

The child - victim of trafficking in human beings

Roxana SIMUS, Ph.D in progress

Police Academy „Al. I. Cuza” Bucharest, Romania

roxsim90@yahoo.ro

***Abstract:** Human trafficking, besides the serious consequences it produces in human, social and economic perspective represents a serious attack on fundamental human rights, democracy and rule of law. One of the worrisome aspects of trafficking is increasing the number of children trafficked. Trafficking in human beings has a huge impact on the psyche of trafficked persons, the more on the children who are victims of trafficking. This study aims to achieve understanding of this phenomenon in its multiple dimensions, to provide relevant information allowing national institutional actors, developing appropriate responses to prevent and combat this real scourge of our times.*

***Keywords:** trafficking in human beings; child trafficking.*

Introduction

Trafficking in human beings with different purposes of exploitation is a criminal phenomenon of international organized crime, with serious consequences for safety, health and fundamental rights of victims. This phenomenon has become alarming, Romania is a country of origin and transit for victims. Caught in the trap of traffickers, victims are subjected to humiliating treatment and exploited in slavery.

Currently, all information obtained from statistics data and other international sources shows that human losses caused by ignoring these types of crimes are growing, especially because the number of children who fall victim to this scourge has recorded a significant increase.

Children represents an alarming percentage of victims of trafficking identified every year in Romania. Considering the results of its main studies conducted in recent years, I believe that there is a limit to the knowledge of new trends of child trafficking in Romania and, specifically, the domestic traffic, particularly after 2007, when Romania became an EU member state.

In light of the statistics provided by the National Database of the National Agency Against Trafficking in Persons, it is necessary to improve understanding of the phenomenon in its multiple dimensions, which will provide the main institutional actors knowledge required to develop appropriate responses.

1. Legal definition of human and minors trafficking

According to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, "child" means "every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier" [1].

Trafficking in human beings, as defined in international conventions ratified at national level is the "recruitment, transportation, transfer, harboring or receipt of persons by means of threat, violence or other forms of coercion, abduction, fraud or deception, abuse of authority or taking advantage of the person's inability to defend themselves or express their will or by offering, giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation consists in forced prostitution or other forms of sexual exploitation, forced labor or forced services, slavery or practices similar servitude brought into, or the removal of organs" [2].

The recruitment, transportation, transfer, harboring or receipt of a child for exploitation shall be considered trafficking even if recruiters do not involve any of the means listed above.

The recruitment, transportation, transfer, harboring or receipt of persons aged 0 to 18 years, with the purpose of exploitation, constitutes the offense of trafficking in minors.

2. International instruments for combating human and juvenile trafficking

The UN Convention on the Rights of the Child adopted in 1989 and ratified at national level since 1990 is one of the first international instruments which proclaims the need to ensure children's fundamental rights, such as freedom of speech and freedom of conscience, to protect the child against all forms of violence, whether physical or mental, against abandonment, neglect, ill-treatment or operation, including the sex, all to ensure social welfare, spiritual and moral health of the child and its physical and mental.

The monitoring Committee of the UN Convention on the Rights of the Child recommended states adoption of concrete measures for proper application of the provisions, such as:

- adopt legislation to protect children from any type of abuse or exploitation or trafficking and to criminalize these acts as crimes;
- organizing specific campaigns and extensive public information;
- allocation of resources necessary to create and develop specific programs to protect and assist trafficked children, including programs for training judicial personnel needed and structures specialized in the abduction, sale and trafficking of children;
- establish strategies based national development mechanisms, coordination of these structures and monitoring potential criminal activity;
- implementation of programs of international cooperation in the exchange of information, catching and punishing the perpetrators;

Romania also signed *the Council of Europe Convention on Action against Trafficking* in Warsaw on May 16, 2005 which has been ratified nationally by Law no. 300/2006.

The main objectives of the Convention are:

- preventing and combating trafficking in persons, ensuring the principle of parity between men and women;
- guaranteeing the rights of the victims by placing at their disposal the necessary legal framework both protection and assistance of victims and witnesses, as well as ensuring the effectiveness of criminal proceedings;
- strengthening international cooperation on trafficking;

Last international instrument on trafficking in children has been *the Convention on Protection of Children Against Sexual Exploitation and Abuse* signed by Romania in 2007. The Convention is the first legal instrument of the Council of Europe which provides for the criminalization of various forms of sexual abuse of children, including within the family, committed by one of their parents by force, threats or constraints. Thus, besides the traditional offenses: sexual abuse, child prostitution, child pornography and for the first time so-called "grooming" the child who is deceiving trust for sexual purposes.

3. Situation of child trafficking in Romania

Children represent about 35% of the identified victims of trafficking every year in Romania. In 2013, 300 children were identified in 2014 were identified 280 minors (37%), and 2015 were identified 276 (31%). The vast majority of trafficked minors are female, about 90% each year. Three quarters of the children were sexually exploited, the most vulnerable age group is 14-17 years old (94%).

Concerning education of minors who have been victims of trafficking during this period, a rate of 67% were underage recruitment who had completed secondary education following high school education occupying the 2nd level of education recorded.

