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National Case Study “Intercultural Violence” (WP8)

Country: Romania

Gabriela Iuliana Colipcă and Steluța Stan
“Dunărea de Jos” University of Galați (UDJG)

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Romanian Research Team:

“Dunărea de Jos” University of Galați

Main researchers:

Gabriela Iuliana Colipcă
Lidia Mihaela Necula
Steluța Stan

Assistant Researchers:

Alexandru Praisler
Pompiliu Ștefănescu

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1. Theoretical Framework and General Hypothesis

The research carried out within the framework of WP8 by the UDJG team has focused on issues related to violence in the context of migration and intercultural relations with an aim at underlining its impact on the gendered and national identity of the victims as addressed to in different types of discourse. Taking interest in the conceptual apparatus provided by scholarly discourse on violence, on the victims' silenced voices as well as on different forms of cultural and social blindness to their trauma as seen in their manifestations within and across cultural migration-affected spaces, the resulting research report therefore juxtaposes and examines in comparative and contrastive terms aspects of:

- the mainstream discourse on migration, in general, and trafficking, in particular, as recorded in the international (especially EU) policy documents and in the Romanian legislation, policy documents, institutional reports as well as professionals' accounts, on the one hand, and
- the personal accounts of victims who have been subjected to gendered and intercultural violence, on the other.

Working along some of the major coordinates of analysis of the Other's representation as delineated especially by Judith Butler, the comments on various text types start from two assumptions: that victims of intercultural and gendered violence somehow 'come to exist' or gain more or less visibility when addressed in the legal, political and/or media discourse, and that the language which is directed towards them and which they cannot control communicates the precariousness of their life. Next to the violent acts that victims are subject to – whether considered in traditional, denotative terms as physically (in particular sexually) aggressive behaviour or from a broader perspective as also including other acts that result in harm for migrants as an expression of social, economic and cultural exclusion as well as racial and gender discrimination – “there is a certain violence” in the way in which victims are addressed, “given a name, subject to a set of impositions, compelled to respond to [our] exacting alterity” (Butler, 2006: 139). The images representing victims of violence may draw attention to or, on the contrary, suspend the precariousness of their life. In this respect, cross-legally constructed, much of present-day mainstream official discourse apparently aims at finding solutions to lend visibility to different forms of victimisation (including gender and nationality-related victimisation) and to combat them. Yet, (women) migrants' victimisation and trafficking in particular seem to remain, to a significant extent, cultural blind spots (Felman, 2002: 68) that the legal framework still fails to render visible enough. (The same could, at least partly, be said about media discourse, as further analysis will show.) Then, the juxtaposition of the mainstream discourse with the personal narratives of the victims hopes to re-shape our “face” (Levinas in Butler, 2006: 131) in relation to the victimised Other, to raise an awareness of responsibility thus achieving the condition for our own humanisation. Living through experiences of violence and loss, victims suffer from disturbances in their emotional, affective and social behaviour:

“Trauma is itself a shattering experience that disrupts or even threatens to destroy experience in the sense of an integrated or at least viably articulated life. There is a sense in which trauma is an out-of-context

experience that upsets expectations and unsettles one's very understanding of existing contexts. Moreover, the radically disorienting experience of trauma often involves a dissociation between cognition and affect. In brief, in traumatic experience one typically can represent numbly or with aloofness what one cannot feel, and one feels overwhelmingly what one is unable to represent, at least with some degree of critical discourse and cognitive control." (LaCapra, 2004: 117)

Therefore, the traumatised subject may remain trapped in "the compulsive repetition that remains within - or manifests an uncanny fidelity to - trauma" (acting out) (LaCapra, 2004: 123), intrinsically related to the manifestation of various posttraumatic symptoms. Nevertheless, though trauma cannot be entirely transcended, the subject may be encouraged to work through it by engaging in an empathic relationship with the addressee (that, however, should not verge on vicarious identification):

"Working-through means work on posttraumatic symptoms in order to mitigate the effects of trauma by generating counterforces to compulsive repetition (or acting out), thereby enabling a more viable articulation of affect and cognition or representation, as well as ethical and sociopolitical agency, in the present and future. (...) Indeed there is a sense in which, while we may work on its symptoms, trauma, once it occurs, is a cause that we cannot directly change or heal. But (...) we can work to change the causes of this cause insofar as they are social, economic, and political and thereby attempt to prevent its recurrence as well as enable forms of renewal." (LaCapra, 2004: 119)

Consequently, the task that this report ambitiously sets is "to establish modes of public seeing and hearing" (Butler, 2006: 147) that might respond to the cry of the victims - mostly women - in the process of migration and lend them proper representation that would prevent - if not, at least diminish - the perpetuation of a certain state of legal, social and cultural blindness to their victimisation.

2. Context Presentation

2.1. Migration from Romania. An Overview

Romania's geographical position, on the one hand, and the political, economic, social and cultural changes it has undergone over the years that followed the fall of the Communist regime (after 1989), on the other, have caused migration-related issues to acquire significant complexity to the point that it is difficult to describe them unilaterally. Actually, the status of post-1989 Romania can be unmistakably described as that of a sending, transit and receiving country at the same time. However, taking into account the fact that out-migration flows have been by far the most representative (as statistically proven - The National Institute of Statistics, <http://www.insse.ro/cms/rw/pages/anuarstatistic2008.en.do>), here, reference will be made to Romania as mainly a sending country.

Several stages can be distinguished in the evolution of migration trends in this respect. Initially, the liberalisation of passport administration and international travel brought about noteworthy modifications in the outflows of ethnic minority migration and asylum-seeking which largely lost political connotations in favour of prominently economic ones. However, if migration of the early 1990s was dominated by the Germans, the Hungarians and the Jews

who settled in the countries they were culturally attached to, and partly by the Roma and/or Romanian asylum-seekers to Western Europe, the late 1990s witnessed the parallel development of various trends of permanent/temporary, legal/illegal migration. Apart from student migration (vacillating, according to the case, between legal permanent and legal temporary migration), in the context of the Romanian economy decline entailing, at its best, relatively low wages and, at its worst, high rates of unemployment, two tendencies in out-migration grew more prominent: on the one hand, Romanians holding high qualifications chose to join special emigration programmes organised especially by Canada and the USA (but also by Australia and New Zealand); on the other hand, more and more mainly semi-skilled and unskilled Romanians assumed the risks of illegal migration to different (particularly European) countries; the illegal migrants' favourite destinations changed over the years from Germany, France, Israel and to some extent Turkey, to Italy and Spain (in particular). Given the scarcity of bilateral agreements to guarantee a legal framework for labour migration, and despite all efforts by NGOs like OIM to encourage legal labour migration, most migrant workers took the risk of finding employment either via private, not always reliable agencies, or on their own on the black market of the destination country, often as part of informal social networks of 'recommendation systems.'

An important moment in the evolution of (illegal) labour out-migration, that marked the passage from the so-called second phase of migration (1996-2002) (Simina, 2005: 8) to a new one, was the elimination of the Schengen visa requirement in 2002 which encouraged the rapid growth of circular migration: Romanians could travel freely to an EU country of their choice and take advantage of their three-month legal stay, at the end of which they were to return home. That engendered another subdivision among the Romanian migrants for work: some of them travelled abroad on a legal (usually tourist) visa to work for a three-month period and then returned home for the next three months, being replaced by other migrants - more often than not, friends and/or relatives - as links in networks of circular migration; others, though having travelled legally to the country of destination, chose to remain and work illegally there after the three-month period of legal stay came to an end, in constant fear of being arrested by the authorities and repatriated.

In time, several international migration trends were established, with different factors related to the migrants' age, native area, education, religion and gender differences influencing the migration outflows. Two of these factors are worth particularly insisting upon. Thus, the migrants' level of education and qualification turned out to be of outmost importance, influencing the chances of finding employment in the country of destination. Highly qualified labour force in fields like sciences, humanities, high-technologies, etc., tended to migrate permanently in countries for which the level of education was a major selection criterion (as it was the case of the USA and Canada in the 1990s), or felt encouraged to permanently/temporarily migrate within the framework of bilateral agreements in domains like IT (e.g. Germany -the "Green Card Programme", Constantin et al., 2004: 146-7) or motivated by attractive job offers caused by shortage of professionals in critical domains like medicine (e.g. the UK). Semi-skilled or skilled Romanian workers of medium level education chose to work in constructions (Germany), health care (Italy, the USA, Canada and Switzerland), hotels, restaurants, food and beverage industry (irrespective of the Western country), while unskilled workers hoped to find employment in agriculture, cleaning, caring, and constructions (Spain, Italy, Portugal, Greece, etc.) (Simina, 2005 and The National Employment Agency, 2007). Furthermore, gender differences also seemed to contribute to shaping migration trends in the sense

that a growing tendency towards the feminisation of out-migration became more and more obvious due to an increasing demand from certain labour markets: just as men have been dominating the construction sector (especially in Spain and Italy), women have been preferred for domestic services (housecleaning, caring, babysitting, etc.), tourism (restaurants and hotels) and entertainment (again, particularly in Italy, though not only).

Faced with the mass exodus of Romanian – mainly illegal – migrants, both the Romanian and the European authorities aimed at implementing efficient policies meant to reduce the wave of illegal migrants, tighten up on border control, and encourage legal migration. Yet, the endeavours of harmonising the Romanian legislation and policies with the EU recommendations and requirements with a view to Romania's accession to the EU before 2007 and to its better integration as an EU member after 2007 (e.g. the recent introduction of biometric passports), though successful to some extent, still could not prevent many migrants from falling victims of violence when crossing national and cultural borders. Romania has been a transit and source country for trafficking in human beings throughout the whole post-1989 period and, over the years, different forms of violence circumscribed to this phenomenon, perceived as simultaneously related to organised crime and illegal migration, have affected a wide range of victims, women and children (mainly) as well as men. In their desperate attempts at fulfilling their dreams of a better life abroad, migrants often ignored the risks inherent in apparently attractive job offers, in living and working off the limits of the law, thus exposing themselves to different forms of exploitation (sexual and domestic services, forced labour in agriculture or constructions, beggary and petty crime).

Steps have been taken at national level to prevent and combat trafficking (whether external or internal) and statistics indicate the relative progress made by the implementation of anti-trafficking strategies and national plans that follow the trends in international and European frameworks; yet, Romania still ranks among the countries of the second tier – according to the classification enclosed in the US. State Department Report (June 2009 - <http://www.state.gov/documents/organization/123357.pdf>) – in terms of the efforts to enforce laws against trafficking, to protect victims, and to prevent trafficking. Hence, the subsequent sections of this report will focus on the national frame in which migration and gender-related violence, in general, and trafficking across and within national borders, in particular, are tackled in the official mainstream discourse of the – governmental and non-governmental – institutions involved in policy-making and implementation, on the one hand, and in personal narratives of victims and professionals, on the other, with an aim at examining the strengths and weaknesses of the currently available institutional patterns and at raising the awareness of the need for further socio-political action to change the current status-quo of the gray area where migration, gender and violence intersect.

2.2. Harmonisation of the National Laws and Policies with the EU Acquis

2.2.1. Border Control

Among the first chapters within the framework of which Romania had to improve its legal and institutional standards in its endeavours to join the EU, border control was considered a top priority. In this respect, the harmonisation of the Romanian legislation with the EU requirements covered several stages.

Firstly, in agreement with Council Regulation EC no. 1683/95 setting a uniform format for visas, and Council Regulation EC no. 2317/95 determining the third countries whose nationals must be in possession of visas when crossing the borders of the Member States, amended by Council Regulation EC no. 539/2001, Romanian Government Ordinance no. 65/1997, approved by Law no. 216/1998, completed and amended by Government Decision no. 84/2003, stipulated that Romanian citizens could travel abroad if in possession of a valid Romanian passport and of visa granted by the embassy/consulate representatives of the country of destination. Reference should also be made, at this point, to the fact that the Romanian legal framework regarding border control was further improved – in the context of a more general concern with illegal migration as a security issue at the turn of the millennium – with provisions regarding penalties for illegal border-crossing and smuggling of migrants (Art. 70, 71, 73 – Government Ordinance no. 105/27 June 2001 on control of Romanian state borders).

New changes in the Romanian legislation on border control were occasioned by Romania's successfully introducing the Schengen Information System (SIS). After 2002, Romanian citizens were exempted from visa when travelling to the Schengen states for a maximum of 90 days, owing to the harmonisation of the Romanian policy and legal framework with the EU requirements, which was best epitomised in the reorganisation of the Passport and Border Police Departments as well as in the stipulations of Law no. 248/ 2005 regarding the free movement of Romanian citizens abroad.

Further improvements added over the coming years: on the one hand, Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) was implemented and adopted as one of the main legal instruments regulating the activity of the Romanian border police (see <http://www.politiadefrontiera.ro/>); on the other hand, after Romania's becoming an EU member state, Law no. 248/2005 was modified with regard to (among other things) the introduction of biometric passports meant to create an unrivalled level of security and protection against counterfeit and fraudulent identification papers (in accordance with Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States).

2.2.2. Labour Migration

Two components of the Romanian legislation and institutional framework concerning migration might be identified according to the migration flows considered.

