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## **Europe's Migrant Human Trafficking – A Case Study of Romania's Sexually Exploited Women**

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## Abstract

This paper examines the debate surrounding sex trafficking and forced prostitution in the context of a growing market for migrant sex workers in Europe in general, and in Romania, in particular. By focusing on the theory of political economy paired with one of international migration, it identifies two major hindrances that both national authorities and international organizations face when addressing this dynamic phenomenon. First, the existing policies do not recognise the determinants that push women into sex trafficking (there is a limited applicability of consolidated and cross-border laws, and a lack of national political will to invest more in investigative and protective efforts); and second, the laws that do exist are by default corrective and focused on the supply of sex. Thus, they omit to integrate the socio-economic framework required to embed appropriate responses. As such, organized groups vastly capitalise on these vulnerabilities which push European women into sexual exploitation, with most cases emerging from Romania. The paper concludes that the central challenges for Romanian authorities remain widespread, and it endorses a shift of paradigm at the policymaking level (transferring focus from the supply to the demand of sex victims – as the former cannot sustain itself without the latter).

**Keywords:** THB, sex trafficking, migration, political economy theory, European Union, Romania

## 1. Introduction

Trafficking in human beings (THB) is a dynamic phenomenon, both from the perspective of traffickers, as well as the states and international institutions involved in combating it. Whether regarded as countries of origin, transit, or destination, THB affects states worldwide, posing risks to political regimes, state security, economic, and democratic functions. As it profits both recruiters/traffickers and customers, this type of organized crime is sustained and facilitated by numerous actors working at source, transit, and destination points. According to the Organization for Security and Co-operation in Europe (OSCE), despite only 19% of THB victims being trafficked for sex, sexual exploitation makes up to 66% of the global profits associated with human trafficking, at around \$99 billion/year. In 2020, the average annual profits generated by each victim of forced sex was at around \$100.000/year, six times more than the average profits resulting from other trafficking forms, worldwide - this helps sex trafficking yield investment returns between 100% to 1.000% (Tompea, 2020). Another report from the International Organization for Migration (IOM) from 2022 revealed that 52.5% of THB cases were for sexual exploitation (with 96.2% being for the purpose of prostitution) (DiRienzo, 2022).

To better depict the complex interplay between supply and demand in THB, it is important to make referral to its market-based system, as it represents a high reward and relatively low-risk enterprise based on the availability of an endless supply of victims from the countries of origin, the constant demand for services in the destination countries, and the criminal organizations commanding the supply and demand to generate profit (Bales, 2005). Here, the paper examines the policy frameworks and their effectiveness in promoting appropriate responses to the sexual exploitation of Romanian migrants in the European Union (EU) from 2007-2020. During this period, many women and young girls who were generally labelled as poor, juvenile, unschooled, and with few career-seeking options have been “*exported*” and sexually exploited in other EU countries. This comes at a time when, although Romania's economic growth has been one of the highest in the Union since 2010, in 2019, the country plunged back from being high-income toward an upper-middle-income level (The World Bank Group, 2022) while accounting for the highest population at risk of poverty or social exclusion across the EU (35.8%) (EUROSTAT, 2021) as one in two Romanians (47%) were struggling to make ends meet (Romania-Insider, 2022).

Simultaneously, Romania also presents specific socio-geographical features that make it susceptible to trafficking. Located at the crossroads between the West and East, it presents strategic access points to Asia via Moldova and Ukraine, to Turkey via Bulgaria and the Black Sea, and to the Balkans through Serbia. Nonetheless, as an EU Member since 2007, the free movement of persons, capital, goods, and services has made Romania a source country that facilitates a cheap and fast flow of people across the Union's borders (European Union, 2020). Here, the THB market system analysis will mainly focus on the supply and demand for sex commerce of Romanian migrants within the EU. Romania is a top profile country for both the origin and transit of victims, recording some of the highest numbers of registered sex victims in

the EU (both identified and presumed): the highest absolute number of registered victims, the highest number of reported persons suspected, arrested, or cautioned for sex trafficking (2.777 in 2020), and some of the largest numbers of prosecutions for trafficking in 2018 (817), comprising 100% of prosecutions. In 2018, Romania was also the highest contributing EU Member State (MS) to the prosecution of traffickers (44%, as compared to the second-highest contributor, Hungary, at 28%) (Francis, et al., 2018). Still, the its Executive had invested only in marginal prevention efforts and insufficient mechanisms for the protection of victims. In 2019, 698 THB victims were identified (518 from sex trafficking alone) out of which 327 were minors (an increase from 497 in 2018). Same as in previous years, less than half of the victims received assistance. The Government made efforts to reduce the demand for commercial sex, including through awareness-raising campaigns, but many Non-Governmental Organizations (NGOs) criticized the decisions as it meant redistributing important resources from the victim protection instruments to cover campaign costs (USA Department of State, 2020).

In this sense, the paper aims to contribute to the understanding of sex trafficking by applying, validating, and extending a fresh theoretical model towards the tangled stages of migrant THB. In addition, it adds a further layer to the existing literature on migrant and sex trafficking and endows practical implications on the push-and-pull factors associated with migrant sex trafficking in the EU. In themselves, these factors aim to explain *why* migrant sex trafficking exists in Romania, while the literature and policy review showcase *who* and *where* the main drivers for the sex market system are. By employing an approach based on political economy, it stipulates that young girls and women coming from precarious socio-economic backgrounds are more likely to use sex to earn a living, making them predisposed to become victims of trafficking. Fueled by the prevalent need to survive, these impoverished women (who either have few options to get by or have no other choice but to prostitute) often end up as victims of sex trafficking (Anthias, 2014). Taking a critical sociological account of the national and European efforts to curb the phenomenon, the paper underscores that in the context of sex trafficking alone, economic welfare and political processes deeply affect women's experiences and weaknesses. If the political environment reformed the welfare system, this segment of women would not be compelled to sell sex, but instead be granted equal opportunities to gain economic and social capital, decreasing, therefore, their likelihood of becoming trafficking victims (Adelman, 2004).