Half of trafficked children were victims of domestic traffic, the other half being trafficked for various forms of exploitation abroad. The main destination countries are Italy (sexual exploitation) and Spain (both forced labor exploitation and sexual). Recruitment of minors for sexual exploitation, forced labor and other forms of exploitation is performed mainly by acquaintances, friends and people unknown previously recruitment.

The main way is the sexual exploitation of children, most juveniles are victims of domestic traffic. The main destination countries are Italy, Spain, UK, Germany, Greece, Austria, the Netherlands, Portugal, France, Belgium, Denmark and Turkey.

While in Italy, the main form of sexual exploitation of minors was in the street, in cases of domestic traffic, minors were exploited for sexual services particularly housing, and other confined spaces (clubs, brothels, hotels) [3].

Most trafficked minors have low levels of education so in 2015 about 75% of trafficked children have at most lower secondary education. Given that 90% of children were at high school age, we can appreciate that many victims were in a drop out situation when recruiting or discontinued studies in this context.

Regarding the the origin environment, most minor victims come from rural areas, their share is much higher than generally which indicates that minors are recruited into a greater extent in urban areas than adults.

4. The Internet - a way of recruiting minors

Today, the main method of recruiting minors is the internet. In the last 6 years, the rate of Internet penetration has increased more than 20 times. This comes due to the fact that Romania adopted in 2009 National strategy for implementation of universal service in electronic communications, which aims to ensure access to electronic communications of any romanian citizen. The principle which promotes this strategy is that the access to a minimum set of electronic communications services is considered a fundamental right of citizens, essential for their integration in the community and in the information society [4].

According to a study conducted at European level by IAB Europe, Romania has the youngest population that uses the Internet: 40% are young people aged between 15 to 24 years [5]. In Romania, due to the low age of Internet users, weekly frequencies accessing the Internet for entertainment and social networking are the highest in Europe: Romania ranks first in countries who took part in the study when using the Internet for discussions (chat) or sending text messages in real time (instant messaging): more than 50% of internet users access these services at least weekly.

The Internet is a hostile environment in which children may be exposed to abuse. However, the Internet is an opportunity for children to have access to information that would not otherwise be accessible so that children should not be limited but mostly supervised by adults.

Children and young people who use the Internet consider it a place where they have a lot of freedom, where they can have fun and where they can make friends. The Internet aims to replace some lucrurii that children can not do in ordinary life: to talk about delicate things with someone or find someone to listen to them problems. According to a survey conducted by ANITP, 93% of children who participated admitted that use to participate in online discussions, regardless of how they attend in these discussions [6].

Through the Internet, social media, traffickers get in touch with victims, they earn they trust speculating them both needs and fears. Specialists say that the vulnerable structure changes, there is a notable increase in cases involving children in families with financial problems, teenagers (12-13 years) who have emotional problems which can be exploited by traffickers [7]. The teribilism and the desire to define an

identity lead to the adoption of risky behaviors in relationships with others. Thus, traffickers earn the trust of minors listening to their problems. Traffickers have a high emotional intelligence. This feature is common, especially on recruiters who use more subtle manipulation techniques, empathizing with others to meet their needs, ensuring in this way achieve the ultimate goal, represented by recruitment [8].

5. The causes of child trafficking

For a better understanding of the vulnerability of victims before recruitment is required thorough exploitation of environmental and living conditions of children prior trafficking.

An important aspect about exploited children is related *to their family situation*. Thus, over 50% of trafficked children come from two parent families, but also come from single-parent families, institutionally or minors living with relatives.

Various forms of family disintegration contributes dramatically to increase the probability of occurrence of child trafficking. *Families remain the first and most important medium for raising children*, and any shortcomings in this area has major repercussions on the vulnerability of children. In dysfunctional families, parents lack the time and/or concern for their involvement in their children's lives, they do not check school attendance or leisure mode, doesn't holds talks and listen to children, do not care and support, they do not offer emotional support and stability, the enviroment is being cold and sometimes hostile, the absence of affection having negative repercussions on child development.

Lack of communication and parental affection diminishes the capacity for self-protection of children [9]. Both the generation gap and lack of affection leads children to seek attention or emotional comfort or material elsewhere. For this they resort to friends, neighbors, educators and even strangers, to fill the gap and shortcomings of human relationships. So it may come to trust others and thus make contact with potential criminals or in environments conducive to recruitment.

Violence and abuse in the family, either emotional, physical or sexual, is seen as an important contributing factor recruitment, regardless of social status or economic impact. An abusive family environment paves the way for various forms of abuse which the child will have to endure when it will be trafficked. Moreover, it is considered that there is a strong link between an individual's susceptibility to trafficking and its state as observer or subject to violence. Proof is the fact that most minor victims have in their history incidents of aggression, physical abuse, psychological or sexual, which increases the trauma [10].

Poverty, unemployment, financial instability has a significant contribution to the emergence vulnerability to recruitment. Poverty affects a much higher proportion: - single parents with several children; - those with low education; - labor migrants; - families in rural areas; - those unable to find a job; - and those who receive minimum wage or providing unskilled work and not having job security [11].