Thus, if reference is made to in-flows, it is important to mention that, throughout the long-lasting process of harmonisation of the Romanian legislation regarding immigration and asylum with the EU *acquis* and with the requirements of close inter-institutional cooperation at the national and transnational level, Romania made significant progress in the implementation of the National Strategy for Migration (Government Ordinances no. 616/21.04.2004 and no. 1122/ 18.09.2007) following the main lines of the EU policies in the field (controlled migration, illegal migration prevention, asylum, social integration of foreigners), and of improved asylum regulations (See, for example, Law no. 122/2006 enclosing updated definitions of asylum-seeker, asylum application, alien, country of origin, asylum procedure, refugee status, conditioned

humanitarian protection, temporary humanitarian protection, unaccompanied minors, etc. as well as measures for the expulsion or forced return from the external border or from the territory of the destination country, procedures for granting and withdrawing the refugee status and measures taken in view of the integration of refugees, family reunification, access to accommodation, medical assistance, social insurance, education forms and especially integration on the labour market). In particular, steps were taken for a better integration of labour immigrants in the Romanian economic system, especially in fields affected by shortage of labour force as a result of massive emigration from Romania to other (non) European countries. (e.g. Law no. 203/1999 amended by Government Ordinance no. 32/2003 regarding the conditions for granting work permits and Government Ordinance no. 194/2002 on the status of the foreigners travelling to Romania, amended by Law no. 357/2003; Labour Code - Law no. 53/ 24.01.2003 with all its subsequent amendments)

However, the alarming increase of migration out-flows in the late 1990s and the early 2000s was more difficult to cope with. To encourage legal labour migration in the years preceding Romania's accession to the EU, the Romanian Labour Code (Law 53/ 24.01.2003) stipulated that Romanian citizens could seek employment abroad within the limits of the international labour legislation and of the bilateral treaties that Romania signed (with Germany, Spain, Portugal, etc.)¹ or, at least, of contracts negotiated by private employment agents/agencies (regulated by Law 156/2000 modified by Government Ordinance 43/2002, for example) which could ensure fair treatment and protection of their interests as workers abroad. The implementation of this legal framework for labour migration was entrusted, starting from 2002, to a newly created division of the Romanian Ministry of Labour, Social Solidarity and Family, i.e., the Office for Labour Force Migration, which, in collaboration with the Department for Work Abroad (appointing diplomatic attachés for labour and social issues, as it has been the case in Spain, Italy, Germany and Hungary), the National Employment Agency (responsible for authorising and monitoring private companies mediating labour force migration from Romania) and the Department for Bilateral Agreements and External Affairs (negotiating and signing conventions with regard to exchange of labour force to be subsequently ratified by the Parliament), strove to provide, as much as possible, equal opportunities for the Romanian migrant workers in the countries of their destination. Yet, despite all their efforts, legal recruitment rates remained - at least until 2007 - significantly inferior to those of illegal labour migration to (non) EU states.

In 2007, after Romania was granted the status of an EU member state, the Office for Labour Migration was dissolved and its functions were taken up by the National Employment Agency which joined the EURES (European Employment Services) network aimed at facilitating the free movement of workers within the European economic area (<http://eures.anofm.ro/index.php>). Apart from providing information and guidance with regard to social security policies as well as assistance in protecting the rights that Romanian migrant workers (legally employed) could benefit from, EURES Romania keeps an up-to-date record of the job offers coming from different EU employers and of the restrictions for employment in different EU countries which influence the access to legal employment of Romanian migrant workers. (http://eures.anofm.ro/anunturi/restrictii_impuse_romaniei2.html) That may account for the fact that, over the years that passed after Romania's accession to the EU,

¹ At present, according to the National Agency for Employment, out of the 13 bilateral agreements for labour exchange signed by Romania, only 7 are still in force with Spain, Germany, France and Switzerland. (http://www.anofm.ro/146_munca-in-strainatate).

a certain balance between legal (gaining ground) and illegal (decreasing in number) outflows could be said to have been reached in labour migration from Romania.

2.2.3. Trafficking

As a source and transit country for human trafficking, Romania had to embark upon a series of reforms at both the legal and institutional level. A first step implied the ratification and implementation of basic international legal instruments like the UN Convention on Organised Transnational Criminal Activities, the Additional Protocol to the Convention on the Prevention and Punishment of Human Trafficking, especially Women and Children, and the Optional Protocol to the Convention on Children's Rights, regarding child-trading and infantile prostitution and pornography (See Law no. 565/2002). In the process of harmonisation of the Romanian legislation with these international standards, a number of domestic laws were issued in an attempt at foregrounding a new perspective on trafficking (that would go beyond the frame of 'white slavery' for prostitution, to cover in a more comprehensive manner other forms of violence and exploitation as well) that would allow more effective action to prevent and combat trafficking, whether external or internal, in all its forms. A cornerstone in this respect was Law no. 678/ 2001 (modified and completed over the next years in accordance with the changes in the international legislation on trafficking), which insisted not only on updating the basic conceptual apparatus of the anti-trafficking debate, but also on the importance of inter-institutional collaboration at national and international, governmental and non-governmental levels. Against the legal background created by this law and several other domestic legal instruments², a National Action Plan for Combating Trafficking in Human Beings (approved by Government Ordinance 1216/2001) and a National Action Plan for Preventing and Combating Trafficking with Children (at the beginning of 2004 - see Horváth, 2007: 7) encouraged more active involvement of various Romanian state institutions and NGOs, next to a number of international bodies (The Council of Europe, FBI, the US State Department, the US Department of Labour, IOM, OSCE, etc.), in successfully promoting policies of traffic prevention and reintegration of victims.

In 2005, Romania created a new institutional frame - the National Agency Against Trafficking in Persons (Government Ordinance 1584/2005 with its subsequent modifications and amendments) - for the monitoring of anti-trafficking policies. One year later, the legislation on trafficking significantly improved by the ratification (in Law no. 300/ 2006) of the Council of Europe Convention on Action against Trafficking in Human Beings (2005). On this basis, a new National Plan (2008-2010) for the Implementation of the National Strategy against Trafficking in Persons 2006-2010 was approved, laying further stress on: assistance to and reintegration of victims; prevention of trafficking by different means with a view to discouraging the demand and to working more efficiently at the level of the civil society (through educational programmes and public-awareness campaigns targeting the potential victims of trafficking).

² Law no. 39/ 2003 on preventing and combating organised crime; Law no. 211/ 2004 on victim protection which transposes at the national level: Council Framework Decision of 15 March 2001 - 2001/220/JHA - on the standing of victims in criminal proceedings, Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, European Convention on the Compensation of Victims of Violent Crimes - Strasbourg, 24.XI.1983, and Recommendation No. R(85) 11 to the Member States on the position of the victim in the framework of criminal law and procedure.

3. Analysis of the Discourse in Legal and Policy Documents of National and International Organisations

The changes in the above-mentioned legal and institutional framework could be commented upon from the perspective of the extent to which they have contributed to perpetuating or, on the contrary, combating various forms of violence – in the broader sense of the term – that migrants could become subject to.

A good starting point in this respect might be related to legislation regulating the free movement of Romanian citizens across national borders. As numerous studies on illegal migration and trafficking have shown, one of the factors that favour vulnerability and victimisation, either by coercion and exploitation (in whatever form) by traffickers, or by legal status denial and threat of deportation by state authorities, is the lack of valid travel documents. Prior to 2002, many Romanian migrants risked heavy debt bondage in exchange for false travel visas or fell easy prey to migrant smugglers; even if they escaped trafficker-inflicted violence, they had to live under the constant threat of deportation. After 2002, the exemption of visa for a 90-days stay in the Schengen states gave a significant blow to the ‘prosperous business’ of migrant smuggling, yet it still allowed enough ground for illegal migration as at least part of the Romanian workers initially travelled abroad on a tourist visa and then assumed, at the end of the 90-days period, the status of illegal migrants. After 2007, Romania’s new status as an EU member state entailed further liberalisation of travel documents. According to Article 6 of the amended and completed Law no. 248/ 2005, “the valid identity card is a travel document which Romanian citizens may use when travelling to the EU member states”, of course, on condition that they stay there for no more than 90 days within 6 months. Otherwise, the simplification of the border-crossing procedures has not been the result of a change in the more general perspective on migration as, above all, a security issue. That may account for the fact that, starting from 2009, Romania had to introduce, as part of the process of implementation of the Schengen acquis, the biometric passport including digital imaging and fingerprint scan biometrics placed on a contactless chip for increased data access control and communications security (Article 7 of Law no. 248/ 2005 modified and completed by Government Ordinance 207/ 2008 implementing Council Regulation (EC) No. 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States). In Romania, the introduction of this new type of passport has met opposition on account of its impact on civil liberties, on the right to a private life and to freedom of religion and expression (as such passports were said to enclose, according to some voices of the Orthodox Church, elements announcing the Apocalypse). In other words, while they eliminated some of the premises of illegal migration (but not necessarily of trafficking which, more often than not, implies withholding or retention of identity documents), these changes in the legal framework regulating the movement of Romanian citizens across national borders has created, at the same time, premises for the infringement of other basic human rights. Therefore, it is still to be seen how the introduction of biometric passports will actually influence migration out-flows.

Since, for years, one of the most sensitive issues regarding migration from Romania was the large number of Romanian workers seeking, illegally, employment abroad, comments on the re-shaping of the legal and especially the

policy framework for labour migration should also be made in this report. Over the years, although failing to implement successful policies to counterbalance the effects of the push factors related to precarious socio-economic conditions in post-Communist Romania or at least to motivate Romanian migrants to return, the Romanian government has managed, at least, to create a significantly improved institutional context meant to inform potential and actual Romanian migrant workers on their duties and rights in the host countries so that the chances that they might fall victims of violence through discrimination and forced labour could be considerably minimised. Reference could be made in this respect to the aforementioned collaboration between the National Employment Agency and the EURES network, after Romania's becoming an EU member state (2007). Through its subordinated departments (*International Relations, Bilateral Agreements and Protection of Romanian Migrant Workers' Rights*), the agency provides information on and counselling with regard to:

- social security rights (in accordance with Regulation (EEC) No. 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, Council Regulation (EEC) No. 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No. 1408/71, and their amending acts),
- bilateral agreements still in force with Spain, Germany, France and Switzerland,
- job offers, employment procedures, rights and restrictions that Romanian migrant workers in the European Economic Area (EEA) must take into account when seeking employment across national borders.

The updated databases on EEA countries that have withdrawn all restrictions for Romanian migrant workers (chief among which Spain is worth mentioning as one of the favourite destinations of Romanian labour migration) as well as on the work sectors that they could have access to in the EEA countries that still maintain certain restrictions (14 countries, out of which 10 EU member states, Italy being among the most often targeted host countries) (http://eures.anofm.ro/anunturi/restrictii_impuse_romaniei2.html) are completed by an archive of documents containing relevant, detailed information on life and work in all the EEA countries (<http://www.muncainstrainatate.anofm.ro>).

Such an improved policy and institutional frame did prevent to a certain extent, through the information and assistance provided, the proliferation of illegal migration and of different forms of violence that migrant workers might be subject to, but could not entirely combat it for several reasons. For instance, the study of the list of work sectors which the 14 EEA countries that still maintain restrictions for the Romanian migrants have, nonetheless, opened for employment reveals an interest in either highly skilled or low-/unskilled labour force. In an attempt at making up for labour shortage in critical fields of their economy, these countries do show interest in highly qualified personnel in IT, electronics, logistics, design, management, research, banking and insurance, engineering (e.g. France and Italy), medicine (e.g. France, the UK, the Netherlands), as well as in governmental representatives, post-doctoral researchers, press agents, teachers (e.g. the UK and the Netherlands). However, most of the job offers still cover low-wage sectors, largely depending on casual and temporary labour, like agriculture, constructions, tourism and services (hotels, restaurants), food, textile and clothing industries, domestic work, nursing and care, professional cleaning (e.g. Austria, France, Germany, Italy, Luxemburg, the UK). (See <http://www.muncainstrainatate.anofm.ro>) This latter category of

employees (from among whom, except for the construction sector, most are likely to be women), by far best represented among the Romanian migrants, is more prone to exploitation through manipulation, psychological pressure, withholding of documents, or threats (van den Anker, 2006: 172); especially when the law of the host country requires that the employer must submit the application for the work permit on behalf of the migrant employee or that the work permit is conditioned by the existence of a work contract signed with a local employer (e.g. Austria, Belgium, France, the UK, the Netherlands), the migrant workers are more vulnerable to abuse as looking for another job may result in the termination of their work permit validity (van den Anker, 2006: 172). Moreover, such low/unskilled employees may become more easily victims of deceit, as previously recorded cases (not necessarily of Romanian migrants) have shown (see van den Anker, 2006: 172).