## **1.2 The semantics on THB**

Sex trafficking is internationally defined as human trafficking (THB) for the scope of sexual exploitation (including sexual slavery). Here, the victim is coerced in various ways into a situation in which he or she is depended on the trafficker and used to give sexual services to different clients (Kara, 2009). A subject abundant with broad research speculations, sexual exploitation still remains poorly delineated and handled as compared to other THB activities (forced labour, slavery, removal of organs) as it is disproportionately and individually quantified, burdened by archaic national legal systems and feeble EU directives, and perceived and disproportionately absorbed by the civil society (different across countries and social mediums). Although Romania's case is an example of the limited and dispersed national efforts mixed up

with convoluted socio-economic trends, the problem is nevertheless relevant for the wide understanding of the growing market demand for migrant sex workers in Europe, and on the globe. In the market system for sex trafficking, the demand side justifies *who* are the main drivers for trafficking, *what* type of products and services they generally seek, and *where* they are located within the EU (Tompea, 2020).

In Romania, a common term employed for this type of activity is “*trafic de carne vie*” (trafficking of living meat). This is because, although prostitution is not criminalised, the associated activities like sex procurement are treated as criminal offences with soliciting or buying being contraventions punishable by fines (Tompea, 2020). Rather than being labelled as victims, the persons rescued from sex trafficking are commonly hallmarked as forced prostitutes, victims of proxenetism or procuring (occupations that involve taking advantage of prostitution by exhorting or forcing the persons in custody to practice it), or victims of “*trafficking of living meat*” (Rebut, 2014). This aspect alone pushes the discourse on the Romanian sex trafficking even further in the shadow economy of sex labour, making it challenging to identify and assess the effectiveness of existing procedures and legislation to fully identify and tackle the phenomenon (European Commission, 2020).

### **1.3 Trafficking in human beings – a Union-wide dilemma**

EU laws are also problematic, as they vary across member countries, with sex trafficking being either criminalised, decriminalised, or fully legalised. In the Netherlands, Austria, and Germany, sexual activities like prostitution are fully legalised and regulated, whereas Romania has in place an abolitionist approach (sex activities are decriminalised but treated as administrative offences punishable by either fines or community work). Moreover, the ill-defined nature of THB, juxtaposed against the national legislation of the EU Member States (MS) has translated into an imprecise number of cases and victims of trafficking that are not uniform across regions or even across types of human trafficking (Reinschmidt, 2016). Between 2013 and 2014, out of the 15,846 reported victims of human trafficking in the EU, two-thirds (67%) were victims trafficked for sexual exploitation [with 95% being female]. Furthermore, out of the top five EU countries of origin of the victims, Romania was ranked first (European Parliament, 2017). This wicked problem continues its proliferation even today, making the country the primary origin and transit point for the victims of sex trafficking within the Union, regardless of the destination of exploitation (be it domestic or transnational). Hence, despite the Romanian Government making substantial efforts to reduce this type of THB (by indicting more suspected traffickers, adopting a five-year national strategy, and adopting national action plans), it still does not fully comply with the European and international standards. National judges generally lack specialised trainings on dealing with trafficking cases and trafficking victims, whilst insufficient funding is allocated for assistance and victim protection services (U.S. Embassy in Romania, 2019).

The recent years have also witnessed an increased effort from both national and international agencies in the EU to improve the assessment and THB curbing efforts, but these undertakings have been corrective, task-bound, or local. This has only widened the dichotomy between victims and perpetrators in sex trafficking, giving rise to new economic bonds such as an

increased demand for sex coming from men based in rich countries, supplied by women coming from poor countries (or, poor-state, rich-state co-dependency, the prostitution-migration covariation in the migrant market system for sex trafficking, and so on) (Latham-Sprinkle et al., 2019).

## **2. Migration and political economy as prime enablers for sex trafficking**

### **2.1 Literature Review**

The theoretical and political discourse on sex trafficking and the commodification of sex work has been extensively and enthusiastically debated in the academic literature. Still, it mostly rivets attention towards the macro-level, failing to capitalise on the specific, case-bound, micro dimensions of the phenomenon. This can translate into the failure to present a concrete, unified comprehension over sex trafficking, and to design solution-based proposals to prevent and combat it.

Levy and Jakobsson (2013) argue that abolitionists see prostitution as default coercion (due to the prevalence of compulsory heterosexuality towards the embedded socio-economic burdens imposed by neoliberalism and patriarchal societies). They also underscore that prostitution is akin to slavery – there is no distinction between forced and voluntary prostitution because prostitution constantly reaffirms the patriarchal definition of women having the primary function of serving men sexually (O'Connell Davidson, 2014). Their successors (neo-abolitionists, radical feminists, socialists or Marxists) hypothesise on the idea that sex commodification is never entirely consensual, nor separated from the selfhood (Cavaliere, 2011). As it fundamentally questions the fabric of gender relations in society, the approach also condemns male sexuality for framing women as victims of sexual slavery. It also holds the primary assertion that masculine sexual coercion creates and encourages sexism to maintain male privileges (Tiefenbrum, 2002). Radical feminists then frame violence against women to be symptomatic of structural and institutional paternalistic views over women and sexuality; here, sex commerce continues to be part of an oppressive and patriarchal system (Dobash and Dobash, 1979).