Social vulnerability is a major risk factor for those who are desperately seeking to secure a decent standard of living and to escape the poverty spectrum. Low living standards makes both parents and children to be more vulnerable to false promises and accept job offers that seem financially attractive, which it is hoped will ensure survival of the family. Sometimes children are forced out of school or carry out illegal activities. In some cases prostitution is accepted as the only way to bring an income in the family. Often, such a family history, associated with a lifestyle to the limit of legality, is inherited and passed from one generation to another.

Migration of working parents are a cause of child trafficking. Thus, parents who live to work in another region of the country or abroad can no longer raise, educate and supervise children, often leaving these tasks on behalf of neighbors, relatives or community. Labor migration leads to neglect, the deviant

behavior of children and adolescents and their institutionalization, all factors leading to increased vulnerability to trafficking.

On the other hand, it is likely that migrant families face difficulties integrating into their new communities. Some children are forced to accompany their parents and may end up accepting offers unethical or illegal.

Education is one of the main causes of trafficking and, implicitly, of child trafficking. A low level of education and school dropouts are often connected with low income, illiteracy, family disintegration, alcoholism, violence or migration. Most child victims have a low education.

Low priority given to education and training contribute to a passive attitude and helpless children, making them susceptible to seduction by offering goods or promises for a better life, and so increase the risk of being trafficked.

A study conducted in 2009 by Save the Children Organisation, concluded that children who attend school regularly are better informed about human trafficking and the methods of prevention. The families have gaps in information, and children lack information about the hazards and risks they are exposed and do not possess the skills and knowledge to withstand the language and methods used by recruiters, while most likely, parents lack the capacity to educate them in this respect or at least to discuss the subject freely.

Deficiencies in community support and infrastructure is also another cause of trafficking. Thus, the shortcomings related to: - providing institutional or social support; - lack of infrastructure; - cooperation and social protection, which are caused mainly by the limited resources at their disposal for the community. The low number of social workers and psychologists in certain regions, especially in rural areas, has major effects on the efficiency of efforts to prevent, identify and monitor vulnerable children and their families. Limited access, or lack of public transport helps lower the rate of school attendance. Schools are sometimes lacking necessary staff and professional advisors, especially in rural areas. Communities typically lack the ability to provide children with alternative leisure.

Ethnic differences are among the main causes of trafficking. Minors of roma origin are at higher risk of being trafficked. A range of socio-economic and demographic factors contribute to this, such as: the great mobility of roma families, high birth rate, the higher degree of absenteeism and school dropout, compared to population and poverty. Roma families often have no access to social protection of the state because they have no identity cards, which further complicates any social intervention in cases of abuse of minors or criminal activities [12].

Conclusions

By synthesizing the insights from this article, the main risk factors in the recruitment process are: coming from a family with a low living standard and education, from dysfunctional families, with an conflictual environment or with parents abroad, lack of integration of family in the community and their involvement in the education and support of children, lack of attention and affection offered to children, limited access to medium and higher forms of education and, especially, finding a workplace, lack of education and information, drop out, frequenting entourages with negative influences and the lack of a support network, especially in rural areas.

The socio-economic disparities from Romania, also related by urban-rural differences in terms of development and opportunities and family environment within the meaning of parenting skills and the emotional and physical care, support of children by the family and the existence of a violent and abusive family environment appear to be key factors in which children may end up in a situation of traffic.

The level of information is closely related to the level of education. Children with low levels of education, including those who have dropped out of school, have no chance and opportunity awareness of the risks of trafficking. This has a strong impact on their risk assessment capacity on deals and promises.

The state institutions, parents and the wider community were identified as social actors who could fulfill a protective role, but casuistry reflects the significant shortcomings of the social protection system. There are attempts, projects initiated by these actors, but they do not act in a unified system.

References

- [1] Law no. 272/2004 regarding child protection and promotion of its rights, art. 4;
- [2] Law no. 300/2006 for ratification of the Convention of European Council on combating trafficking in human beings;
- [3] Child trafficking in Romania - Study on the recruiting process, p. 43;
- [4] Order no. 461/2009 for approving the National Strategy on the implementation of universal service in electronic communications;
- [5] Study MCDC - Marketers & Consumers, Digital & Connected conducted by IAB Europe, published in February 2010;
- [6] Research report "*The Internet and the exploitation of children*", available on http://anitp.mai.gov.ro/ro/docs/studii/friendly%20raport_RO.pdf;
- [7] Adrian Iacob, Victor Constantin Draghici, "Aspects of human trafficking", Sitech Publishing House, Craiova, 2013;
- [8] I.G. Oltei, "*The methodology of investigating crimes of trafficking in persons*", University of Bucharest, Faculty of Law, 2008, p. 81;
- [9] Idem [3], p. 49;
- [10] Information Guide on trafficking in persons, Social Alternatives Publishing House, Iasi, 2006;
- [11] Idem [3], p. 46;
- [12] George Cristinel Zacharia „*Trafficking in human beings*”, C.H. Beck Publishing House, 2012.