Last but not least, as it often happens with casual and temporary labour especially in the fields of agriculture, cleaning, domestic work and care, many Romanian migrants still prefer to seek employment on their own and accept to work without signing a solid work contract with their employer. That may be accounted for by the fact that, to develop on one of Laura Agustín's remarks (2005: 111) and as some of the interviews to be analysed will reveal, migrants set as their first priority the accumulation of as much money as possible in a short time. Their precarious financial status upon arrival in the host country (which sometimes makes it impossible for them to pay the costs implied by the work permit granting process), and their desire to make money within a short period of time, determine them to lower the value of their services by charging less, to give up their rights (social security, public health, etc.) and to put up with potential abuses on the part of their employers (who obviously benefit from such situations as they get the same services for a lower price, avoid expenses of social charges to be paid for the social protection of regularly employed workers, and evade the state taxation system). Therefore, efforts must still be made by both the sending (Romania) and the receiving countries to raise awareness among both such migrants (whose number is indeed constantly decreasing) and their employers of the consequences of such legally questionable 'agreements'. Eroding moral norms and values and cynical consumerism in consumer-driven societies where violence and abuse of people tend to be condoned or at least accepted as a 'fact of life', are not sufficiently challenged by authorities, public opinion, educators and the Church.

As far as trafficking is concerned, the Romanian legislation has gone through several amending stages. The main instruments of international legislation ratified by Romania and currently providing the framework for much of the Romanian legislation in the field are, as previously mentioned, the UN Convention against Transnational Organised Crime (adopted by the UN General Assembly in November 2000) and the Council of Europe Convention on Action against Trafficking in Human Beings (May 2005). The definition of trafficking as given in the UN Convention (2000), with its three essential elements – actions, means and purpose (i.e. exploitation) – has been adopted in all key domestic laws regulating trafficking-related actions and policies in Romania:

“Trafficking shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the 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 shall include, at a minimum, the exploitation

of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Part of the shortcomings of this document, which, as Anderson and Andrijasevic have pointed out, “is *not* a human rights instrument” but one “designed to facilitate cooperation between states to combat organised crime, (...) to strengthen border controls to prevent trafficking and smuggling” (2008: 136), were to some extent perpetuated by some of the EU-adopted legal instruments governing trafficking policies. For example, apart from laying stress only on some forms of trafficking (though indeed the most representative), namely forced labour and sexual exploitation, Council Framework Decision of 19 July 2002 on combating trafficking in human beings 2002/629/JHA seems to urge to action mainly in the sense of intercepting and prosecuting traffickers rather than of protecting the victims: out of the 11 articles of the convention, 5 refer to penalties, liability, sanctions and prosecution, whereas there is only 1 article devoted to the protection of and assistance to the victims. Moreover, Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, seems to fit in that category of legal documents that Anderson and Andrijasevic (2008: 136) mention as encouraging protection for victims of trafficking by offering them the possibility of temporarily or permanently remaining on the territory of the host country, while still maintaining victim protection in a dependence relation with their cooperation with the authorities (see article 14 Withdrawal – one of the situations in which the residence permit may be withdrawn is “when the victim ceases to cooperate”).

Significant changes in the framework of combating trafficking were brought about by the 2005 Council of Europe Convention on Action against Trafficking in Human Beings. According to van den Anker,

“This Convention has the most cutting-edge provisions to protect migrant workers’ rights. It builds on the impressive array of international standard setting in the area of human rights, the rights of migrant workers and labour rights. It provides a new standard for countries to work towards and is the only international law that provides trafficked people with guaranteed minimum standards of protection. These include at least thirty days in the country to receive support, including emergency, medical assistance and legal advice. Through the adoption of the Convention, the Council of Europe has demonstrated official recognition of the need for governments to provide protection and support to all trafficked people independent of the industry they work in.” (2006: 166-7)

Romania was one of the countries that ratified this Convention (Law 300/2006). Nonetheless, the further implementation of its provisions by means of amendments and modifications of the existing legal framework was not entirely without fault in the passage from a criminal approach to human trafficking to a human rights model (Yuko, 2009).

For instance, Chapter VII of the Romanian Penal Code encloses references to penalties for “Trafficking and vulnerable persons’ exploitation”. The very title of the chapter seems to foreground the stereotypical image of the victim of trafficking as innocent, reduced to a passive object of others’ actions. Though laying stress on actions and means of trafficking, articles 210 and 211 (“Trafficking in human beings” and “Trafficking in minors”), which take up part of the definition of trafficking as given in the UN and Council of Europe Conventions, reinforce the idea, next to the articles detailing penalties for different forms of

exploitation as ultimate purposes of trafficking – slavery (Art. 209), forced labour (Art. 212), beggary (Art. 214). To some extent, the assumption of inherent innocence without which the victim may not be a ‘victim’, excluding individual agency, is counterbalanced by two entries in accordance with the 2005 Council of Europe Convention, according to which “the consent of the victim of trafficking is irrelevant and does not justify exploitation.”

Interestingly, in this same chapter of the Romanian Penal Code, there is no article on trafficking for removal of organs, despite the fact that Art. 182 identifies it as a specific form of exploitation. That leaves unidentified the groups of victims of this particular form of trafficking, reducing them to mere dead bodies subjected to violence. Penalties for removal of organs are mentioned under the Chapter on “Offences against religious freedom and respect due to the dead” – Art. 384.

Moreover, Art. 213, on procuring sexual services, of the same chapter of the Romanian Penal Code, seemingly entangled in another debate directly related to trafficking in scholarly and political circles, signals the potential confusion between sex trafficking and prostitution:

“(1) Determination or facilitation of or benefiting from the practice of prostitution by one or more persons is punishable by imprisonment with a penalty from 2 to 7 years and the suspension of certain rights.

(2) In case that force or coercion are used to determine engaging in or carrying on with the practice of prostitution, the penalty applied will be imprisonment from 3 to 10 years and the suspension of certain rights.” (our translation)

The juxtaposition in the same law article of prostitution, as sex work based on the workers’ individual agency (see Butcher, 2003) or self-determination (see Scrambler and Scrambler, 1997), within the framework of which ‘pimps’/‘procurers’/‘boyfriends’/‘sugar daddies’ may appear as facilitating mediators (Paragraph 1), and sex trafficking, implying forced exploitation for sexual services by traffickers who are exclusively granted agency (Paragraph 2), may be illustrative of an abolitionist position according to which prostitution is “a gender crime”, “a form of sexual slavery”, hence trafficking appears as “intrinsically connected to prostitution.” (Anderson and Andrijasevic, 2008: 139) What such a legal provision as Art. 213, Paragraph 1 tends to ignore is that, as van den Anker emphasises, “as long as hardly anyone is living happy, sexually fulfilled lives, there will be a market for sexual services which, within patriarchal societies characterised by lack of opportunities for women [as the Romanian one still is – *our note*] as well as particular groups of men, will form a possible strategy for income generation based on various degrees of ‘free choice.’” (2006: 178) The law then becomes an instrument of representation of a ‘higher’ moral authority, that of the State, which, in order to maintain its border security, public order, civic freedom and moral standards, criminalises human trafficking and all the activities it considers linked to it like prostitution or illegal migration (even with the risk of raising further problems like: “how to respond to prostitution; the difficulty in identifying trafficking victims; and the fact that it does not contemplate holding the State responsible, either nationally or internationally” – Bruch, 2004 in Yuko, 2009: 25).

What is perhaps worth remarking in the context of the debate on sex work as a service sector versus prostitution as crime is that there is no focus on – hence no penalty for – those who cause the demand. Even in the legal instruments meant for the regulation of actions that fit into the pattern set by the UN Convention definition of trafficking that was adopted in the Romanian discourse, there is little

concern about the demand for sexual services in the much wider economic, social and political context, despite the recommendations included in the 2005 Council of Europe Convention on Action against Trafficking in Human Beings regarding measures to discourage the demand (Art. 6) and criminalisation of the use of services of a victim (Art. 19) (ratified by Law 300/2006). To be more specific, the amended and completed Law 678/2001 on preventing and combating trafficking in human beings identifies as a target group for prevention actions potential victims of trafficking, then focuses on the offences subsumed to trafficking from a criminal law perspective and on the steps to be taken in providing protection of and assistance to the victims in the larger context of (inter)national collaboration between institutions. The National Action Plan for the implementation of the National Strategy against Trafficking in Human Beings between 2006-2010 (Government Ordinance no. 1720/2006) preserves the broader lines of the ratified Law 300/2006, but the proposed measures must have been moderately successful in reducing the demand as they aimed at the “instruction of military and civil staff participating in peacekeeping operations and other international actions taking place outside the national borders as well as of the foreign military and civil staff on the Romanian territory” (our translation). No reference is made to the responsibility and the role of the civil society in general – whether in the home country (internal traffic) or in the host country (external traffic) – in identifying the demand as one of the root causes of trafficking or to campaigns drawing the attention upon the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.

A reorientation towards a human rights approach to human trafficking as more explicitly promoted by the 2005 Council of Europe Convention is, nonetheless, obvious in many of the recently adopted domestic instruments of the anti-trafficking legal and policy framework. That can be seen not only in the decriminalisation of the victim but also in the concern with putting forth a more detailed set of measures for the protection of the victims and their reintegration in the society. Drawing on several international documents like the “National Referral Mechanism – Joining efforts to protect the rights of trafficked persons. A Practical Handbook” by OSCE – ODIHR (2004), “The IOM Handbook on Direct Assistance for Victims of Trafficking” (IOM, Geneva, 2007), “World Health Organisation – Ethical and Safety Recommendations for Interviewing Trafficked Women” (Geneva, 2003), as well as on the above mentioned Conventions, the National Identification and Referral Mechanism for Victims of Trafficking (published in the *Official Gazette of Romania*, part I, no. 849/ 17 December 2008) completes the provisions of the amended and completed Law 678/2005 on combating human trafficking in full awareness of Romania’s status as both a sending and a transit country and respecting the victims’ fundamental rights. Similarly, the institution providing the frame for the implementation of anti-trafficking policies, promoting inter-institutional governmental/non-governmental collaboration, i.e. the National Agency Against Trafficking in Persons, encourages a more complex view on the phenomenon from a criminal, but also psychological, sociological, and human rights perspective (<http://anip.mai.gov.ro/ro/legislatie/sumar.php>).

Through its combination of the two types of approaches to human trafficking, Romanian legislation might be said to fit into the pattern described by Elizabeth Ivana Yuko:

“If a State adopts a human rights model to provide assistance and protection for trafficked persons alongside a criminal model using direct law, it has the option of making the human rights provisions contingent upon the trafficked persons’

participation in the criminal investigations. In fact, the adoption of the human rights model in those cases may be exclusively for the purpose of providing a witness to aid in the prosecution of traffickers.” (2009: 35-6)

That can be most obviously seen especially with regard to cases in which trafficking and migration phenomena overlap, as referred to in Art. 39 of Law 678 completed by Government Ordinances 79/2005 and 194/2002, republished in 2008 with its subsequent amendments and completions. Thus, victims of trafficking transiting the Romanian territory are granted a reflection period of 90 days to recover and escape the influence of the perpetrators of the offenses so that they can make a decision on whether to cooperate with the authorities; throughout and after this period, the victims may be granted a temporary residence permit but, as Article 130 of Government Ordinance 194/2002, Paragraph 1 stipulates, this permit is granted upon the request of a prosecutor or of the court of law if:

- “(a) the victims show a clear intention of cooperating with the Romanian authorities to facilitate the identification and prosecution of the perpetrators participating in the acts they have been victims of;
- (b) they have severed all relations with those suspected of the acts they have been victims of;
- (c) granting of the residence permit serves the purposes of the judicial proceedings in development;
- (d) the victims’ stay in Romania does not pose any threat to public policy and national security.” (*Official Gazette of Romania*, part I, no. 421/ 05.06.2008)

Moreover, the residence permit may be withdrawn if, among other things, “the victim ceases to cooperate” (Paragraph 3, d) (in accordance with the provisions of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, Art. 14). (Another interesting detail in this respect might be that, in the case of internally-trafficked victims, the psychological assistance the victims benefit from is ensured by the probation services attached to the law courts. – Chapter C: Legal framework of the Government Ordinance regarding the approval of the National Identification and Referral Mechanism for Victims of Trafficking, published in the *Official Gazette of Romania*, part I, no. 849/ 17 December 2008.)

To conclude, reference should also be made to the inter-institutional cooperation mediated by the National Agency Against Trafficking in Persons, bringing together state institutions and NGOs. The National Identification and Referral Mechanism for Victims of Trafficking makes due mention of the contribution of NGOs in the process of providing the victims of trafficking proper protection and assistance, whether they be branches of international organisations like *IOM*, *USAID*, *OSCE*, *Save the Children*, *Caritas* or 100% Romanian organisations like *Reaching Out* from Pitești³, *Alternative sociale* (*Social Alternatives*) from Iași (<http://www.alternativesociale.ro/>), NGOs activating in the domain of women’s and children’s rights. Their endeavours to encourage the issuing of new anti-trafficking legislation and to promote effective policies of

³ *Reaching Out* was the first Romanian NGO to start work with trafficked persons in 1998, organising an on-going training programme for the social workers in their shelter for trafficked women and children. In general, before 2001, the Romanian NGOs operated as a network of organisations and shelters (in Bucharest, Timișoara, Pitești, Constanța), which could provide trafficked persons with basic assistance and support, on the basis of the financial support coming mainly from the Soros Foundation and not from the funding designated for anti-trafficking activities in the region.

traffic prevention and reintegration of the victims, in collaboration with the Romanian ministries (Ministry of the Interior, Ministry of Labour, Social Solidarity and Family, Ministry of Education and Research, etc.), local police, magistrates, embassies and consulates, have recently achieved more visibility and public recognition when the *Reader's Digest* Magazine awarded the title of the 2010 European Citizen to Iana Matei, the coordinator of *Reaching Out*, for having dedicated her life to saving victims of trafficking (420 in 11 years of activity) and to offering them a new chance to a normal life. Hopefully, this collaboration between institutions will further provide the policy basis for successfully preventing and combating trafficking in human beings in Romania, raising state awareness of the dangers of condoning and conflating illegality, trafficking and migration, and public awareness of the importance of gender equality, non-discrimination and respect for human rights in the larger social, political, and economic context, casting new light on the real causes of trafficking and fighting back dehumanization and insensitivity to violence-inflicted human suffering.