Radical feminists also state that most women who become prostitutes are forced into it (due to poverty, drug addiction, or various forms of trauma). These women come from the lowest socio-economic classes (low levels of education, impoverishment, disadvantaged ethnic minorities). Scholar Catharine MacKinnon asserts that this is precisely why prostitution is never a free choice; because only the women with the fewest choices in life are the ones practising it. Thus, they have sex with people they otherwise would not choose to, and the exchange of money becomes a form of coercion. Bodies, in this sense, become a sensitive matter, as they are the crucial item in the exchange between prostitutes and clients (Farley et al., 1998).

In opposition are the positivists, who see women as autonomous entrepreneurial sex workers who enjoy the specific conditions attached to their labour (high profit, flexibility) as compared to other less preferable, inflexible, or poorly paid jobs (Hoang, 2015). As well, those supporting sex labour argue for the right to choose prostitution or sex labour as a career. They are followed by the liberal feminists, who strive for the sale of sex only for economic purposes,

necessary for one's survival (due to unequal distribution of wealth across social structures) (Monroe, 2005). Consequently, they also advocate for reduced stigmatisation of prostitution and improved working conditions for sex workers (Outshoorn, 2005). Still, Weitzer (2015) and Elrod (2015) point out that because sex commerce increases the demand for sexual services, traffickers also enjoy a steady profit-based environment that incentivises them to continue increasing their businesses; once the demand is fixed, traffickers can continue to employ exploitative methods to satisfy requests. According to Elrod (2015) this is how the prostitution industry (be it decriminalised or legalised) supplies the trafficking segment, keeping alive the inherent bondage between volitional prostitution and sex trafficking.

In this sense, the scholarly literature on the commodification of sex is mostly contained in the “*for versus against sex labour*” dichotomy. And while there are two main divergent frameworks over the understanding of sex commerce (abolitionist/neo-abolitionist and neo-liberal/positivist), there various intertwining sub-divisions that combine both sides and propose new theoretical lenses to view sex work and sex exploitation. This spawns a culture heavily embedded in misconceptions, leading to law enforcement agencies misidentifying sex trafficking for voluntary prostitution and vice versa (Gerassi, 2015). Another dilemma in defining sex trafficking lies in the similarities between the sex labour and other industries (modeling, acting, dancing). Yet, as prostitution is generally perceived as a unique form of self-commodification, there is an imperative to understand the meaning of sex, and the relationship between gender and sexuality. Abolition and radical feminists object to prostitution because it bolsters patriarchal power relations (where women sell their true selves). However, they fail to empirically challenge the view over the slavery dichotomy (mind/body, person/thing, subject/object). This has led to sex trafficking becoming a deep, wicked problem, with a complexity that requires a shift from problem-oriented to solution-based approaches (Zelleke, 2011). What the scholarly discussion also omits to portray is the means to reveal controversies regarding the sex industry. THB is a clandestine crime, often facilitated by corrupt government officials and victims who are unable to report crimes, are unaware of their exploitation, or fear they cannot be fully separated from their traffickers (DiRienzo, 2022). Still, the authorities are not the only ones facing these challenges. Researchers, policymakers, and practitioners also use varying definitions to classify THB victims (including sex trafficking) which diverge across international, national, local, and agency levels. Moreover, the breadth of information collected by official institutions can also widely fluctuate; the lack of clarity makes it likely for victims to be misclassified and excluded from anti-trafficking programmes or governmental records (Anderson, Kulig, and Sullivan, 2022)

The claim is also supported by Julia O'Connell Davidson (2014), who draws attention to the global trends toward the commodification of sex (both forced and as wage labour). By ill-defining the meaning of sex labour (and not explaining if it can be detached from the person as a commodity), it is extremely difficult to establish adequate legal tools to deal with prostitution and sex trafficking. For example, when it comes to forced prostitution, customers rarely want only sex. They do not seek disembodied labour; they seek and pay for sex with a person (the body cannot be excluded from the service, nor vice versa). Going back to the “*for versus against*” dichotomy, to better tackle sex trafficking, anti-trafficking organizations need to better

understand the public's perceptions of these types of exploitation and the socio-demographics of the potential victims.

In the case study of Romania's sexually exploited women, the paper also proposes an approach based on political economy which integrates the migration dimension into sex trafficking. This results in a holistic perspective of all facets of sexual violence (exploitation, proxenetism, trafficking) while describing the link between the state and the economy, in which the political economy angle veers that violence against women takes place because of a politico-economic imbalance in the welfare system. This situation pushes poor women in becoming more dependent on in-kind assistance from their sexual partners because of their precarious socio-economic status (Adelman, 2004). The approach also follows the logic of Marxist feminism, where women belonging to lower economic ranks drive the supply of sex commerce because they are more predisposed to use sex to survive. As poor women have by default fewer options to make ends meet, they are the first to fall victim to sexual exploitation (Gerassi, 2015).

An evocative example in this sense is the lack of an exhaustive definition, universally enforced both at the EU and national levels. Per se, the taxonomy on sex trafficking is widely applied in a plethora of contexts of different degrees or scopes, ranging from pimping to sexual exploitation, volitional prostitution, or sex commerce. What falls under the umbrella of sex trafficking in one MS can have a different meaning in another. Additionally, sex trafficking and sexual exploitation are often used interchangeably. Same goes for the national activities (forced prostitution, pimping, proxenetism, sex commerce, "*trafficking of living meat*", etc.), meaning that the proper evaluation of reliable statistics is highly problematic. To support this claim, a survey conducted in 2020 revealed that the understanding of THB and sex trafficking is problematic even for the very agencies established to help curb the phenomenon. When asked to define and distinguish between the two terms, 60% of the questioned NGOs had issues on the accuracy of the "*trafficking of living meat*" colloquialism, claiming it was identical to THB, and later stating it was depicting sex trafficking (Tompea, 2020). The theories on feminism also hold strong divisions in this case study, particularly when it comes to the opinions attached to what some label as THB or sex victims. Fundamental questions (what is regarded as exploitation, what is the appropriate criminal treatment, and how should those performing sex for money be treated) can have important political, financial, and socio-economic repercussions on a larger context. Henceforth, it is imperative to firmly review these theories to better grasp Romania's national debate on sexual trafficking and to propose a valid spin that might alleviate some of the pressures national agencies face when fighting sex trafficking (Gerassi, 2015).

