priority.

As far as the protection of the trafficked victims is concerned, the Ministry of Labour, Family and Social Protection, through county employment agencies must draw up programs for professional initiation and training of victims accommodated in assistance centres, to guarantee them consultancy services regarding employment opportunities.

Moreover, together with the Ministry of Public Finances, the Ministry of Labour, Family and Social Protection has the obligation to identify opportunities to stimulate the economic operators who are willing to hire people with high risk of being trafficked or victims of trafficking of persons, if they graduated from the professional training courses.

The Ministry of Education and Scientific Research has a legal obligation to initiate and implement educational programs for parents and children, together with the other ministries and with non-governmental organizations, particularly for groups that have a high potential to be the victims, programs

to caution the participants about the risks which involve a conscious partaking in the exploitation of persons by forced labour, slavery, submissiveness, prostitution, pornography, organ cropping or such other violations of human rights and liberties.

We believe that the same establishment has the obligation of informing parents and children of the rights they have when they are victims of human trafficking.

The Ministry of Justice is under the obligation to periodically carry out studies on the causes and conditions that determine and favour human trafficking.

County Councils and local councils have the legal obligation to sustain and finance counselling and protection centres for the victims of human trafficking, prioritizing the provision of the victims with social homes.

Law 508 of November 17, 2004, on the establishment, organization and operation in the Public Ministry of the Directorate for Investigating Organized Crime and Terrorism was the next step in the effort to prevent and prosecute human trafficking. As in the case of the Ministry of the Interior, a special structure was created within the Public Ministry – the abovementioned Direction – specialized in fighting against organized crime and terrorism offenses in the Prosecutor's Office attached to the High Court of Cassation and Justice (Gavriliuță, Gavriliuță 2013).

The Ministry of Administration and Internal Affairs, an institution with an important role in suppressing human trafficking, also has legal obligations falling within the prevention and protection of victims, and statistical evaluation of this phenomenon. In terms of prevention, the M.A.I.A. has the obligation to make and distribute documentary materials aimed at informing the potential victims of human trafficking of the risks they may run.

By means of specialized structures and in cooperation with other ministries, the M.A.I.A. periodically monitors and evaluates the phenomenon, making up a database that includes traffickers, victims and legal persons involved in the activity of trafficking.

The database is maintained up to date, and evaluation reports and statistical information are published every six months with the minister's approval.

Across the territory of Romania, the M.A.I.A. also has the obligation to provide on-demand physical protection for trafficking victims through the agency of the border police, identifying and taking over the victims for sending them to specialized centres which currently operate in the counties

of Arad, Botosani, Galati, Giurgiu, Iasi, Ilfov, Mehedinti, Satu Mare and Timis.

The M.A.I.A. defines how long the establishment will provide accommodation and sustenance to the victims, to be charged upon the carriers who were accomplices in a crime of human trafficking. When the victim is a foreigner, the M.A.I.A. together with the M.F.A. facilitates the release of identity documents when these were stolen or destroyed. For the identification of human trafficking victims, the M.F.A., through its operational agents, may perform, within the provisions of the law, searches at any business establishment (Mateut *et al.* 2005).

In Romania, the National Agency against Human Trafficking (ANITP) is the specialized institution, subordinated to the Ministry of Administration and Interior, and it coordinates, evaluates and monitors policy implementation at national level: on the trafficking of persons by public institutions and protection and assistance of victims. ANITP is the link between trafficking victims and law enforcement agencies, as well as between them and NGOs in the country providing services in this field. The Agency cooperates with Romanian and foreign NGOs, as well as with intergovernmental organizations to raise public awareness on human trafficking and its consequences.