4. Analysis of Personal Narratives

For the purposes of this report, the Romanian team carried out several interviews in order to record individual opinions and experiences of or related to violence, gender, migration, intercultural interactions that could be better made sense of in the larger social and political context through in-depth analysis along the main lines of the oral history methodology. The interviews fall into two categories:

- on the one hand, contact was made with representatives of different institutions in the Galați area, involved, at different levels, in the implementation of policies concerning trafficking in human beings, as a manifestation of extreme (inter)cultural and/or gender-related violence;
- on the other hand, interest was taken in personal narratives of victims of violence – mostly women, but, as further analysis will show, not only – in which individual ways of making sense of a past, influenced by the overlapping of certain social and cultural patterns, may be ultimately revealed to sustain or run counter “the cultural discourses constructing [the] experience” of violence as a multifaceted phenomenon (Sangster in Perks and Thomson, 1998: 88).

Placed at the eastern Romanian and EU border, the city of Galați lies in a strategic area requiring redoubled efforts for the monitoring of migration and trafficking within national territory and across national borders. That is why local institutions were, above all, targeted for discussion on policy implementation and personal experiences with regard to the multiple relations between violence, gender, power and culture. Consequently, four interviews and a focus group were organised in the local institutional framework sustained by state organisations like the local branches of the National Agency Against Trafficking in Persons and of the Romanian Border Police, as well as the General Directorate for Social Assistance and Child Protection of the Galați County Council with its shelter for victims of trafficking. All attempts at contacting NGOs were unfortunately unsuccessful, partly because, in the Galați area, there are no more NGOs to provide assistance and protection to victims of trafficking, partly because communicational deficiencies prevented the collaboration with other NGO representatives in Romania from materialising in interviews.

As for the victims of violence, access was gained – either through informal networks or courtesy of the institutions contacted – to persons whose experiences are relevant for different circumstances in which violence manifests in (inter)cultural and/or gender interactions. Thus, four interviews recorded the actual lived experiences of women who migrated to Italy (3) and Spain (1) to seek employment as illegal domestic workers, while two others focused on the traumatising experiences of victims of trafficking exploited for sex (a young girl barely of age) and for beggary (an ethnic minority boy with disabilities).

4.1. Professionals

Individual interviews: Dana – legal adviser with the General Directorate for Social Assistance and Child Protection of the Galați County Council; Mihaela – psychologist with the General Directorate for Social Assistance and Child Protection of the Galați County Council; Radu – psychologist with the Galați Regional Centre of the National Agency Against Trafficking in Persons; Mitrița – instructor at the shelter for children of the General Directorate for Social Assistance and Child Protection of the Galați County Council.

Focus group: Dana and Mirela on behalf of the General Directorate for Social Assistance and Child Protection of the Galați County Council; Radu on behalf of the Galați Regional Centre of the National Agency Against Trafficking in Persons; Cătălin on behalf of the Romanian Border Police (Galați).

Conceptual framework of the human trafficking debate (trafficking; victim)

Despite the gender-neutral approach that the legal framework proposes, it is obvious that, in practice, trafficking in human beings is perceived as highly gender-marked. That could be seen from the responses of the interviewees when invited to give a personal definition of trafficking. The first aspect that all of them mentioned was trafficking for sexual exploitation, the victims of which are (without any exception, at least in their experience) women. Once the purpose identified, stress was laid on the means – threat, force, deceit, coercion, abduction – and on the distinction made, in the context of the Romanian criminal law, between trafficking in women and trafficking in minors. Unavoidably, in this context, issues were raised in relation to the trafficking versus prostitution debate, on the one hand, and to the “innocent” victim stereotype, on the other.

“D: Human trafficking is ... implies, in most of the cases, a person’s exploitation for various purposes: sex, labour, etc....Yet, people at large confuse sexual exploitation with prostitution. And we have had a problem with this. We always have. Everyone says: ‘What?! This is what they wanted in the first place! Why are you going on about victims of trafficking, they pose as victims...’ It’s true, maybe some really wanted to sell sex, knew what it was all about and went for it. On the other hand, however, the legislation stipulates that: even if she knew and wanted to, with the underage, for example, it is traffic anyway. It is difficult. People don’t distinguish between prostitution and trafficking for sexual exploitation. [...] Generally, she leaves because she knows there is something in it for her. [...] And then she knows that she leaves to earn some money, and... ends up in a different situation.”

The wide range of real-life situations that have to be categorised by means of conceptual labels makes indeed the definition of the *victim* prone to vacillations between the “innocent” versus “guilty” (therefore, not a victim) perspective: undeniably, when the victimiser is “the mother, the step mother or the brother... [...] a relative she trusts or a friend who has stood by her side for half a year

offering her gifts, flowers and paying her compliments, [...] her future husband...” (Mirela), there is no doubt about the victim’s being innocent and ignorant of what goes on beyond deceitful appearances; these are the ‘classical’ victim types. Yet, the problematic cases appear when, as Dana, Radu and Cătălin remarked, the girls/women are very much aware of the sexual component of the work they are promised and, even if they do not exactly love the idea, they simply accept it: “That happens especially when the victims are recruited from among former prostitutes,” as Radu pointed out. But, of course, they all agreed that “‘knowing beforehand’ that someone will sell sex may be a poor measure of potential exploitation and unhappiness, because it is difficult, if not impossible, to know what working conditions will *feel* like in future jobs (a problem not unique to sexual occupations)” (Agustín, 2005: 102). This is, however, the point where imposing harsh moral value judgments from a patriarchal perspective does violence to the ‘guilty’ victim, condemning her to “effacement through representation itself” (Butler, 2006: 147) and adding to the precariousness of her life, while, at the same time, by virtue of the understanding of prostitution as degrading, denying those who actually are sex workers the right to claiming protection as representatives of a service sector, which, in the long run, “leaves room for extremes of exploitation, including trafficking” (Anderson and Andrijasevic, 2008: 139).

The situation seems to be further complicated by legally defining victims of trafficking in terms of age, as all underage girls are considered victims of trafficking, irrespective of their individual agency. The example given by Cătălin of a case he worked on concerning a priest’s underage daughter seems to fit, in practice, into the pattern of the sex worker whose actions are entirely driven by human desire, independence and personality type rather than that of the trafficked victim: she left home every morning, claiming to go to school, but she actually spent the day selling sex by the highway entering the town; then, she returned home as if from school; she was discovered by her parents only when the school informed them she had not attended the classes and risked dropping out. Similar cases were signalled by Mitrița who claimed that some of the girls who were brought in the shelter by the police as victims of external trafficking (from Spain, Italy or Norway) would not consider themselves as victims; instead, they kept in touch with their procurers to whom they revealed the address of the shelter, though that was against the shelter regulations, and whom they joined after leaving the shelter. Even if Mitrița has a hard time accepting that “people’s conceptions of ‘risk’ and ‘morality’ vary” (Agustín, 2005: 104) and tends to become excessively critical, adopting a rigidly moralising stance, her examples sustain the ambiguity that seems to characterise the very discourse of the professionals in whose terms the status of such minors remains ‘trapped’ between the provisions of the anti-trafficking law and the varied array of situations that they have faced in practice, either in internal or external trafficking.

One possible solution would be, according to these professionals, the decriminalization or even legalisation of prostitution. That would not mean that trafficking would disappear, but that would allow sex work to be managed instead of ignored, through a clearer distinction between procuring, prostitution and trafficking. Procurers and organised crime figures, who regularly treat their workers on subhuman levels, would no longer control women. Legalising prostitution would prevent underground prostitution and extreme violence in unhealthy working conditions on the black market. When women decide to exchange money for sex, it is a personal choice open to them, even if dictated by difficult situations, which deserves more respect and an approach to occupational

health and safety standards that would protect employees in sex workplaces. Thus, encounters could happen within controlled environments that bring about safety for both the customers and the sex workers. Prostitutes would no longer be strong-armed by pimps or organised crime rings. Underage prostitution would be curtailed. There would also be health-safety improvements through better HIV/AIDS prevention. Furthermore, leaving space for sex workers' agency would counter the moral panic that currently entails negative, stigmatising reactions to prostitution (sometimes even in the law court, determining former prostitutes who have become victims of trafficking to be reluctant to participate in the criminal proceedings for fear of being looked down upon and thus re-victimised).

Besides drawing attention upon the abusive overlapping in public discourse of 'prostitution' and 'trafficking', the professionals' narratives have also revealed other aspects causing the gender-based stereotyping that the current approach to trafficking seems to be based upon – female 'innocent' and passive victim/vs./ male active victimiser – to become problematic. One of them would be turning a blind eye on the victimisation of men especially through trafficking for forced labour. Asked to express their opinion on why such male victims have remained less visible (despite the fact that, statistically, trafficking in men for forced labour in agriculture or constructions was better represented in 2008, for instance, than trafficking of women for sexual exploitation - <http://anitp.mai.gov.ro/ro/trafic/rapoarte.php>), they provided answers that would foreground either the stereotype of the 'proud man' denying objectification or the more pragmatic reason of a lack of alternatives in a poor society:

"D: In general, men don't look for help, don't ask for help. [...] Maybe they are prouder, I don't know... They are prouder and, secondly, I think, there is not much we can offer them... [...] So, they have been there, they have been exploited for labour, they haven't been paid, they have been provided extremely poor accommodation; now, they're back home, and what can we offer them? Either a training course or a job of 5 million lei a month [125 euro – our note]. As a man, if you have a family, this really doesn't help at all."

This was actually only one of the points in discussion when the larger social and economic context has been brought up in direct relation with trafficking in its various manifestations.

A second problematic aspect was related to another facet of the subjectification of women in the framework of trafficking, namely women as procurers/traffickers: Radu tended to interpret that in terms of the Stockholm syndrome:

"R: Some victims become traffickers themselves: firstly because they fall for their traffickers, adhere to their principles, and they find it natural to do to others what others have done to them. This presupposes that they are already breaking all norms of living and all moral codes. So they no longer have any sense of such norms. This happens to many victims because... they felt protected while exploited... The trafficker would tell them "see, I am taking care of you. If it weren't for me, you would have nothing, you know that. (...) It's no use going to the police, because I have money and you will solve nothing." They are discouraged, too, and so they accept their situation to a certain extent, and, in time, they come to consider it normal. Obviously, in time, if they remain in the network, they become recruiters themselves. Overcoming the Stockholm syndrome is very difficult, especially if mentalities are already changed. But it may

also be a defence mechanism that, in time, becomes an adaptation mechanism, and then a norm of living.”⁴

For Cătălin, the presence of women among procurers found an explanation similar to that provided by Laura Agustín: “women, as well as men, use other people as necessary” to make the best deal in the sex industry (2005: 103). For Mirela, on the other hand, that was rather accounted for by victims’ dehumanization at the insensitive, stubbornly traditional misrepresentation and marginalisation by a society that violently refuses them the chance to represent themselves and to reintegrate:

“M: This happens because society rejects them. I’m talking about the underage, the pupils; if people find out she was trafficked, kidnapped, that she worked for money, everybody talks, everybody tries to use her... that makes it very hard for her. She’d rather drop out of school than... With adults things are the same: if they are not reintegrated, helped to find a job and be welcome there, it’s very hard, and they go back to scratch... [...] And then it’s hard to change anything.”

How the interviewees described their work

Both in some of the interviews and in the focus group, discussion went about two major trends in trafficking determined by the changes in demand on the national territory (internal trafficking) or beyond national borders (external trafficking). The countries below are the destinations mentioned by the interviewees based on their knowledge of official statistics and personal experience with cases of trafficking:

- Italy, Spain, Belgium, the Netherlands, the UK, Ireland, Germany, Greece or France for sexual exploitation of women,
- Cyprus and Greece for forced labour in agriculture and constructions (men),
- France and Austria for beggary.

Hence, reference was made to different aspects in the organisation of the institutions the interviewees are employed by as well as in their collaboration with other local, national and international institutions for the implementation of policies for preventing and combating human trafficking.

Thus, as an employee of the Romanian Border Police, Cătălin chose to particularly refer to the experience exchanges and training courses organised in collaboration with similar institutions from other EU states, as part of the programme for improved action in controlling movement across national borders (trafficking included). He mentioned training visits to Romania of Spanish and Dutch delegations, but ultimately assessed the results of their meetings as being rather moderate, partly because of the specificity of the national cases and legal frameworks that the participants were familiar with, partly because of the differences in the social and economic context in which trafficking-related policies were implemented.