## **2.2 Legal and political context for sex trafficking in Romania**

Across the EU, three legal frameworks are used when dealing with sex commerce: criminalisation, decriminalisation, and legalisation. When sex trade is treated as a criminal offence, purchasing and selling sexual services become criminal charges (handled by the police or legal practitioners from the government). There is an extensive body of literature on how criminalised systems often push sex workers into unsafe environments to avoid the police, making them more likely to suffer from poor health, violence, and abuse instilled by their employers. Separately, a decriminalised system replaces criminal penalties with administrative or



civil ones. Here, some of the laws regulating sex commerce also regulate other businesses. Hence, relevant taxes and employment laws, together with health and safety standards can also apply to sex workers. The third framework, legalization, stipulates that the businesses involved in sex commerce face specific regulations and licensing procedures. For example, sex enterprises may be subject to restricted mobility, specific working conditions, or obligations for employees to undergo regular medical check-ups (Lutnick and Cohan, 2009).

This rivets attention back to the definition of sex trafficking (or the lack of a holistic one), in the context of a growing EU market for sex commerce, where the absence of any legal harmonisation between MS has provided many openings for criminal groups working on the demand and supply of sex victims. Some MS, such as the Netherlands, Austria, or Germany, have fully legalised prostitution, while others (Nordic states such as Sweden) have made it illegal to buy sex, but not to sell it (Seideman, 2015). While legalising sex has pushed sex trade to become safer for workers (providing access to health care, government services, pension schemes, etc.), it also succeeded in fuelling trafficking. The countries in which sex trade has been fully regulated have become an arena for a shadow economy to emerge, with prostitution becoming a major industry for hotels, transportation firms, brothel chains, and overall organized crime. What is then interesting to observe is the very fact that profile countries of origin for trafficking (such as Romania, Bulgaria, Ukraine, or the Balkan states), although maintaining harsher approaches to sex, have had little to no decisional power with regards to their citizens being trafficked in states where prostitution is legalised (Business Insider, 2019).

Since it joined the EU in 2007, Romania has made important steps toward becoming a full-fledged EU MS. Still, with continuing problems of corruption, decreased efforts to promote governmental transparency, and outdated legal and judicial policies, Romania remains one of the top countries exporting victims of sex trafficking throughout Europe (European Union, 2020). A semi-presidential republic with the prime minister being the head of Government, and the president, the head of State, in the last two decades, Romania has increased efforts to curb sex trafficking by adopting the necessary (EU compliant) institutional and legislative frameworks, investing resources in the management and provision of assistance for the victims of trafficking, and by modernising the working and cooperation instruments needed to prosecute national and transnational traffickers. The importance given by both the governmental authorities, as well as the civil society (NGOs, NPOs, associations, foundations, etc.) in preventing and counteracting this type of crime has produced various case-specific results, and in general, a better understanding of the moral snare inherited to the idea of prostitution and migration (European Commission, 2020).

A 2020 European Commission report on THB in Romania revealed that in 2017, there were 662 registered victims (a 12% decrease from the previous year). Notwithstanding, the female population of victims increased, reaching 76% in 2017, with sex trafficking accounting for 69% of total THB victims. The core patterns remained the same: low and very low levels of education (with 88% of victims completing only middle school) topped with high levels of poverty and the dynamics of unstable, disintegrated families or communities. Additionally, despite the 2010-2017 dynamics matrix suggesting a drop in the number of victims exploited outside the national border (from 849 in 2010 to 261 in 2017), Romania remained the profile country of origin for the sexual exploitation of women and children in Europe. The vulnerable

population, predisposed to low levels of well-being and in shortage of real long-term economic prospects, ventured outside the country and turned towards mass migration. On top of it, the high levels of poverty and insufficient labour opportunities have pressed individuals to assume highly risky decisions. Despite the growing number of awareness-raising campaigns provided by governmental agencies (mainly the National Agency Against Trafficking in Persons, ANITP) and non-profit organizations, human and sex trafficking are still regarded as taboo activities, with collective prejudice stereotyping the nature and context of the registered victims (European Commission, 2020).

The statement is also mirrored by the framework provided for such activities. Instead of being labelled as sex trafficking victims, rescued persons are commonly hallmarked as forced prostitutes, victims of proxenetism or procuring (occupations that involve taking advantage of prostitution by exhorting or forcing the persons in custody to practice it), or victims of “*trafficking of living meat*” (traffic de carne vie) (Rebut, 2014). This aspect alone pushes the discourse on Romania's sex trafficking issue further in the shadow economy of sex labour, making it more difficult to identify and assess the effectiveness of existing anti-trafficking efforts and results (Tompea, 2020).