The agency has 15 Regional Centres with coordinating role in respect to the regional anti-trafficking activity in their jurisdiction. The main tasks of the National Agency against Human Trafficking are: receiving alerts / information on persons in situations of trafficking / exploitation in the country or abroad; calling the regional centre which is the nearest to the person's domicile to identify local NGOs or government centres that can provide support to victims such as those mentioned above. The ANITP analyses conducted on the population of victims identified in 2012 indicate that, in the case of sexual exploitation, vulnerability has increased among young women aged between 14 and 25 years. More than half of these victims are exploited in our country. Recruitment is initiated with the submission of the proposal, meant to ensure the conditions for practicing prostitution or offering a job. The recruiter is often known to the victim (Șerban *et al.* 2013).

The National Agency against Human Trafficking (ANITP) coordinates, evaluates and monitors policy implementation at national level: on the trafficking of persons by public institutions and protection and assistance of victims. At the same time, ANITP is the link between trafficking victims and law enforcement agencies, as well as between them and NGOs in the country providing services in this field. The Agency cooperates with

Romanian and foreign NGOs as well as with intergovernmental organizations to raise public awareness on human trafficking and its consequences⁵.

The National Agency against Human Trafficking (ANITP) implements the national communication and preventing Campaign “Exploitation kills souls. Choose to know!”, “Choose not to judge! Choose to prevent!”, from October 2014 to March 2015. The purpose of the campaign is to decrease the demand for the three forms of exploitation (sexual, begging, work), through informing the target group and the public on the victim’s condition, recruiting methods and legal repercussions. The ANITP campaign aims to deploy innovative communication means, through the use of new technologies, to ensure an efficient dissemination of the anti-trafficking message to a heterogeneous and large audience⁶.

The National Agency against Human Trafficking has the following main objectives:

- to coordinate and monitor, at national level, the activities of collection, storage, processing, analysis, data and information broadcast regarding the situation of the trafficked persons, the assistance given to the victims of trafficking and their social reinstatement;
- to analyse the phenomenon of human trafficking regarding its aetiology, structure and dynamics based on the strength of its own data and the data offered by structures with duties and interests in the field;
- to centralize and assess, quarterly or whenever necessary, all data given by the authorities, institutions and organizations involved in offering assistance and protection to human trafficking victims;
- to draw up periodical evaluation reports which are presented to the management of the General Inspectorate of the Romanian Police, the Ministry of Administration and Internal Affairs and the Government of Romania;
- to monitor the victims assistance centres running in accordance with national specific standards for specialized aid and protection services for the victims of human trafficking;
- to control the NGOs that benefit from the National Interest Program regarding the application in the field of assisting human trafficking victims;

⁵ <http://www.anitp.mai.gov.ro/>, visited on March 31st, 2015

⁶ <http://www.anitp.mai.gov.ro/wp-content/uploads/Campania-Exploatarea-Ucide-Suflete.pdf>, visited on March 31, 2015

- to guide the persons who call the toll-free line towards the competent institutions regarding persons trafficking and provide advice to the victims or victims to-be of human trafficking in crisis situations;
- to display activities of designing, analysing and updating the logical and functional architecture of the national database regarding the human trafficking victims, as well as the applications for the processing of data in electronic format, while complying with the rules on confidentiality and the protection of personal data⁷.

The National Agency against Trafficking in Persons (NAATIP) has the following core tasks:

- to coordinate and monitor on national level the activities of collecting, storing, processing, analysing and distributing data and information regarding the situation of trafficked persons, assistance provided to victims of human trafficking and their social reintegration;
- to participate to the setting of indicators and assessment criteria of the dimensions and characteristics of human trafficking phenomenon;
- to analyse the human trafficking phenomenon in respect of his aetiology, structure and dynamics, based on their own data and the data offered by the bodies affiliated to this domain;
- to centralise and evaluate, quarterly or whenever necessary, all the data provided by the authorities, institutions and organisations involved in the reduction of human trafficking phenomenon and those involved in providing assistance and protection to victims of trafficking;
- to issue periodic evaluation reports, which are presented to the management of the General Inspectorate of the Romanian Police, Minister of Administration and Interior (MAI) and Government of Romania;
- to monitor the functioning of the centres for victims of human trafficking according to the specific national standards for specialised services of aid and protection for victims of human trafficking;
- to control non-governmental organisations which benefit from the National-Interest Programme regarding its implementation in the provision of assistance for victims of human trafficking;
- to provide support for people who call the free line of competent institutions for human trafficking and provide advice and assistance for the victims who call those lines or victims of human trafficking who are suspected to be in crisis situations;