The other interviewees focused mainly on their relations with other local and national institutions and on the way in which successful or deficient

⁴ Radu’s comment seems to be in line with Hannah Arendt’s remark: “It is certainly nothing new that those who are being violated dream of violence, that those who are oppressed ‘dream at least once a day of setting’ themselves up in the oppressor’s place, that those who are poor dream of the possessions of the rich, that the persecuted dream, of exchanging ‘the role of the quarry for that of the hunter’, and the last of the kingdom where ‘the last shall be first, and the first last.’” (1969, <http://www.nybooks.com/articles/11395>)

communication with them has influenced the processes of referral, protection of and assistance to the victims.

a) GO and NGO collaboration was generally assessed as fruitful at the national level. Radu made special mention of the long-lasting collaboration with IOM for victim protection and repatriation in cases of external trafficking, as well as for training courses for the staff of the GO/NGO institutions acting in the domain of human trafficking. At the local level, however, both Radu and Dana were very disappointed to remark that, for the moment, there is no NGO specialised in human trafficking in the Galați area. Past collaborations with the Galați branches of such NGOs as *The Family Foundation* and *Save the Children* were highly looked upon, but, unfortunately, they have not been renewed. Dana explained that there were indeed recent attempts at reviving cooperation with NGOs in Galați but none of them has been successful so far.

b) From among the state institutions that the law mentions as participating, at different stages, in combating and preventing human trafficking, several were made reference to in the interviewees' narratives.

1) In discussing the process of identification and referral of the victims, on the one hand, and the initiation of judicial proceedings, according to the Romanian criminal law, on the other, comments were made on the involvement of police departments, of the prosecutor's office, as well as on the evolution of trials in the court of law. Critical opinions were expressed with regard to the sometimes faulty actions of the police in providing protection to the victims who agreed to appear as witnesses in their traffickers' trials and who are, more often than not, threatened and pursued by their victimisers' friends and/or relatives, or by other members of the trafficking network:

"Mirela: We were told on the phone to go with one of the victims at the District Agency for Employment to enrol her for a course. We signed the papers and completed the enrolment procedure; when we came out of the office, I was with the girl and a man from the entourage of the guy who was in prison passed us by. He knew about the girl, he knew that N. had been with ... and kept on following us. Do you know what it feels to call D. or R. to come by car and take us, because the police tell you they have no car available? Or to hear a policeman whom I stopped say 'I cannot help you, I'm not on duty yet'? And I walked fast with that desperate girl all trembling with fear while the guy was following us. [...] He stayed for months watching in front of the shelter. [...] The girl was scared because, when they took her to the Garboavele forest [a forest near Galați - our note] and beat her up, he was there too. They didn't work together; he too wanted to buy her. Her guy said no. And then this other guy took out a gun, a knife, whatever he had at hand, and said 'I'll cut you both', because he wanted to take her. And now, knowing that her guy was in prison, he probably said to himself: 'Well, this girl is out of 'job', why shouldn't I put her to work?'"

If, nonetheless, such cases could still be taxed as rather isolated, unanimous criticism was directed against the slow-moving 'machine' of the justice system: trials last too long, and lawyers can be corrupted by traffickers to put more pressure on the victims and to thwart the prosecutor's endeavours of gathering valid evidence to convict the traffickers:

"C: With them [other European anti-trafficking systems], trials are short. [...] With us, a trial for human trafficking lasts from a few months to... a year or two.

D: And that is why there are problems with the victim. You keep her, let's say, in a shelter. You must offer her protection... The law says she should be protected for 10 days, 3 months or during the trial proceedings. But if it's during the trial proceedings, and she is in danger, it's very difficult and complicated to keep her

locked up and protected for so long. And during this time, some of them withdraw the complaint ...”

2) Once the victim is referred to the shelter, she enters a programme of assistance with multiple components – medical, psychological, educational, legal and professional (Standard 6, Government Ordinance 1238/ 10.10.2007 on national standards for specialised services of assistance to and protection of victims of trafficking, published in the *Official Gazette of Romania*, Part I, no. 715/ 23.X.2007) – that requires collaboration with different representatives of other state institutions like the Ministry of Health, the Ministry of Education, the Ministry of Labour, etc. Invited to speak about the problems they have come across in the organisation of assistance programmes for victims and, implicitly, in their collaboration with the aforementioned institutions, the interviewees mentioned the following:

- regarding the medical assistance that the victims should benefit from upon their entering the shelter: Dana and Mihaela explained that the lack of details concerning the involvement of the Ministry of Health, still heavily bureaucratic structures in the assistance programme often deprived them of the power to act in favour of the victim and rendered the process of integration of the victim in the shelter a time-consuming and deficient one:

“D: when the victim enters a shelter, you must have an urgent initial medical evaluation, you must see if she needs special medical treatment... then you must provide her with medical investigations so that she may stay in the community. Or, all this, especially if the victim is an adult, cannot be done free of charge... and with us, it takes a long time... to draw up the papers, to have them approved, to... I can't take her in the shelter without the investigation bulletins. [...] Well, most [of the victims] are unemployed and, being unemployed... [they have no medical insurance – our note] [...] Or if they are from the countryside, they have the guaranteed minimum income. So it takes a long time to get all sorts of certificates. [...] If I come from the police, that she is a victim of trafficking and that I need to take her in the shelter, they should ease my access to these minimal investigations that she needs to have!”

Such shortcomings of inter-institutional communication are then solved with great difficulty, sometimes by case managers appealing to informal networks of personal acquaintances among local physicians.

- regarding the psychological counselling that traumatised victims should benefit from in the shelter: Both Dana and Radu emphasised the crucial importance of proper psychological (sometimes even psychiatric) help for victims to work through their trauma, yet they also acknowledged the shortage of such professionals in the state system. There are psychologists hired by the shelter but, more often than not, they are not specifically trained to work with severely traumatised victims. They can at most help the victims by offering them emotional support and a secure environment, but they are not trained as psychotherapists: “R: In state institutions, there are no full-time therapists; the NGOs have got some therapists who volunteered. [...] Specialists in psychotherapy, really good ones, are very few, and out of them, even fewer work for the General Directorate of Social Assistance and Child Protection.” (As a matter of fact, leaving aside the legal advisers and the psychologists, shortage of highly-trained staff seems to be a more general problem. When hired, many employees who come in direct contact with the victims in the shelter have

no specialisation as social workers, and getting specialised in a higher education environment is, at least for the Galați area, very difficult and expensive, and definitely impossible to ensure from the Directorate's budget, as required by Standard 21 of Government Ordinance 1238/10.10.2007 on national standards for specialised services of assistance to and protection of victims of trafficking. In time, lack of enough training in working with victims of trafficking may cause communication problems between the victims and the instructors coordinating their daily activities in the shelter, as it happened in Mitrița's case.)

- regarding the educational and professional rehabilitation of the victims: All interviewees made due mention of the good collaboration they had over the years with the District School Inspectorate and the District Agency for Employment. As many victims of trafficking are undereducated (6 to 10 grades), they are given the opportunity to continue their studies in local secondary schools or as part of the special programme *The Second Chance*. Moreover, they are enrolled for training courses with a view to finding a job. If problems then arise preventing the successful social reintegration of the victims, they are related to the larger social and economic context severely affected by economic crisis, shortage of job offers, and poor payment:

"D: You offer them a course, or you offer them a job paid with what? With the minimum salary, that would be it, according to the education they have. Few were found to have a bacalaureate or to have attended school for 12 years and then, it's only normal that for 8 or 10 school years, you have nothing but this to offer them. And (...) they say 'what? give me 5 million lei per month [125 euro - our note]? Maybe this time I am lucky, maybe I can really make some money.' [...] The big problem is that you don't really have much to offer them in Romania's social and economic context."

"C: Very few stay (employed), very few come out of that environment, forget about what they have been through and start a new life. Very few. Most of them end up where they started because the salary or the money they get seems very little... [...] And then they say [...] but I earned much more there."

The economic impulse determines then the victims to look for alternatives, including migration or sex work, with the hope of making large amounts of money in a short period of time and thus often exposing themselves to violence and potential exploitation.

How they commented on actions aimed at preventing human trafficking

Though they admitted throughout the discussions that there are different forms of trafficking that should be taken into account, by virtue of the stereotypical feminisation of trafficking and abusively restrictive identification of its purpose as mostly sexual exploitation, the interviewees presented the profile of the victims in the following terms: good looking young girls or women, mostly aged 15 to 25, with precarious education (more often than not, 8 to 10 schooling years or less), coming from dysfunctional and poor families, especially from the countryside area (but also from poor town areas), motivated mostly by the economic impulse and the desire to become independent, to escape hard life conditions as well as violent treatment by their own parents/relatives. A variation on this profile which all interviewees insisted upon referred to a different social and family background and applied mainly to young victims from towns: apart from the relationship with their parents that could be marked by tension or lack of communication, the desire to be independent, to experience glamour, to be

admired could turn many young girls to easy prey for traffickers and their recruiters who entice them into joining trafficking networks by a show of luxury and easy life:

“D: Because of the very conflict they had with their parents, they were attracted to it by other colleagues; there’s also another thing ... the clothes: “Look what gorgeous clothes she’s got!”... or there were cars outside waiting for them, and they were thrilled. It’s not that they didn’t have money, as the parents provided the minimum or even more, but there was always something more they were attracted to and then, automatically... There were cases when friends recruited one another and left abroad... [...] the temptation was big. [...] I believe that the social and family background somehow go hand in hand.”

Therefore, most of the prevention campaigns have addressed mainly these two categories of potential victims of trafficking for sexual exploitation, i.e. very vulnerable young girls from the countryside and from poor families in towns, who “wish for quick and easy personal achievement, which, in their terms, means having money” (Mirela), and young girls from towns, who choose wrong models in life, thus exposing themselves to violence and exploitation.

Consequently, many of the local anti-trafficking campaigns were organised with the help of the District School Inspectorate, and of primary/secondary-school principals and teachers. Based on direct contact with the pupils, such campaigns relied extensively on the use of visual materials like documentary films (e.g. the MTV EXIT production featuring Angelina Jolie, *Inhuman Traffic*), all international productions, and Romanian campaign video clips that the pupils were invited to comment upon. As some of the interviewees (Dana and Radu) pointed out, the free discussions with the pupils have been fruitful in two distinct ways: on the one hand, they drew the pupils’ attention to the dangers of trafficking, making them more cautious about apparently tempting offers (as Dana put it, “Ignorance leads to mistakes.”); on the other hand, they helped the campaign organisers discover cases of trafficking which were brought to their attention by the victims’ school colleagues.

What both Dana and Radu deplored was the poor collaboration with the parents who should be more involved in prevention campaigns as the more they know, the more they could protect their children from falling prey to traffickers, especially when they decided to go abroad.

Extending the scope of discussion to a more general, national level, the interviews also brought to the fore the collaboration with the media. Reactions were somewhat different, depending on the interviewees’ personal experiences in this respect. Thus, whereas Cătălin considered that “any reference to trafficking in the media is good”, Dana and Mirela were rather sceptical about media – especially about written press – representations of trafficking. They did not deny that media could help, but they remarked that they could also cause a lot of harm:

“D: They look especially for the sensational. I told them about the problems we faced, but they would ask me “A case, give us a case!” And when I told them a few things about one, you cannot imagine what came out the next day when I saw the article and... now I am quite cautious in my collaboration with the written press. OK, for a prevention campaign, it’s totally different, but with regard to assistance, I really avoid them. [...] In my opinion, nowadays, what the media wants is the sensational that sells the newspapers. So they are less interested in really helping the victims or those who work in this domain. They could help, but they must want to and follow it through.”

Prevention campaigns in the media, particularly on television and on the internet (which Radu thinks have the most significant impact on the public at large), are beneficial and sustaining in that they draw attention upon the phenomenon of trafficking:

“R: One can never know what may function as a cover for human trafficking: a job offer, a promise, it is difficult... especially when people are driven by lack of money, daily difficulties. They tend to fall easy prey to traffickers. [...] People must be informed. You cannot stop them from seeking employment abroad, can you? You cannot tell them: ‘Don’t go, because you’ll become a victim of trafficking.’ [...] But they must be informed, they must know what is like to be trafficked, what traffic is, where they can go when they consider themselves victims or when they find out about someone who is.”

Next to the meetings with parents and children, TV anti-trafficking campaigns could be effective especially if based less on films and more on short, shocking video clips, as Radu suggested, provided that TV channels would be more willing to collaborate and broadcast them. For now, as all interviewees bitterly remarked, there have been very few initiatives on behalf of the media to organise anti-trafficking campaigns (they only collaborated if invited by different GOs/NGOs); otherwise, private TV channels, in particular, limited their information campaigns to news reports on traffickers being arrested by the police, and to occasional talk-shows:

“R: The effect... I don’t know if it is the targeted one. They [i.e. news reports] focus on the sensational in such news. I don’t think this kind of thing has such an important role in prevention. It is simply the sensational that is presented on TV: ‘A trafficked girl has been ...’ Sometimes they show blurred photos or images so that the girl’s face cannot be recognized or some shots of a police action. These are, I guess, rather meant to advertise police activities... They are ok as far as the public perception of state institutions is concerned, but they don’t have a role in prevention, I don’t think they influence it in any way.”