To counterbalance this, the Romanian Executive promulgated many normative and judicial acts in the field of THB and sexual exploitation (over 30). Examples include the Law no. 678/2001 on preventing and combating trafficking in human beings (subsequently amended and supplemented with Art. 213 of the new Criminal Code on proxenetism trafficking and the exploitation of vulnerable persons), the Government's decision no. 1238/2007 for the approval of National Specific Standards for specialised services for the assistance and protection of victims of THB, the Law no. 286/2009 on the Criminal Code of Romania, the Law no. 135/2010 on the Code of Criminal Procedure, as well as the Law no. 118/2019 regarding persons who have committed sexual crimes, the exploitation of persons (including minors), supplementing the Law no. 76/2008 on the organization of the National System of Judicial Genetic Data (European Commission, 2020). Additionally, President Iohannis also promulgated Law no. 118/2019 in June 2019, which serves as a basis for an operative national knowledge registry supervising the persons who committed acts such as rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors, human trafficking and trafficking of minors, child abuse and proxenetism, child pornography, or incest (with the purpose of preventing recidivism on sex-related crimes) (Tompea, 2020).

As a consequence, the country continues to invest in national legislation that aligns its scopes and efforts with the EU and international standards. Since the entry into force of the 2014 Criminal Code (prohibiting THB via Art. 210, and addressing the specificities of trafficking of EU citizens in line with the Union's laws), the Romanian Executive succeeded to further harmonise national laws and gain a pre-emptive flare of its general capacity to combat THB. As a European Parliament analysis on the EU Directive 2011/36/EU (prevention and combat of THB) suggests, the majority of substantive and procedural criminal law provisions from the EU have been well incorporated into the Romanian domestic law by national legislative amendments and procedures (European Commission, 2020). As of 2018, a third National Strategy agenda against THB for 2018-2022 is in place together with a two-year National Action Plan for the implementation of the Strategy. However, Romania still needs to boost international

collaboration with relevant institutions and stakeholders, especially with the ones operating in the destination countries of the victims (ANITP, 2018). For this purpose, ANITP has become an authorized agency under the EU aegis to evaluate the activities carried out in the field of THB (including sex trafficking) by both public institutions and non-governmental organizations in Romania (ANITP, 2019).

### **3. Design and methodology**

The research design is based on a policy review (socio-legal framework of sex trafficking in Romania), and on national reports provided by ANITP with reference to an international instrument, the Palermo Protocol. In addition, two interviews conducted with ANITP and five Romanian anti-trafficking agencies in 2020 further endorse the predicament of the paper: there is an absence of one-size-fits-all definition of sex trafficking which leads to poorer identification and protection of victims, and unsynchronised anti-trafficking approaches, both at the national and European level. On top of it, the existing legal basis in Romania, corrective as it is, does not recognise the socio-economic determinants pushing women into sex trafficking, as it solely focuses on the supply of sex, instead of the demand. The claim on the lack of an exhaustive definition for sex trafficking at the national level is also supported by the interviews' summaries in Table 1 and Table 2 (Tompea, 2020). Here, the taxonomy on sex trafficking seems to vary beyond the national level, with difficulties identified at the cross-border and international levels (as understanding ranges from pimping to sexual exploitation, volitional prostitution, or sex commerce).

To harmonise efforts over national laws and consolidate cross-border action, the Palermo Protocol was adopted by the United Nations to supplement the 2000 Convention against Transnational Organized Crime. In brief, the Protocol stipulates the terms by which the Signatory Members can recognise, enact, and enhance international cooperation to tackle THB (UNODC, 2020). To be recognised as a form of THB, an activity must be associated with the recruitment, transport, or sale of individuals into a wide range of exploitative conditions. Specifically, it must include three constituent elements: the act (what is done) in the sense of recruitment, harbouring, or receipt; the means (how it is done) in terms of use of force, deception, abuse, coercion and so on; and the purpose (why it is done), which can range from sexual exploitation and prostitution to forced labour or the removal of organs. The only exception is in the case of children, where the activity does not have to comply with all of the three constituent elements (UN Human Rights, 2020). In turn, the OSCE defines sex trafficking as trafficking for the sole purpose of sexual exploitation (not prostitution), focusing on activity (recruitment, transport, transfer, harbouring, receipt), means (use of force, coercion, abduction, fraud, deception), and purpose (sexual exploitation, forced labour or services, slavery, removal of organs) (OSCE, 2019). The definition allows sex trafficking to be paired with the smuggling of migrants, with which the Organization has repeatedly acknowledged it was mistaken for (OSCE, 2020).

At the EU level, agencies such as Europol put THB under the modern slavery umbrella to stress its transnational, cross-gender, and cross-age character. Still, Europol does not discern between voluntary and forced prostitution. As THB is frequently hidden behind or combined with other criminal offences, the EU Agency admits that oftentimes, the identified sex victims

are not appropriately recorded. It also acknowledged the existing discrepancies between national legal definitions of THB within the MS, which hinder comparison of performance and assessment of threats and patterns. While recent years have revealed a stark increase in intra-EU trafficking, there is a limited classification of which THB categories are on the rise (Europol, 2019). Even the EU's legislative framework attaches sex trafficking to the umbrella of THB, focusing on gender-specific and victim-centred legal and policy frameworks (the Directive 2011/36/EU). This further endorses an anti-trafficking approach based on the supply of sex, instead of its demand (European Commission, 2020).

A concrete example can be found in the joint intervention between Eurojust and Europol in December 2019. Whilst cooperating with national authorities, the two EU agencies dismantled a criminal network that trafficked women for sexual exploitation, pimping, and drug trafficking. The victims, solely women, were recruited from Romania (oftentimes drugged, threatened, or physically abused) and trafficked into other EU countries (where prostitution is legalized) to work as prostitutes. With criminal proceedings already taking place in Romania, a recurring shortcoming was that the officials involved in the judicial proceedings lacked training in dealing with transnational trafficking cases and cross-border victims, as well as agreement on the terminology related to sex trafficking (Eurojust, 2019).

