

TRAFFICKING IN MINORS

Ph.D. Student, Bianca - Cristina VOICULESCU (PROCOPIU)

Valahia University of Targoviste, Romania

E-mail: procopiu_bianca@yahoo.com;

Ph.D. Student, Alin-Adrian DINCĂ

Valahia University of Targoviste, Romania

E-mail: dincaalinadrian@gmail.com

***Abstract:** Trafficking in human beings, apart from the very serious way it affects the victims and the social and economic effects it has on society, is also a serious violation of fundamental human rights and other modern concepts such as the rule of law and even democracy. The huge increase in child trafficking in recent years has increased the level of global concern about this scourge. Trafficking in human beings causes significant trauma to the victims, particularly psychological trauma, and the impact is significantly greater for children. In this article, we will discuss some basic and introductory aspects of this phenomenon and all that it entails, with a focus on the existing instruments at international level involved in identifying responses to combat and prevent this scourge, which is the most expansive criminal phenomenon of the present day, with indications that it will overtake even drug trafficking in the coming years.*

***Keywords:** trafficking, minors, The UN Convention on the Rights of the Child.*

***JEL Classification:** J18.*

1. Introduction

Trafficking in human beings or trafficking in human flesh, with various exploitation objectives, is an organised crime phenomenon with serious and particularly serious consequences for the safety, health and fundamental rights of the victims. It is the criminal phenomenon with the greatest exponential growth at present, Romania being both a transit country and a country of origin. The victims of this criminal act are subjected to degrading treatment and are exploited in a slave-like manner.

Data and information made available by various institutions through statistics and other documents at international level, show that the damage caused by these actions is increasing significantly, especially when it comes to children, this component of human trafficking being the fastest growing.

Similar to the situation worldwide, children represent a very high percentage of trafficked persons in Romania. Analysing the studies carried out in recent years, it can be hypothesised that there is a limit to the information available on the trends in child trafficking, especially the internal component, especially after 2007 when Romania became a member of the European Union.

The statistics provided by the National Database of the National Agency against Trafficking in Human Beings show that a better understanding of the phenomenon and its many facets is needed in order to provide the main institutional actors involved in combating the phenomenon with the necessary tools.

2. Legal definition of trafficking of children

According to the Convention on the Rights of the Child, which was adopted by the United Nations (UN) General Assembly, a "child" is "every human being below the age of 18 years unless the law applicable to the child establishes the age of majority below that age" (Law No 272/2004 on the protection of children and the promotion of their rights, Article 4) .

White slavery or trafficking in human beings is defined in several international conventions, including those ratified at national level, as "the recruitment, transportation, transfer, harbouring or receipt of a person, by means of threats, violence or other forms of

coercion, of abduction, of fraud or of deception, abuse of authority or taking advantage of the inability of that person to defend himself or herself or to express his or her wishes, or by giving, receiving or accepting money or other benefits to obtain the consent of a person having control over another person, with the purpose of exploiting that person. Exploitation consists of forced prostitution or other forms of sexual exploitation, forced labour or forced services, slavery or similar practices, servitude, or the removal of organs" (Law No 300/2006 on the ratification of the European Council Convention on Action against Trafficking in Human Beings) .

Thus, the recruitment, transportation, transfer and harbouring, as well as the reception of a child, with the objective of exploitation, are covered by trafficking in human beings, including in situations where the recruiters do not use any of the means described above. In this respect, the recruitment, transportation, transfer, harbouring or receipt of a person between the ages of 0 and 18 years with the objective of exploiting that person is the definition of the offence of trafficking of children.

3. International instruments to combat child trafficking

The UN Convention on the Rights of the Child mentioned in the previous chapter, which was adopted in 1989 and ratified the following year by all the states of the world, including Romania, is still, to this day, one of the main instruments at international level that emphasizes the importance of respecting the fundamental rights of children, where we are talking about: the right to expression, freedom of conscience, protection from violence, both physical and mental, protection from abandonment, neglect, ill-treatment and exploitation, including sexual exploitation, where the convention's objective is to guarantee the social, moral and spiritual well-being of children, as well as their physical and mental health.

The UN Committee that monitors the Convention on the Rights of the Child has issued a recommendation to all States calling for clear measures to be adopted with a view to consistent implementation of its provisions, which consist of: consistent legislation to ensure the protection of children from all forms of exploitation, abuse and trafficking and to criminalise these acts as offences; widespread public information campaigns; provision of resources to implement specific programmes for the protection and assistance of trafficked children, including programmes to train the necessary staff and judicial structures specialising in preventing and combating child abduction and trafficking; the adoption of national strategies based on mechanisms for coordinating and developing these structures and monitoring activities with criminal potential; the implementation of programmes focusing on international cooperation, aimed at exchanging information and breaking up trafficking networks.

Romania also signed the Council of Europe Convention on Action against Trafficking in Human Beings in Warsaw on 16 May 2005, which was ratified by Law 300/2006.

This Convention aims to: prevent and combat trafficking in human beings, with an emphasis on respecting the principle of equality between men and women; guarantee the fundamental rights of victims, providing them with a legal framework that ensures protection and assistance, both for victims and witnesses and, last but not least, ensuring the effectiveness of the criminal justice process; strengthen international cooperation on trafficking in human beings.

Another useful international instrument in the fight against child trafficking is the Convention on Protection against Sexual Exploitation and Sexual Abuse, which Romania signed in 2007. It is the first legal instrument that the Council of Europe has to criminalise various forms of sexual abuse of children, both within the family, where the perpetrator is

one of the parents, using force, threats or other forms of coercion. With this convention, in addition to the classic sexual offences of abuse, child prostitution, child pornography, etc., 'grooming', which refers to the manipulation of children for sexual purposes, was added for the first time.