⁷ <http://www.anitp.mai.gov.ro/despre-noi/>, visited on March 31st, 2015.

- to perform design, analysis and update activities of logical and functional architecture of the national data base regarding the victims of human trafficking and activities of electronic processing of data retrieval, with respect for the rules of confidentiality and protection of personal data⁸.

In accordance with the National Identification and Reference Mechanism approved by Order No 335/2007, when identifying a child as victim of trafficking, irrespective of the country of origin, steps will be taken to inform the representatives of GDSSCP or the supplier of specialised services for abused, neglected or trafficked children, with the aim of taking the necessary special measures of protection. The General Directorate of Social Services and Child Protection ensures implementation of the strategy of social work in child protection, family, single individuals, those with disabilities and those in need from each county and sector of Bucharest. In a situation in which the victim is a foreign child, they will benefit, without discrimination, from the same measures of support and protection as all children, victims of person trafficking. In case there are multiple victims of the same nationality/citizenship, including children, it is recommended that they are assisted by the same provider of social services.

According to the National Referral Mechanism (NRM), approved by Order no. 335/2007, when a child is identified as a victim of trafficking, irrespective of his/her country of origin, the representative of GDSSCP or the provider of specialized services for abused, neglected or trafficked children shall be notified, in order to take the necessary specialized protection measures. The General Directorate of Social Services and Child Protection ensures the implementation of social work strategy in the protection of children, family, single persons or impaired and poor people, in every county and sector of Bucharest. Where the victim, a child, is a foreign citizen, he or she shall benefit, without discrimination, from the same assistance and protection measures as all the other children, victims of human trafficking. Where there are more than one victim of the same nationality, including children, their assistance should be performed by the same social services provider. When a minor is identified as a victim of human trafficking, according to the National Referral Mechanism, the institutions trained for identification, referral, assistance and monitoring are as follows: the General Inspectorate of Romanian Police (GIRP) (through its specialized structure of fighting organized crime and the National Agency against Trafficking in

⁸ <http://www.anitp.mai.gov.ro/despre-noi/>, visited on 31/03/2015

Persons (NAATIP), the General Directorate of Social Services and Child Protection (GDSSCP) and the Romanian Immigration Office (RIO).

The specialized structures of the GIRP and the General Inspectorate of the Border Police (GIBP) shall contact the GDSSCP representative responsible for the assistance of children who are victims of abuse, neglect and human trafficking, and the representative of the regional centre of NAATIP shall evaluate the child's needs of assistance and maintain contact.

The GDSSCP in charge of assisting children who are victims of abuse, neglect and human trafficking shall refer the case to a specialized centre of assistance for children victims of abuse, neglect or human trafficking and shall be in touch with the partners from the inter-institutional team.

The representative of the regional centre of NAATIP shall keep in touch with the GDSSCP representative in order to monitor the case.

Where unaccompanied minor foreigners are victims of human trafficking, in order to establish the applicable legal regime for them, RIO cooperates with other institutions, as well as with national and international institutions specialized in child protection, according to the conditions laid down by the Aliens Act no. 194/2002 regarding the regime of foreigners in Romania, republished⁹.