The same ‘race’ for the sensational and the new could be said to account – this time, with positive effects – for the recent ‘wave’ of TV debates, special reports, and talk-shows on trafficking: *Reader Digest’s* naming Iana Matei, President of the *Reaching Out* NGO from Pitești, the 2010 European Citizen, has occasioned an entire series of TV programmes devoted to trafficking and to the contribution of GOs and NGOs in preventing and combating it (again, mainly on the national television channels – TVR1, TVR2 – and on some news channels – Realitatea TV, Antena 3). It is still to be seen to what extent TV channels and other Romanian media will show interest and get actively involved in the process of raising public awareness to the dangers of trafficking in the near future.

How they described the state of the sheltered persons

The most comprehensive testimony in this respect was Radu’s. In his interview, he detailed the various symptoms of the trauma that the victims suffered from and that psychological counselling, in particular, had to address in order to help the victims work through. He made reference to both physical problems (bleeding, lack of appetite, head aches, vaginal pain, different diseases) as well as to specific posttraumatic stress symptoms like nightmares, frightening thoughts, bad memories and trauma re-experiencing triggered by words, objects or situations from the victims’ everyday life, especially during the trial proceedings. Sharing his observations on the victims’ behaviour during the individual and/or group counselling sessions, he pointed out that psychologists could initially help the victims recover, at least to some extent, their emotional balance, but that

working through the trauma always turns out a long-lasting, difficult, and sometimes not entirely successful process. Anyway, though initially reluctant to speak about their experiences, therefore to undergo narrative therapy (Kennedy and Wilson, 2002: 129-133), victims are encouraged “simply to speak”, “to express [their] feelings” without being blamed, judged, or made to feel guilty.

What Radu also signalled as one of the manifestations of the posttraumatic stress of the victims was hyperarousal, which caused the victims to feel tense, to have violent outbursts, to have a hard time coping with authority and with the daily tasks they were assigned in the shelter community. Similarly, in describing her experiences, duties and responsibilities in the shelter, Mitrița made reference to the victims’ prominent manifestations of self-defence and their (initial) lack of trust. Yet, Radu showed empathy for the victims, ascribing such behavioural patterns to the difficulty in adjusting to a new environment, away from the loved ones (especially if they had a good relationship with the family), which, nonetheless, with efforts on the psychologists’/social workers’ part, could be transformed into a holding or facilitating one where the victims could regain their emotional availability, their sense of trust and safety (Lam, 2002). On the other hand, lacking the necessary background to understand the victims’ psychosomatic and behavioural problems, in time, Mitrița came to judge the victims as guilty for denying the patterns of their dysfunctional families, while actually tending to repeat them (violence, drinking, selling sex for insignificant sums of money). Finally, Dana’s interview presented a more moderate reaction to the victims’ lack of trust: she understood, up to a certain point, the victims’ reactions and their tendency to lie, but she could not refrain from expressing a certain discontent and disappointment with such behaviour having negative consequences on the planning of the rehabilitation process by the case managers.

How they related to the sheltered persons emotionally and how they experienced their work

Definitely, most of the interviewees did not remain indifferent to the victims traumatising experiences. Dana and Mihaela stated that, in their opinion, showing the victims sympathy and understanding is the key to helping them work through their trauma; they admitted that there had been cases in which the extreme violence that the victims had suffered had aroused their empathy and their desire to stir the community to take action to prevent any further abuses. Yet, they also admitted, as previously mentioned, that they felt hurt and disappointed – apart from the shortcomings in the implementation of the trafficking-related policies in the present-day social and economic context – by the victims’ lies and occasional attempts at manipulating them. That caused them to develop, in time, a sense of distance and to refrain from attaching too much to the victims. Radu also seemed to have come half way between empathy and professional detachment.

At the opposite pole, however, Mitrița evolved from certain closeness and sympathy with the victims to harsh criticism (which ultimately caused her to give up working in the shelter). Partly blaming it on the lack of resources of a system that allows mixing children and adolescents in the same shelter, irrespective of their age, disability, background and problems, a system that suffers from a shortage of psychologists and of specialised personnel that causes the current employees to accept work overload, she came to feel traumatised by the negative attitude on the part of the victims in the shelter, by their resorting to violence even, by their claiming of rights without assuming responsibility and limits, by their lack of interest in proper education. Therefore, she ended up confronted with a feeling

of distrust and lack of hope in respect to the results and effectiveness of the strategies and methods used.

Apart from Mitrița, however, the general feeling of the interviewed professionals was neither one of optimism, nor one of resignation: "R: We do our best. If, out of a hundred cases, one is eventually solved, we could say we've still achieved something." The general disappointment comes from the fact that the implemented trafficking-related policies have turned out still faulty, that the alternatives offered to the victims in the reintegration process are still unattractive and insufficient for them to make a decent leaving, and that mentalities are still far from having achieved the empathic unsettlement necessary for effective victim reintegration and prevention of trafficking.

4.2. Victims of Intercultural Violence

4.2.1. Migrant Domestic Workers

Four of the interviews taken by the Romanian team were aimed at recording the experiences of a category of migrant women whose position in policy frameworks seems to have remained an unclear and, hence, marginal one, whether reference is made to labour migration or trafficking policies. That is why, the Romanian team hoped to use these domestic workers and carers' personal narratives to empower them by self-representation, by giving them the opportunity to define their own identity in terms that would cast new light on their gendered consciousness as shaped in a larger social and ideological context in which they were subject to various forms of violence.

Three of the interviewed women, all in their mid/late 40s, migrated to Italy at different moments in Romania's difficult transition to a free market economy and a new status as an EU member state. Thus, Gettina (47), an unemployed widow living on a small widow pension, chose to migrate to Italy in 2002; Georgia (45), a former union leader with an unemployed husband, gave up her job on condition that her husband were employed and left to earn a living in Italy in 2004; Aura (45), a masseuse who lost her job and lived on the small wages of her husband working as a mini-bus driver, migrated to the same country of destination in 2007. A fourth, much younger interviewee, Mihaela, migrated in Spain in 2004 but in slightly different circumstances: daughter of a couple who had lost their jobs, she had to raise money to pay for her studies at the university, hence she decided to temporarily interrupt her education and migrated to earn the money she needed to complete her education upon her return home.

For all these three women, the economic impulse was definitely the basic motivation for migration, but, depending on each case, further personal circumstances determined the decision to leave: for instance, as a widow, Gettina hoped not only to make money by seeking employment in Italy, but also to conveniently marry, so as to settle permanently there, in an environment that would have ensured her emotional and financial stability; in her turn, the much younger Mihaela considered migration as a travel that might help her gain, besides money, more life experience by bringing her in direct contact with people living in a different cultural space.

The expectations of these women as migrants and the fact that they accepted jobs as domestic workers were somehow related to their educational background: the three migrants to Italy were semi-skilled (secondary education in Georgia's case, and elementary and vocational education in Aura's) or unskilled

workers (only elementary education in Gettina's case), therefore, they sought employment in a domain in which they were most likely to easily find a job because of the high demand on the Italian (black) market. In this respect, Mihaela, the migrant to Spain, was an exception: despite her (even if incomplete) higher education, she accepted whatever temporary employment she could have access to just to earn, within a short period of time, the money she needed to pay for her studies at home.

The circumstances in which they migrated indicate further similarities between these four women's stories: they all embarked on temporary (circular) migration favoured by informal networks that could facilitate their access to jobs on condition they assumed the status of illegal migrants. Nonetheless, what they thus chose to ignore was that, by working illegally for the sake of a more or less significant financial gain within a short period of time, they exposed themselves to different forms of abuse and violence by their employers/hosts and/or, in some cases, by migrant co-nationals. Two of these women were actually lucky to have been supported by their family members and friends: Mihaela migrated to Spain with the help of an uncle who had permanently settled there and who kindly offered her support throughout the periods when she could not find a job, while Aura left with a close friend and former witness at her wedding who found her a job as a domestic worker and carer for an elderly person, replacing another Romanian woman who returned home after the legal three-month stay in Italy. Georgia, on the other hand, was a victim of debt bondage and/or emotional blackmail that caused all the more harm since the victimisers were either former friends or her own relatives (her brother and his mistress):

"Georgia: When you first arrive in Italy, you are blackmailed by Romanians ... they take you to an employer and, after the Italians accept you, they ask for money for having procured the job... [...] But first I was 'done' by my own brother's mistress. [...] So, family ties mean nothing in Italy. You cannot leave Romania thinking 'I'm going to Italy because I have a relative there.' No. [...] I remember I had a friend, former companion from the co-op and secondary-school colleague; she took me to a job and, after I was accepted, she asked me for 150 euros, because that's how things go in Italy. They sell jobs. Romanians sell jobs to Romanians."

Gettina's situation was somewhat different: having met an Italian citizen travelling to Romania for business, she thought she might take advantage of the situation in order to migrate legally to Italy, either to get involved in a more serious relationship that might end up in marriage and her permanent settling abroad or at least to work illegally to make some good money before returning home. Her migration to Italy in legal terms depended, therefore, entirely on the Italian citizen, who sent her a letter of invitation in which he vouched for her and committed himself to providing her with accommodation (according to the legislation in force). That put her in a position of dependency through tied accommodation, psychological pressure, restriction of movement and of freedom of choice. Under the circumstances, conditions gradually deteriorated until she realised that the Italian 'boyfriend' was more interested in her as a domestic worker whom he had the opportunity to exploit without payment rather than as a potential marital match:

"Gettina: So you have to clean, to cook, to do the laundry and to iron it within just a few hours, to take care of the house ... and then he starts, of course, 'Look, you haven't cleaned that properly... See this cooking machine, it's made of stainless steel and you haven't scrubbed it well enough, you see...'"

The pressure the relationship with this Italian put on her, next to the constant fear induced by the awareness of her (illegal) status, enhanced by a traumatising experience upon her first attempt to travel to Italy⁵, determined her to keep a low profile and to accept whatever domestic job she could find (on the black market, of course) within the limits allowed by the strict control exercised by the Italian 'boyfriend'. This is how she expressed her feelings of isolation, of being 'kept behind a barrier':

"Gettina: You feel alone, marginalised; no one even looks at you. If you dare speak, 'cause you only wanted to ask about a bus stop or something like that, they turn their back on you and simply walk off. (...) You feel a stranger, an outsider, an outcast. I could have never imagined that."

Despite her leaving under different circumstances and at a different moment (Romania had become an EU member state), Aura was also a victim of deceit, this time by one of her Italian employers, who would not keep his initial promise regarding the working and payment terms. For instance, though the initial agreement included the payment by the employer of the trips from and back to Romania after three months, upon her arrival, Aura was not reimbursed the costs of the trip to the destination, and, before her departure, she had to do extra-work, clearing the employer's garden, a job she was not actually supposed to do, but which she had no other choice than to accept in order to cover her trip expenses:

"Aura: I spoke with the old woman's son a month before leaving, at least to get the money I needed to pay the man who was to take me to Napoli by car, as the coach was very far, 40 something kilometres away; I spoke with him to clean his whole garden [...] I dug and cleaned his whole garden, I worked for three days in the sun at 37 degrees [...] I worked for three days and then I was sick for a whole week, I thought I would die. [...] And he didn't pay me. He had promised to give me 100 euros [...] He only gave me 50 after I begged and told him that, if he didn't give me the money, I would curse him, and he was afraid of God and gave me the 50 euros..."

Though such aggravating circumstances affected only some of the interviewees, they were all subject to exploitation. In all four cases, one could easily identify the combination of at least two indicators of forced work (according to ILO): restriction of movement and confinement, and withholding of wages or excessive wage reduction. (See van den Anker, 2006: 167) Their precarious condition as illegal domestic workers and/or carers resulted partly from their exploitation in connection to "a) hours and pay and b) health and safety" (van den Anker, 2006: 174). Though she did not get the chance to work for too long mostly because of her tense relationship with her Italian 'boyfriend', Gettina acquired enough experience as an underpaid domestic worker who had to put up, besides exploitation through hard work, with psychological pressure increased by the discriminatory attitude of some of her employers:

⁵ When she first travelled to Italy, despite her having the letter of invitation signed by an Italian citizen, she was denied entrance on the Italian territory by the airport border police on account of her not having the 100 euros a day required by the law for each of the 90 days of stay that she was legally entitled to. Despite the Italian boyfriend's intervention, she was sent back to Romania on the next plane in the company of a group of Romanian illegal migrants and criminals taken up by the police. That experience had a tremendous effect on her sense of identity as a woman and a citizen, and, when the economic impulse determined her to try to migrate again a few months later, once in Italy, she constantly lived with the fear of being identified as an illegal migrant, subject to police harassment and ultimately to deportation.

“Gettina: They simply humiliate you. They won’t allow you to have an opinion and to express it. They make you think you’re of absolutely no use there. You just do what you’re told, if you’ve got there, for very little money: 5 euros an hour. [...] Or, if you have just cleaned the floors and left the room to go to the next one, behind you, the mistress of the house or whoever it is you are working for, takes a bag of flour and throws it down. That’s how it’s done, dear, sheer humiliation! ‘See, you haven’t cleaned here, come back and do it! Come on!’ And she doesn’t even pay you. So, lots of humiliating!”