Raising awareness and educating students about the causes, consequences and signs of human trafficking are important tools to prevent and detect this vicious crime. Efforts to raise awareness among children/adolescents about these characteristics of trafficking are essential in the fight against this global crime. Indeed, prevention through education is recognised as one of the fundamental pillars for suppressing and eradicating child/adolescent trafficking.

4. Trends and challenges in trafficking of children

Trafficking in children is a complex and persistent global problem affecting millions of people around the world. In recent years, the phenomenon has evolved, adapting to social, economic and technological changes. In this article, I will outline the main trends and challenges associated with trafficking of children, highlighting how these dynamics influence efforts to prevent and combat this scourge.

In terms of current trends in this phenomenon, human traffickers have adopted new technologies and the internet to facilitate the recruitment, transportation and exploitation of victims. Social networks, online recruitment platforms and instant messaging applications are used to lure and manipulate victims, making detection and prevention much more difficult for authorities. Moreover, the internet has become a crucial tool used by traffickers to lure, manipulate and exploit victims. Digital technologies, including social networks, messaging platforms and ad sites, facilitate illegal activities and create new challenges for authorities and organisations fighting child trafficking (Annual Report on Child Trafficking in Romania-Study on the Recruitment Process, <http://anitp.mai.gov.ro/>, accessed 16 May 2024).

Traffickers use social media platforms such as Facebook, Instagram, TikTok and Snapchat to identify and approach potential victims. They create fake profiles and use emotional manipulation tactics to gain the trust of young people. Methods may include promises of glamorous careers in modelling, music or other fields attractive to teenagers. Instant messaging platforms such as WhatsApp, Telegram and Kik are used to communicate privately with victims and coordinate illegal activities. These apps offer anonymity and encryption, making it difficult for authorities to monitor and intercept communications.

Another recent trend in the trafficking of children can be seen in migration and humanitarian crises. Armed conflicts, political instability and natural disasters have led to an increase in the number of people vulnerable to trafficking. Refugees and migrants are often easy targets for traffickers, who take advantage of their desperation and lack of legal options to exploit them (Stoica, 2014).

In addition to sexual exploitation, labour exploitation has become a predominant form of trafficking in human beings. Sectors such as agriculture, construction, textiles and care services have recently become frequently associated with abusive working conditions and human trafficking.

Although the phenomenon is often perceived as an international one, human trafficking also takes place within national borders. Traffickers may operate in local communities, exploiting victims in their own countries, complicating efforts to identify and protect victims. This phenomenon is often more difficult to detect and combat because of its local nature.

In terms of challenges in combating trafficking of children, identifying victims is one of the biggest challenges of child trafficking. Many victims are isolated, intimidated or threatened by traffickers, which prevents them from seeking help. Stigma and lack of awareness among the public and authorities can also lead to under-reporting (National Agency Against Trafficking in Persons, 2024)¹.

International cooperation: Trafficking in human beings is a transnational phenomenon that requires close cooperation between states. Legislative, political and cultural differences can complicate efforts to collaborate and coordinate action against traffickers. The lack of a unified legal framework and adequate resources can undermine the effectiveness of global efforts to combat this phenomenon.

Protection and reintegration of victims: Providing protection and support for victims of trafficking is essential to help them recover and reintegrate into society. However, many countries face limited resources and inadequate infrastructure to provide adequate support services. In addition, bureaucracy and complex procedures can delay victims' access to help.

Prevention and education: Preventing human trafficking through education and awareness is a major challenge. A holistic approach involving governments, non-governmental organisations, the private sector and local communities is needed. Awareness-raising campaigns and educational programmes need to be accessible and tailored to reach different vulnerable groups.

Trafficking in human beings remains a serious and complex problem, influenced by multiple contemporary trends and challenges. In order to combat this phenomenon effectively, a multidimensional and coordinated approach is needed, including the identification and protection of victims, prevention through education and awareness-raising, and international cooperation. Only through concerted and sustained efforts can we hope to reduce the devastating impact of human trafficking and build a safer and fairer world for all (Garbulet, 2022).

Child trafficking is a dynamic and adaptable phenomenon, influenced by multiple current trends. The use of technology and the internet, labour exploitation, migration and humanitarian crises as well as internal trafficking are critical issues shaping the current child trafficking landscape. To effectively address these challenges, a coordinated and multidimensional approach is essential, including prevention through education and awareness raising, international collaboration and the use of advanced technologies. It is only through concerted and sustained efforts that we can protect children from this scourge and build a safer and fairer future for all.

References:

1. Garbulet, I., 2022. *Trafficking in human beings and exploitation of vulnerable persons*. Bucharest: Hamangiu Publishing House.
2. Iacob, A. and Drăghici, C.V., 2013. *Aspects on human trafficking*. Craiova: Sitech Publishing House.
3. Law No 272/2004 on the protection of children and the promotion of their rights, Article 4.
4. Law No 300/2006 on the ratification of the European Council Convention on Action against Trafficking in Human Beings.
5. National Agency Against Trafficking in Persons, 2024. *Home*. [online] <<http://anitp.mai.gov.ro/>> [Accessed 16 May 2024].

¹Brief analysis on human trafficking in 2023.

6. Oltei, I.G., 2008. *Methodology of investigation of human trafficking offences*. University of Bucharest, Law School.
7. Stoica, A., 2014. *Illegal migration at the confluence with human trafficking*. Bucharest: Pro Universitaria Publishing House.