These statements are also consistent with results from the mixed methods design (online, structured questionnaire on NGOs working on anti-trafficking intervention in Romania, and two online, unstructured interviews conducted with ANITP). Taken together, they underline that sex trafficking is generally conflated with the non-coerced sex industry, with many underreported sex trafficking cases, ever-shifting legal definitions on what qualifies as forced and voluntary prostitution, and conflicting views over sex commerce (Tompea, 2020).

Outside Romania, the top five identified countries of destination were Germany, the United Kingdom, Italy, Spain, and Denmark. In 2019, sexual exploitation was still the most common form of exploitation in Romania, both internally as well as externally (72% of the registered victims). As the ANITP (2019) records reveal, the enrollment of victims mainly took place through the direct approach of the recruiters (possibly the future traffickers) by either presenting favourable working conditions at home or abroad (24% of cases), by promising women work in prostitution or pornography (38% of cases), through the marriage of convenience, or by payment of tourist services abroad (38% of cases).

At the state level, as Table 1 reveals, the implementation of THB legislation varied in understanding and approaches. Anti-trafficking agencies have a hard time defining THB and discerning between its subdivisions, despite applying (either narrowly or integrally) the provisions of the Palermo Protocol (Tompea, 2020).

**Table 1**

Summary of NGO answers on the understanding and interpretation of THB (translated from Romanian)

<b>Respondents</b>	<b>How do you define "trafficking of persons / THB"?</b>	<b>How do you define "trafficking of living meat" (traficul de carne vie)?</b>
<b>NGO 1</b>	The exploitation and deprivation of fundamental human rights through physical/psychological abuse/coercion for gaining profit. The objectification of people	<i>Identical to the previous answer</i>
<b>NGO 2</b>	The recruitment, transport, transfer, accommodation or reception of persons, including the exchange or transfer of control over the concerned persons, carried out under threat or by use of force or other forms of coercion, abduction, fraud, deception, abuse of power or taking advantage of the state of vulnerability or by offering or receiving money or other benefits to obtain the consent of a person who has control over another, for the purpose of exploitation	<i>Identical to the previous answer</i>
<b>NGO 3</b>	The recruitment, enlist, sheltering, transportation and exploitation of oneself or another person through the use of violence or force	The exploitation of a person regardless of age or sex
<b>NGO 4</b>	An exploitation of another person, in order to obtain money / benefits, regardless of the form of the exploitation or the ways of attracting one towards it	The same answer as for THB (I think the correct term in Romanian is trafficking in human beings)
<b>NGO 5</b>	The recruitment, transport, transfer, receipt or accommodation for the purpose of exploitation, by coercion, abduction or by misleading or abusing a position of authority	Trafficking of persons for sexual exploitation

Online questionnaire, February – March 2020, *Chestionar privind situația traficului de persoane din România* (Tompea, 2020)

Between January-June 2019, 54% of the registered adult victims were women sexually exploited for external trafficking, with the destination being only EU states alone. The profile of the sexually exploited adult female victim was between 18-25 years old, with a middle school education (on average), unmarried, and originating from the counties of Moldova (Romania's poorest region) (Tompea, 2020). To increase general awareness, ANITP launched a strategic partnership with the Hotelier Industry in Romania, as well as the online dating application Sentimente.ro to raise awareness and train service providers in spotting and denouncing possible trafficking attempts (ANITP, 2019). In 2020, ANITP carried out over 2800 activities with over 180,000 direct beneficiaries and 1,500,000 indirect/tangential ones (ANITP, 2020).

Furthermore, the findings can also be employed to enforce the claim of *why* Romania is a country of origin for migrant THB. According to Table 2, women are perceived as the main target group for sex trafficking, with the three push-pull factors being the vulnerabilities related to poverty, low education, and geographical distribution. Another interesting claim concerns the emergence of a new trend, known as the “*lover-boy*” technique (online dating that evolves into relationships), in which men scout for young women via social media, build their trust, and then force them into prostitution. Here, most of the identified victims were schoolgirls with poor economic backgrounds (with one or both parents working abroad) (Adevărul, 2019). This aspect alone pushes the discourse on Romanian sex trafficking even further in the shadow economy of sex labour, making it challenging to identify and assess the effectiveness of existing procedures and legislation to tackle the phenomenon (European Commission, 2020).

In the interviews with the Romanian anti-trafficking NGOs, when asked about the most effective means to combat THB, 60% of respondents believed anti-trafficking should target both the supply and demand for sex commerce, with 20% favouring policies related to the demand (20%) and 20% favouring policies related to the supply of sex. This implies that perceptions of the necessary steps against trafficking can be diverging and imprecise even amongst anti-trafficking agents at the national level (Tompea, 2020).

ANITP trimestral report from January-June 2019 also confirms the paper's argument on the socio-economic drivers for sex trafficking. In June 2019, 254 victims of THB had been identified (a downward trend), out of which 79% were female, with 55% coming from rural backgrounds. The data were extracted using ANITP's Integrated Victim Record System (which concentrates data from both judicial authorities and NGOs at the national level). Three out of the top five counties for the recruitment of victims were Iași, Bacău and Galați, making the region of Moldova (the poorest in Romania) the main target for traffickers in early 2019 (ANITP, 2019).