Between January 1st, 2013 and June 30th, 2013, the Integrated Evaluation and Monitoring System of the victims of human trafficking registered a total of 501 identified victims of human trafficking, of which 35% were trafficked in the same period of time. The victims' distribution identified in the first semesters of 2006-2010 presents a minimum in 2009, while beginning with 2010, the values remain constant. Therefore, in the first semester of this year, 501 victims were identified, which means six more victims than the same period of the last year. The values registered per semester have almost never kept the proportion regarding the total number of the annual identified victims, therefore the analyses for these periods will be treated exclusively as descriptive and informative, without taking action to make changes, additions or orientations in any domain that is tangential to the fight against human trafficking. The gender distribution of the victims identified during this period still presents the orientation of gender victimisation-oriented criminal activity for the purpose of the offence. Therefore, most of the victims were women (62.5% of the total) exploited especially for the provision of sexual services, 37% were men, who are

⁹ <http://anitp.mai.gov.ro/ro/docs/studii/studiu%20ade.pdf>, visited on March 31st, 2015

manipulated and exploited in the economic sectors where there is a need for physical work, such as the construction sector¹⁰.

3. Legal National Framework regarding Human/Child Trafficking

The Romanian Law regarding the child trafficking and protection of their rights guarantees the protection of child's rights under the *Romanian Constitution*, which, in the Chapter "Fundamental rights and freedoms", Art. 49, stipulates:

- "Children and young people shall enjoy special protection and assistance in the pursuit of their rights".
- "The exploitation of minors, their employment in activities that might be harmful to their health, or morals, or might endanger their life and normal development are prohibited."

The first normative act in human trafficking was *Law no. 678/2001* for prevention and fight against human trafficking in which the offence of child trafficking and their punishments are explicitly defined. This law states: "Whoever recruits, transports, transfers, harbours or receives minors with the intent of exploiting, commits a criminal violation of this law and shall be punished with 5 to 15 years of imprisonment and denial of certain rights." In minor trafficking, there seems to be a differentiation from the trafficking in adults, meaning that only 2 of the elements of the human trafficking offence are needed, the actions of recruiting, transporting, transferring, harbouring or receiving of a minor, with the intent of exploiting, respectively, without a need for the means that were used, the use of threats or violence or the use of other forms of coercion, through kidnapping, fraud or misrepresentation, abuse of power or by taking advantage of that person's inability to defend him- or herself or to express his/her will or by giving or receiving money or other benefits in order to obtain the agreement of a person who has control over another person.

Article 18 of *Law No. 678/2001* defines and punishes child pornography i as follows: "Whoever exhibits, sells or disseminates, rents, distributes, produces or possesses with intent to disseminate objects, films, photographs, slides, logos or other visual material that display sexual conduct or postures with a pornographic character, and show or involve persons aged under 18

¹⁰ <http://www.anitp.mai.gov.ro/wp-content/uploads/analiza-statistic%C4%83-privind-victimele-traficului-de-persoane-identificate-in-primul-semestru-2013.pdf>, visited on March 31, 2015

or imports or delivers such objects to a carrier or distributor for the purpose of selling or simply distributing such objects commits the crime of child pornography and shall be punished by 2 to 7 years of imprisonment.”

In order to protect the victims of offences, *Law 211/2004* regarding certain measures for ensuring the protection of the victims was adopted, which lays down the rights of victims of certain criminal offences to free psychological and legal counselling, as well as to compensation of damages. Two of the shortcomings of this law are represented by the victims’ difficulties to be a part of the criminal proceeding, as well as the cases in which compensation is given to the victims of certain criminal offences. This law lays down norms specific to minors, referring to the fact that they are not obliged to go to court as injured party or to make a criminal complaint, and the period of receiving psychological and legal assistance is with 3 months longer than in the case of adults. If the exact age of the victim is not known and there are no motives to suspect that the victim is a child, while checking their age, pursuant to *Law 300/2006*, it shall be assumed that the person in question is a child and the specific protection measures shall be given to him/her. After the unaccompanied child is identified as a victim:

a) the child shall be represented by a legal tutor, an organization or an authority who shall act in the child’s best interest;

b) measures shall be taken in order that the victim’s identity and nationality be established;

c) the necessary efforts shall be taken to identify the victim’s family, and whether the family acts in the child’s best interest.