Having stayed longer in Italy, Georgia and Aura had to put up, for longer periods of time, with extreme humiliation and exploitation. Perhaps more than Gettina’s, their cases reveal to what extent, for their Italian employers, “they contribute[d] to maintain as a norm the caring arrangements functioning on a daily basis, closely bound spatially and temporarily”, solving thus “the problem of double burden” for the Italian women and reinforcing patriarchal gender norms for the Italian men, while remaining “strongly embedded in and sustaining of the ideal of family care for the elderly” (Morokvasic, 2007: 71-72). Despite the interval of time separating their arrival in Italy – 2004 in Georgia’s case and 2007 in Aura’s – and the changes in status of the Romanian migrants (as EU citizens after 2007), their employers’ attitude did not seem to have evolved too much. Thus, Georgia’s determination to earn the money necessary for the renovation of her house in Romania and for the education of her son made her accept very harsh working and living conditions, and often abusive treatment: severely disabled old people, requesting round-the-clock care, washing the laundry, cooking (herself being underfed), ironing (sometimes for the relatives too, with no supplementary payment):

“Georgia: I remember working for an old woman; she didn’t sleep all night and wouldn’t let me sleep either; she woke me up every half an hour. I had to please her or she screamed so loud that the entire building heard her and I had to get up. That woman died after I took care of her for two months, and then her daughter took me to her aunt. This one was even worse. [...] She ate cucumbers and peeled them and she gave me their skin to eat saying that we, Romanians, eat like pigs, that we eat off the floor. [...] For us, as *badante*, it is easier if we find an old woman to work for, not a family. If you work for the old woman and her daughter lives in the same building, you get to clean the mother’s flat and the daughter’s for the same pay. They take advantage of you. There was a Romanian woman from Moldova, they gave her 300 euros a month. She accepted, the poor woman [...] she would clean upstairs too, where the daughter lived in the villa, she would do the cleaning for the old woman as well... cleaning, washing, ironing... so Italians take advantage of us. [...] Yes, they take advantage of us a lot.”

Aura was subject to similarly abusive treatment on the part of some of her employers whom she could please only by watching permanently over their elderly relatives, even if that included giving up the off-hours that the Italian law entitled her to (she was allowed to leave the house only for three hours on Sunday):

“Interviewer: But once you got there, would you stay with the old woman the whole time, or would you go out every now and then, besides doing the shopping?

Aura: No. No, I wasn’t allowed to, I only had three hours on Sunday, because her children wouldn’t change her. [...]

Interviewer: So practically you were there 24 hours a day.

Aura: Night and day, no breaks: at eight in the morning I would make *collazione*, give her milk and *biscotatti*, then I would give her the medicines, at nine more medicines, at ten I would give her a massage... because she also had a doctor and a masseuse come from the hospital. I needn’t have, but I wanted to help her, I didn’t have to give her a massage, but I felt sorry for her, so I massaged her legs

to recover [...] after the massage, I would change her again and get her dressed in the clothes she used to wear inside the house, I would iron as many as 40-50 gowns a day plus bed linen. I used to change the beds three or four times a day because she drank liquids all day and when she wetted her nappies, she wetted the bed too. I changed the beds, so I had to use the washing machine three times a day, then, of course, to iron the linen because her children said that their mother had worked hard, she had been a forewoman and she had to have all her nightgowns and clothes well ironed. [...] To conclude, Romanians are slaves; you work, it doesn't matter that you have just cleaned up, in ten minutes it's all the same again."

The mental pressure that the awareness of their illegal status exerted, the multiple dependence on the employers and the desperate need of money to provide for their families at home determined these women to accept abusive situations, attitudes and underpayment, to the point that, in a top of illegal domestic workers, Romanian illegal domestic workers and carers would range as the worst paid:

"Georgia: So Italians behave discriminately... they consider Romanians poor, so they pay us less. There are girls, women from other countries, who ask for more, want a higher pay: Nigerians, Filipinas... They won't work for 500 or 600 euros. They don't negotiate. So when I started, I went to the church to look for a job and they berated me because Romanian women would work for 500 euros and bang the market. They didn't negotiate. Good for them!" (Georgia worked, most of the times, for 500-650 euros, unlike other migrant carers, of different nationality, who worked for 900 euros; only rarely did she earn 1000 euros a month. - our note)

Aura agreed to the same precarious payment, i.e. 680 euros a month in 2007, apart from putting up with former payment agreements broken by the employers. That is why, to earn the amount of money she needed to help support her family, she worked extra-hours for her employers and/or their neighbours either doing their laundry and ironing it, or doing their hair, giving them a manicure/pedicure treatment or a massage. By 2007, the legal and policy framework addressing the problems of Romanian migrant workers (as EU citizens) had already changed and Aura admitted that there were indeed legal alternatives, i.e. submitting an application to the local authorities for a work permit and a valid work contract. But the expenses were too significant (220 euros for the medical insurance) and the employers wouldn't cover them; hence, she preferred to charge less and to endure pressure, humiliation and exploitation for the three months of her legal stay period so that, upon her return home, she could bring enough money to indeed make a difference for her family.⁶

Though prior to Romania's accession to the EU, Mihaela's experience as an illegal worker in Spain was less harsh than that of her co-nationals in Italy. A student for whom "status preservation at home is (...) contingent to declassing in [the] country of work" (Morokvasic, 2007: 72), she had to accept different jobs in other 'feminised' work sectors like the service sector, before becoming a domestic worker: initially employed for 7 months as a bartender in a disco where she was treated fairly by the employer and got good payment, she had to 'bend'

⁶ These women quantify their income not in comparison with the salaries earned by other EU/non-EU domestic workers and carers, but with those one could earn in Romania: "Georgia: So you get sick and mad there, but you sacrifice yourself for money. What can you do in Romania? For example, when I stayed at this old woman for three years, I earned 1000 euros a month, meaning 36 million lei. I immediately made a comparison and then I didn't consider working hard or staying in all Sundays or Thursdays is too much. 1000 euros is 36 million lei; in Romania this is a manager's salary. [...] at 45, I accept to take care of an old woman or man. Because I don't pay the rent, the electricity, or the food. I live there, eat there, and send the money home. This is the difference."

to the patriarchal gender hierarchy and give up the job at the request of her boyfriend who did not agree with her working there. Lacking alternatives and trying to avoid long periods of unemployment, she became a domestic worker and carer; as such, she also experienced humiliation: "After all, you are an immigrant there, no matter what studies you have, no matter how smart you are or how much knowledge you have acquired; everyone looks down on you... because you're a foreigner in their country..." Yet, unlike the other interviewees, she would not accept extreme humiliation and daily - often xenophobic - offences; there is a limit of self-respect which she would not have infringed: "If someone else had been in my shoes, they would have been content with having a job; but I have never thought that enough; I preferred to have a job, to earn less, but be respected, not trampled on as she [the lady of the house] wanted."

Actually, for all their illegal status, it is respect (both the others' and self-respect) that these women crave (Mihaela and Georgia made it very clear in their narratives). Some of their employers, fortunately, showed indeed kind feelings to them, ranging from a fair business relationship to close friendship and (almost) integration in the employer's family. The difference - all the interviewees remarked - is made by the employers' education as well as their social and intellectual background. (The worst are the middle-class women and the upper-class non-working housewives for whom the presence of a domestic worker is meant to perpetuate a tradition of household work and a way of maintaining a social status, respectively.) The manager for whom Gettina worked for a few days trusted her and appreciated her work; he would have employed her legally on a contract basis, if she hadn't had to give up the job because of lack of transportation to that workplace. One of the old women whom Georgia took care of and her entire family offered her the respect she deserved and even got to love her as if she were a member of the family. In her turn, Georgia became so attached to them that she wouldn't even leave the old woman's side to go to her father's funeral in Romania; she stayed with her 'new' family for three years without returning to Romania and, when the old woman died, she was so afflicted that she had a nervous breakdown. Mihaela also remained in very good terms with some of her employers who treated her well and trusted her; in time, they became her friends and they kept in touch by email after Mihaela stopped working for them. Finally, Aura also had some pleasant experiences in her relationship with her employers: unlike their brother who adopted an unfair, exploitative attitude, the daughters of the old woman whom she worked for had at least a civil attitude and ultimately showed their gratitude to Aura by offering her gifts. (Were these gifts, perhaps, a way of putting at ease a guilty conscience as they were perfectly aware of their brother's and mother's having violently constrained Aura to isolation, humiliation and deceit?) All in all, as Aura put it: "Romanians go to Italy to make a better life. Some women are lucky and find employment with some kind-hearted people who wouldn't have them work like slaves." But, reading between the lines of Aura's story, some are not that lucky.

Irrespective of their employers' attitude, these women enjoyed, in fact, few civil rights. "Caught in a no-rights zone", as Laura Agustín puts it (2005: 112), they were denied, among other things, direct access to the health system. Suffering from severe headaches, Gettina could barely get a few pills of a mild painkiller from a chemist who felt sorry for her. When she had her nervous background, it is true that Georgia was hospitalised, but the costs for her medical treatment were covered from her kind employers' medical insurance; similarly, in other situations in which she needed medical treatment, she completely depended on the good-will of the employers in the name of whom she could get recipes. The worst case was Aura's: victim of a domestic accident, she was

consulted by a doctor and was given painkillers, but she was not hospitalised, despite the severity of her injury, for not having medical insurance:

“Aura: The old woman’s daughter had had a bath and I slipped and fell on my back and I stayed wrapped up in a bed sheet for a month, I had two vertebrae dislocated; because the kitchen floor was lower than the bathroom floor, I fell, I slipped on the floor tiles for approximately three metres and I couldn’t get up for half an hour, since nobody had seen me fall; until the old woman’s children came home, I lay down there, all stiff. I tried and crawled towards the bed and I tied a bed sheet around my waist to be able to change and dress her.

Interviewer: Didn’t they bring you a doctor?

Aura: They brought me a doctor, and the old woman’s sister brought me two *Pustin*, some very good pills, to take my pain away. Because I am a masseuse, I knew my body and I knew what I needed, so I tied a bed sheet tight around my waist, like a sort of cast, and I used oils and took pills, ointments and, after a month, they were scared that nobody would come to stay with the old woman and they were worried because they didn’t know what to do with her; as I was barely able to move, and so was the old woman, you realise it was a big problem.”

(As a matter of fact, for all three domestic workers/carers from Italy, declining health was one of the main reasons of the return to Romania.)

Under the circumstances, in the absence of state support to diminish their vulnerability, to protect their rights and to provide them with at least minimum medical care, these women could rely – if well informed and lucky – on help from NGOs like Caritas. Georgia gave numerous details of her relationship with sister Rita on whom she relied for recommendation to potential employers and help when she could no longer bear extreme exploitation:

“Georgia: They wouldn’t pay me. For the last month, they wanted to give me only 300 euros instead of 500. I was lucky to have this nun, so I told her ‘Sister Rita, help me get out of here’ ... I couldn’t sleep at night, I was under a lot of stress, I cried, I never cried in my entire life as much as I cried when I worked for this old woman. [...] At a certain moment, I told Sister Rita, that nun who was helping me, ‘Sister Rita, send me some food’. [...] And she did. She would buy me oil, tinned food, pastry; this nun also brought me pizza. She helped a lot of Romanian women, but some let her down.”

As the above quotation from Georgia’s narrative indicates, some of these women blamed it for the humiliating treatment they had to endure on other categories of migrants and on the negative representation, based on abusive generalisation, of the Romanian migrants in the media. Probably because of her personal history as well⁷, Georgia repeatedly stigmatised Romanian sex workers in Italy and those Romanian women who, having sought empowerment through migration, wrongly understood freedom from family-related responsibility getting involved with other men: “So Italians consider us stupid, they think we don’t know anything, but who shames us? Romanians wrongdoers and prostitutes. They [the Italians – our note] mistreated us, especially the women, because of the prostitutes.” Both Georgia and Mihaela made explicit reference to the negative consequences of sensationalist, crime-oriented representations of Romanian migrants in the media of the host country, this contributing to boosting xenophobic attitudes towards them:

⁷ Georgia’s brother who migrated to Italy forgot about his wife and daughter in Romania and found a mistress for whom he broke all ties with his sister; upon her return, Georgia would find out that her husband betrayed her and wasted the money she sent him from Italy.

“Georgia: When that Mailat did the murder... when he killed the Italian lady Giovanna Reggiani, it was on TV for a week. And if something happened... there were our Romanian *badante*... one of them, from Bacău, killed the old woman with the slipper. The sister of the old woman with whom I stayed came and said: ‘Georgia, did you see what that Romanian, your conational did?’, ‘Did you see what that one did?’, so I felt very badly and I reproached her, I said ‘eh, signora, these ones didn’t come for money, they came to do harm.’ She couldn’t understand.”

Such comments and public announcements on shop windows like “No dogs and Romanians allowed” (in Castellón) would make both women define their identity by contrast with other categories of Romanian migrants whom they found guilty of using violence against and/or causing violence to be used against their own conationals, thus maintaining the perspective on migration as essentially a security issue.