**Table 2**

Summary of data on the understanding and interpretation of THB (translated from Romanian)

Respondents	Overall, what programmes/projects do you run against THB (and sexual exploitation?)	Are women part of these activities /a main target group? Why?	What is the most common problem when it comes to victim identification?
NGO 1	We offer residential assistance, psychological assistance, medical assistance, legal assistance and social assistance to victims of human trafficking	Yes. Because there is a demand	In rural areas, often at police stations, there is no formal registration of a complaint or the complaint is part of another crime (e.g. beatings and other forms of violence, domestic violence, disturbing public peace, etc.) - due to the lack of experience or the lack of necessary training for identifying a THB victim
NGO 2	Prevention, the Centre of Assistance for THB victims	Yes, women are generally more vulnerable, exposed to marginalisation, and social risks	The relationship between the trafficker and the victim
NGO 3	Shelter, victims' assistance, prevention education in schools, advocacy	Yes. The percentage of women in THB is much higher	The identification mechanism is very cumbersome and nonsensical
NGO 4	Prevention and training activities, aftercare activities, integrated assistance (social, educational, medical, vocational, professional assistance, life skills, shelter, pre-repatriation and repatriation counselling)	Yes, they are part of our target group because they largely represent the main category of victims of THB identified in Romania, regardless of whether they are minors or adults. We work with all categories of victims, regardless of the form of exploitation or the environment of exploitation	If we talk about sexual exploitation, but not only, we are talking about the <i>lover-boy</i> method (traumatic attachment); it becomes very difficult for these people to self-identify as victims, so it is very difficult for them to come and declare the crime. Also, there is no knowledge for identifying signs/clues/indicators among professionals/workers who may come into contact with a potential/alleged victim for a proactive detection of victims. Lack of specialised police officers on traffic issues/ limited number of staff
NGO 5	The National Strategy Against THB and related National Action Plans; the project Reducing the Amplitude of human trafficking through better information of citizens; local, regional, and national campaigns and educational projects about the prevention of trafficking; regular training with specialists who may come into contact with victims or potential victims of THB; partnerships with NGOs, the private sector, the public sector, all in order to prevent and detect possible cases of human trafficking	Yes, because the most common form of exploitation is sexual exploitation	The existence of a constraint/ misleading factor

Online questionnaire, February – March 2020, *Chestionar privind situația traficului de persoane din România* (Tompea, 2020)

### 3.1 Key findings and ways forward

Besides proposing a new theoretical spin to alleviate the burden national agencies face in curbing sex trafficking, the paper also aimed to include the economic dimension of migration (voluntary or not) in the existing scholarship (an aspect scarcely tackled in the existing literature on Romania) (Gerassi, 2015). The main theoretical approach, based on political economy, underlines that Romanian victims are involved in sex trafficking mainly because of financial and social reasons, underscoring another linkage between the state and the economy. As young women coming from precarious socio-economic backgrounds are more likely to use sex to survive, they are also more likely to become victims. Since it joined the EU, the Romanian Executive has achieved important legal reforms, yet they focus solely on the supply of sex, pushing this wicked phenomenon further into the shadow economy and turning Romania into a top country of origin for victims of sex trafficking in the EU. From the literature, three main issues were also identified within the Government's approach: there is a general and opaque comprehension of sex trafficking (with the absence of one all-encompassing definition), there is insufficient communication between the state and the civil society (leading to neglect and disparity when it comes to identifying and protecting sex victims), and unsynchronised efforts in EU cross-border initiatives.

In the past decades, MS executives have intervened on various accounts to discourage the commodity character of sex commerce and invest in the de-commodification of sex victims. Still, the process remains protracted and convoluted. The supply of prostitution cannot be reduced or expanded in line with its demand, as it is not consumed by its purchaser in the same way as other commodities. Moreover, the victims of sex trafficking can reutilise this “commodity”, despite them being genuinely affected by the means by which both employers and clients treat the goods they sell or purchase (O'Connell Davidson, 2014). Migrant workers especially are particularly marginalised from the discourse on sex trafficking, as they do not possess the same “social rights” that are supposedly guaranteed by the welfare systems of the EU MS. Here, depending on varying categories of migrants, there are additional spheres of institutional protection and access to human rights. As a result, forced prostitution has nowhere been fully addressed in the formal, capitalist economy. The recruitment remains in the informal, shadow economy, beyond the regulation of official employment or labour protection, with decriminalisation efforts recording few, case-bound successes (due to constraints on employers, employees, imposed taxes, lack of anonymity). As a formal registration of the stakeholders from the sex industry would require visibility (which, for migrants can also mean a risk of detention or deportation, and for customers, social and legal repercussions), exclusions only multiply - partly because of a global shift towards a neoliberal order in which the “market processes and corporate activities” are increasingly disembodied from the social and political constraints that previously checked them (Tompea, 2020). This leads to increased illegal immigration and tandem migration laws that exclude more and more victims from human and protection rights. Only by drawing more parallels between prostitution, wage labour, and sex slavery, may the existing discourse provide a better understanding and establish a common political approach toward all those who are compelled to commodify what is perceived to be integral to selfhood (O'Connell Davidson, 2014).



In the case of Romania, the Executive needs to increase the efforts to identify potential victims (especially among vulnerable populations such as migrants, asylum-seekers, children or individuals already involved in prostitution) as well as boost communication and cooperation efforts with the existing NGOs and transnational agencies (U.S. Embassy in Romania (2019). Another recommendation is for the Romanian staff at the OSCE (2020) to join projects on “*Combating Human Trafficking along Migration Routes*” which simulate arrests of migrant traffickers (with the trainees identifying perpetrators and assisting victims from large migration flows). Marked by the OSCE as a country of origin and transit of victims as early as 2009, Romania has been progressively invested in curbing THB and sex trafficking. In November 2019, the OSCE Special Representative and Co-ordinator for Combating THB commended the country for its progress in critical anti-trafficking efforts (comprehensive prevention campaigns and high rates of prosecution) (OSCE, 2019).