Resolution No. 1.238 of 10 October 2007 regarding the approval of the national standards specific to the specialized assistance and protection services of the victims of trafficking is a legislative instrument which regulates the national networks of services and protection of the victims of human trafficking, the services provided and their quality, the measures regarding the insurance of an appropriate medium for the victims of trafficking, the appropriate staff and their continuous inward processing. After having signed the *Convention on the Rights of the Child*, it was ratified by the adoption of *Law 18/1990*. This stipulates the following: “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. States

Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".

Law 203/2000 for ratifying the Convention of the International Organization of Labour no. 182/1999 regarding the prohibition of the hardest forms of child labour and the immediate action for eliminating them, adopted during the 87th session of the International Labour Conference on June 17, 1999 in Geneva, is a pertinent legislative instrument for this phenomenon eradication. In 2003, *Law 196* regarding the prevention and fighting against pornography was promulgated. In its text, especially in Art.10, any recruiting activity, as well as obligation or use of minors in any act with obscene character is incriminated and shall be punished from 3 to 12 years imprisonment and denial of certain rights.

Law 272/2004 regarding the protection and promotion of child rights implies aspects such as: citizen's rights and freedoms; characteristics of family environment, alternative means, health system; services provided for refugees; child protection on a non-discriminating basis aimed at promoting and respecting the child's interest; equal chances, etc. Art. 99 states that: "The child has the right to be protected against any forms of exploitation" and once again the necessity to prevent and fight against exploitation, traffic and abuse phenomenon is emphasized. Since the State institutions should have implemented the legislation on the protection of child rights, national and international strategies and monitoring and coordination instruments were drawn up.

On August 13, 2004, Resolution No. 1295 for the approval of the National Plan of Action in order to prevent and fight against child trafficking was issued, and in September 2004, Resolution no. 1504 for the approval of the National Plan of Action in order to prevent and fight against sexual abuse towards the child and sexual exploitation of the child for commercial purposes (2004-2007) was issued. These two resolutions were implemented over a period of two to three years, until 2007, and are structured in objectives and activities specific to all areas regarding child trafficking and their sexual exploitation, and include representatives and partners from state and private bodies¹¹.

¹¹ <http://anitp.mai.gov.ro/ro/docs/studii/studiu%20ade.pdf>, visited on 31/03/2015

4. Conclusions

Human trafficking is the most common form of modern slavery. Over the last decades, it has become a serious problem both nationally and internationally, and includes slavery, forced labour, violence, abuse of trust, physical and psychological aggression of the person, which fully justifies the belief that human trafficking is a form of slavery at the beginning of the millennium. Human trafficking is a complex issue, rather difficult to be grasped in a definition. It involves many forms of exploitation, including the rights violations by forced labour, exploitation of emigrant workers, sexual exploitation, violence and discrimination against women, and labour, sexual or other forms of children exploitation. It refers to the recruitment, transportation, transfer, “ownership” of persons by threat and the use of force or of other coercive forms, fraud or fraudulence, abuse of power, by which a person takes control of other person(s), in order to exploit them. Thus, police who is neither sensitive nor trained enough to become aware of the fact that those are victims of trafficking, put them in detention centres. On the traffic market, the conditions that facilitate supply must be fought against by making efforts to alert and raise awareness among the community members about the dangers of the human trafficking, taxation and expansion of the economic and educational opportunities for the vulnerable groups, promote equal access to education, inform people about their legal rights and create real opportunities for a better life in general. For the traffickers, the penalties should be much stronger, along with the fight against corruption, traffic routes should be identified and banned, and the victims of trafficking should be protected. Local, national and regional efforts against human trafficking must be coordinated, and the governments must coordinate their necessary support to combat trafficking.

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