Lastly, a novel proposal supporting the findings of the paper is to employ advanced digital technologies, such as Artificial Narrow Intelligence (ANI). This supposition is linked to the axiom that the Internet has promptly become an important communications medium for different actors to design their technological infrastructure, expand outreach on global markets, and increasing interconnectivity (Tompea, 2020). Whilst equally considering the important challenges brought forth by the Internet and new digital tools, the overarching opportunities of the Internet make it a universal arena of economic, political, and social alteration. This versatility possesses the impetus to foster human rights, empower communities, raise awareness over the most pressing global issues (such as THB), and facilitate sustainable development (UNESCO, 2019). In 2019 alone, several initiatives have successfully made these pairings, with the Tech Against Trafficking (TAT) coalition mapping more than 260 technology tools to support anti-trafficking projects (Tompea, 2020). From reactionary mechanisms to preemptive approaches, coalitions between the private sector and government bodies can also be made to create an infrastructure that either designs or adapts existing ANI-based instruments to tackle sex trafficking (via facial, pattern and speech recognition, image classification, information analysis, and so on) (Russell, Dewey, and Tegmark, 2015). In programming language and type theory, this polymorphic quality of ANI makes it a versatile instrument that can be applied in multiple contexts with equal significance. In addition, the creation and sharing of theoretical frameworks, aligned with high processing power and large data sets, can yield outstanding case-bound successes in various fields, one of which can mostly be sex trafficking. The proposal is also supported by the 2020 interview with ANITP and the Romanian anti-trafficking NGOs, which embrace the opportunity to test ANI-based instruments that can become an integrative part of the Romanian anti-trafficking efforts (Tompea, 2020).

### **3.2 Limitations and implications for policy and practice**

Trafficking is by default a complex illegality affecting individuals, institutions and state functions. Hence, it was vital to propose a combination of theories relevant to the study of the paper in order to appreciate what drives the demand for migrant sex trafficking across the EU. Frequently, THB research tends to select either qualitative or quantitative studies, missing out on the important connections between the two. As well, case studies can also tend to concentrate on domestic developments and the corrective measures taken by the state authorities. Such a path is symptomatic of the classical narrative fallacy (where ad hoc sequences or facts build the entire narrative on the commodification of sex). This makes the remedies for sex trafficking unequipped to solve the very cross-border feature of this type of crime. Therefore, the present research strove to contribute to the existing literature by pairing the case study with an international outlook (Tompea, 2020).

While the literature and legal framework on sex trafficking and THB are vast, only the hitherto aspects could be explored in the case study of this paper. Moreover, even though the research attempted to tackle only the sex trafficking dimension, it was laborious and often impossible to discern between the data available on sex trafficking and the one destined for THB. This makes the topic of sex trafficking underdeveloped and puts it under the THB umbrella and modern slavery (creating disproportionate responses amongst policies and official statistics).

On top of it, the difference in terminology and taxonomy throughout EU MS hinders the comparison of laws and policies and enhances knowledge gaps in the THB prosecution efforts. The paucity of current, reliable statistics and the unsynchronised laws (with varying definitions for what is considered sex trafficking and human trafficking) omit to integrate the socio-economic frameworks necessary to build appropriate responses. Hence, the central challenges for Romanian authorities remain widespread and case-specific. To propose appropriate legislative instruments for the case of Romania, further research needs to be made, firstly to propose an exhaustive definition of the sex trafficking phenomenon (in line with the existing EU demarcation), and then, to identify the beneficiaries of such activities (to systematically invest in the education and involvement of the civic society) in order to shift the paradigm from the supply of sex victims to combating the demand side.

To ensure that sex trafficking is steadily rooted out, public, private-sector entities must become more aware of the pervasiveness of this THB crime and included in the conversations about the anti-trafficking means and ways forward. A practical recommendation would be to design a system of multiple foci in which prosecution is not only seeking traffickers, but also sex customers or buyers (similar to the Nordic model). Hence, recruiters, traffickers, intermediaries, as well as clients can be convicted (reducing thus the demand for commercial sex). However, there is still a great paucity of conclusive research on the impact and consequences of such a strategy, especially when this initiative can drive the demand for sex commerce further in the shadow economy (Seideman 2015).

#### 4. Conclusion

The paper examined the debate on sex trafficking in a context of a growing market for migrant sex workers in Europe. By focusing on a critical approach supported by the theory of political economy, it underlined two major hurdles that both national authorities and European organizations face in their anti-trafficking efforts: inefficient policies which do not recognise the determinants that push women into sex trafficking (economic and social), and the lack of a one-size-fits-all definition towards the identification, classification, and protection of sex victims. Because of the two, policymakers treat women as victims of abuse on an individual basis, rather than a structural one, and fail to take into account the main drivers of the demand for migrant sex trafficking.

The paper also contributed to the existing literature on sex trafficking in general, and to the volitional and forced migrant trafficking in particular, as well as on the intersection between the two. It argued why migrants are a vulnerable segment when it comes to sexual exploitation and added grounding to prior theories by applying, validating, and extending a critical approach that responds to the complex breadth and depth of THB in the academic setting. The results show that while anti-trafficking agencies have recorded important case-specific achievements, there are far more parameters and transnational approaches needed to uproot the brokered art of sex trafficking.

As THB remains a dynamic, wicked phenomenon (driven by corrective and case-bound attempts focused on the supply of sex), the central challenges for Romanian authorities remain widespread. As a practical recommendation, the paper endorses a proactive approach at the policymaking level (via collaborations between ANITP and the civic society, national anti-trafficking NGOs, OSCE programmes, training of prosecutors, judges, and so on) and endorses a shift of paradigm to switch focus from the supply of sex trafficking towards the demand side.

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