Ultimately, it is worth pointing out that one of the cases – Georgia’s – turned out to be particularly relevant for another defining feature of the Romanian woman migrant’s identity: motherhood. In her narrative, Georgia described herself as a good mother who, “in going abroad to work, [is] selflessly making sacrifices for her [child]” (Morokvasic, 2007: 74). However, upon her return after 5 years, she realised that the financial support she had provided from a distance could not prevent the “disruption of the family” (Ogaya, 2004 in Morokvasic, 2007: 74). Whether she just tried thus to legitimise her absence and to come to terms with “the contradiction of the ‘good mother provider’ and the ‘bad absent mother’” (Morokvasic, 2007: 75), or she honestly believed that she had been a ‘better mother’, though from a distance, Georgia got to find out the hard way that she had lost important years in her son’s life and that she irreversibly appeared as a bad mother in his eyes. Apart from her husband’s betrayal, she was mostly hurt by her son’s transformation into a hard-rock fan and a Satanist whom she tried – like a good mother – to discipline and bring back on the ‘right’ track by force, if necessary. Her failure, epitomised in her son’s message, left on the desktop of the computer, “Dear mum, I hate you”, brought her on the verge of despair and she even tried to commit suicide.

4.2.2. Victims of Trafficking

4.2.2.1 “Maria”’s Story

“Maria” seems to fit perfectly the ‘classical victim profile’: an underage girl from a dysfunctional family in the countryside, with little education and even less promises for a better future. She lost both her parents at the age of 2. Victim of poverty and rejection by her own relatives, who would have her and her brother institutionalised in an orphanage, she was, however, brought up, together with her brother, by their grand-mother, who thus became for them “both mother and father”. She spoke little of her unhappy childhood. A poor girl without much guidance throughout the early years of her education, she ended up attending a vocational school in her small town. She described her 10 schooling years as “good”, though her being the only girl among boys in her class definitely placed her, again, in a marginal position. She said she felt protected by her teachers, but, otherwise, she had little to say about her relationship with her classmates whom she obviously could not easily mingle with. She tried to provide a reasonable explanation for her isolation – “Boys will always be boys, a little crazy” – but she mentioned no friend or close relationship either with a schoolmate or with some of her neighbours/relatives, etc.

Increased isolation followed when her grand-mother died and she moved to Galați together with her brother. Her relatives in Galați and the community at large continued to turn a blind eye on her suffering and, through that, contributed to her re-victimisation. She was not encouraged or supported to continue her education, no one tried to re-create the “holding environment” (Lam, 2002: 157) that was destroyed by her grand-mother’s death. The only one with whom she could still share a feeling of confidence and in whom she could fully trust was her brother. To avoid assuming responsibility for her, her relatives tried, despite her still tender age (15-16), to help her find a job to support herself and to help her brother cover the expenses of the flat they shared and which they had inherited from their parents. She had to put aside all dreams about continuing her education and had to go to work so that she “wouldn’t have to live on her brother’s back”.

Once again, the blindness of the social environment to her condition increased her vulnerability, as she was given a job (without a legal work contract, though) in a cleaning company that provided services to one of the largest industrial enterprises in the city. Fortunately, her vulnerability as an underage illegal worker was not taken advantage of either by her employers or by her work colleagues: she got satisfactory payment and she felt protected by the women in whose company she worked.

Repeated marginalisation and the traumatising experience of rejection by her own relatives caused her to develop fear of being wounded again and to further isolate herself. She didn’t know many people in her neighbourhood and she didn’t have friends. Yet, her desire to connect and to establish new social bonds determined her to eventually befriend one of her acquaintances from work, a security guard named George. He introduced her to his cousin, Florin, a taxi-driver, who became her boyfriend. Florin managed to gain her trust (and her brother’s, with whom he occasionally spoke on the phone) throughout a four-month relationship.

The troubles started after her brother migrated to Italy to find work and Florin, who had also been in Italy for a while, returned home. What happened next was not far from the ‘classical trafficking scenario’. Young, pretty, naïve, with little education and experience about relationships, deprived of her brother’s protection, she became an easy prey for her deceitful boyfriend: “He stayed in Italy for a while and, when he came back, he looked for me. I didn’t know that he went around with girls like that. When he came back to Romania, he started threatening me, that if I didn’t work for him as a prostitute, he would...” He put increasing pressure on her. He found out her address and started blackmailing her, forcing her to give him her entire salary, plus the money she could steal from her brother, hoping he would leave her alone. She tried to escape harassment by changing workplaces and got another job as an unskilled worker for a building company. But luck was not on her side: she happened to work on a building site in the area where Florin lived, so he found her again and ended up taking her by force to his place. He didn’t traffic her across national borders, but he used physical violence and threats (of harming her brother and even killing her) to determine her to sell sex on the highway entering Galați. To avoid raising her brother’s suspicions as to her consent to going with him, Florin forced her to lie and to convince her brother that they actually had marriage plans. “Maria” and other victims of the same trafficker were strictly monitored by other members of the trafficking network (“There was a boy who watched every car that stopped by. You couldn’t even speak on the phone.”) and threatened that if they did not

earn at least 6 million lei (150 euros) a day, they would be taken back to the flat and beaten all up.

The police seized her and several other underage victims after 3-4 days, but that was time enough for emotional, physical (maybe sexual?) abuse to traumatise her to the point of shattering all trace of trust in the others and especially in the public authority. Her brief description of her reaction when she was first taken into custody by the police betrayed her utter distrust and fear of re-victimisation and reprisal by the traffickers in case the policemen had been corrupted (as she suspected). She only felt safe and accepted to become a witness in the trial when taken to the police headquarters in Galați and then transferred to the shelter for underage victims of trafficking. She claimed she felt alright in the shelter, but she obviously craved for return to what she perceived as the safest and most appropriate space for affective communication, i.e. her parents' flat. Brutally robbed of her innocence, she largely lost her emotional availability; hence she failed to truly integrate in the group of girls with whom she shared the space in the shelter. However, she appreciated life in the shelter especially because she felt it provided her with what she needed most: safety ("Even if we go out, the instructor stays with us.").

As a matter of fact, "safety" is a key issue in her narrative. After she was taken to the shelter and the investigations and judicial proceedings were initiated by the police and the prosecutor's office, the traffickers tried to put increasing pressure both on her and her brother by making constant threats (which is why her brother was allowed to see her only after a month). Owing to the counselling she benefited from in the shelter, she claimed to have overcome her trauma on account of the fact that she used to have nightmares, but that, in time, they stopped tormenting her. Actually, she got entangled in contradictions: she stated that she felt up to walking alone in the street again, after Florin's being arrested, but, on the other hand, she admitted she still turned her head in a fright when she saw yellow taxi cars passing by. Similar contradictions surfaced out of the repeated references she made to the potential reprisal attempts that she and her brother might be subject to during and after Florin's trial: "He's still got some friends in town, his family is here, so you might imagine, after the trial, I might still be followed a day or two."

While telling her story, she often sank in silence and would not speak freely about what she felt or would not give details of the events that marked her. As "revelations may come from silences and omissions" (Sangster, 1998: 90), her feeble voice (which her looking constantly down or away made it difficult to hear), her silences, her reluctance to speak (the interviewer being compelled to keep asking questions), her narrative lacking coherence might be interpreted as discursive markers of a trauma that she hasn't managed to work through. The message she ultimately addresses other girls of her own age - "do not allow yourselves to be deceived by boys" - reveals her trapped in a still ambiguous actantial position (van Alphen, 1999: 28): her brother's, the psychologists' and the social workers' understanding have partly convinced her that she was the victim of a deceitful trafficker, but, on the other hand, under the pressure of an insensitive patriarchal social environment which continues to condemn her to isolation (even her uncle and aunt reject her and deny her contact with her cousin of the same age) and seems incapable of empathic support, she still blames herself for having fallen prey to Florin's schemes. Repeated victimisation has brought her to the point of being almost incapable to conceive her future in a clear, consistent narrative framework: she cannot think of her future as an independent woman or of a potential romantic relationship with a man and she

clings to the only one with whom she could re-build an intersubjective space, her brother. So she will follow her brother in Italy to put a safe distance between herself and her victimisers and to help him make the money necessary to pay all the debts accumulated at home. It is actually the same desire to help her brother that determines her to wish to continue her studies but not because she hoped to become something better in life but because that could help her find some semi-skilled work: "Just going to school, not staying home wasting time. It's better to learn one thing or another than stay home and do nothing. You either work or you don't."

Nonetheless, the trauma of gender is set again in direct relationship with cultural and social blindness, preventing "Maria" from working through it: this time, she remains trapped between the provisions of the legal system and social exclusion. To be able to leave the country, she needs a valid identity card which she cannot obtain unless someone declares at the police that she dwells at a certain official address. The address of her brother's flat is not accepted because, until the payment of all debts, her brother cannot be officially entrusted the inheritance and property acts by the local court of law; so "Maria" must find, in the absence of any benevolent relative, someone else to help her.

4.2.2.2 "Costel"'s Story

Though, more often than not, trafficking is associated in public discourse mainly with sexual exploitation, cases like "Costel's" draw attention to another form of exploitation that is legally enclosed in the definition of trafficking but that the public at large would usually turn a blind eye on, namely trafficking for beggary. Like "Maria", "Costel" seems to be, since his early childhood, a victim of rejection, marginalisation and social exclusion. Abandoned until the age of 5 in a centre for child protection, then taken home (rather for the benefit of his monthly state allowance than for the sake of his reintegration in the family), this Roma boy was denied by his own family the love and empathy in a facilitating environment that he needed for his emotional development. The suspicion that he might be an illegitimate child caused great tension between "Costel" and his father: in his narrative, "Costel" painfully evoked moments when his father sent him away to sleep in some relatives' house, when he sent him to work not to school, or when he refused him equal treatment with his brothers: "You know, they [the parents] bought the others [his brothers] clothes, they took care of them, but they didn't care much about me. My mother was still my mother, so-so, but my father was extremely mean. There is nothing else to say."

Next to poverty, marginalisation and persecution by his own family and by his social environment prevented him from getting proper access to education. A child with special needs because of his slight mental retard and small physical disabilities (he has hearing problems), not only was he denied specialised help in school, but, more often than not, he was prevented from going to school altogether, being sent to work for the neighbours and earn money to support himself and the family. His position as a social outcast was reinforced by his special needs, lack of parental support and proper education (he cannot write or count well), as well as by the cruel, discriminatory attitude of his colleagues who used to beat him and mock at him.

An unfortunate work accident further aggravated his condition: while he helped unload a wagon late in the evening, he got his leg broken. He was operated on, but he never properly recovered and he still limps.

“Costel” bitterly experienced re-traumatisation through rejection when, following his elder brother’s example⁸, he wanted to get married as well. That would have given him a certain status as a man in the community, and a new family he hoped to love him. Unfortunately, the parents of the girl he courted did not agree with the marriage, condemning him thus, once again, to social and cultural marginalisation.

Under the circumstances, “Costel” saw migration as his only chance to regaining his self-esteem and to making a life on his own. The perfect pretext was provided by the wedding of a cousin in Spain. So he planned to join the group of relatives who were to attend the wedding. While hitchhiking to get to them, he was picked up by a man whom he thought kind and willing to help, but who tricked him into telling him about his situation. “Costel”’s obvious vulnerability was then deceitfully exploited by this trafficker who promised to help him get the identity card he needed to leave the country: “I thought I would do something good in life, but I didn’t and I messed up. I thought that this man was honest [...] but if nobody told me, taught me, gave me good advice, how was I to know?” Manipulated by this man to work at the renovation of his in-laws’ house and tricked into believing that he really meant good when he accompanied him to get his birth certificate from his parents, “Costel” really saw him as a friend, paying little attention to the verbal agreement they reached: “He promised to pay me for part of my work and I should agree to give him the rest in Austria, for a while, and then we would split it fifty-fifty.”

They travelled to Austria by car without raising any suspicion of the border police. But once they got there, “Costel” was subject to several forms of coercion, some of which van den Anker (2006: 172) ranges among the most frequently used: withholding/retention of identification documents, debt bondage and threats, combined with accommodation tied to the ‘employer’. His ID was confiscated and he had no access to his earnings. He finally understood what kind of man he had been deceived by when he saw that he was not the only one forced to accept such an exploitative situation and that his ‘friend’ actually had more connections with organised crime involving trafficking in women for sexual exploitation and drug dealing:

“Costel: He had been there before. He knew all the tricks. [...] He had younger and older girls working as prostitutes in Germany, Italy, Spain. He was a big shot who knew all the tricks. [...] He had many business systems. [...] And nobody could find a shred of proof against him. [...] So his father-in-law had 20 and he had 20 [young people trafficked for beggary - our note]. He would let them sleep downstairs on his ground floor, and so did his son-in-law. [...] And when it came to putting aside a lot of money, they sneaked in and took all my money. I wasn’t allowed to keep the money. [...] They would search my pockets, to see if I had hidden any.”

Recruited on the basis of a false promise, that he would thus be provided with the identification documents his family had denied him at home, and that he would also make some good money, “Costel” admitted eventually to himself and then, when he was seized, to the police, to have been a victim of deceit and exploitation:

“Costel: The police asked me: ‘Did you want to go or did he make you go for the papers?’ I said: ‘Dear sir, pardon me, but I did it for the papers; I wouldn’t have done it otherwise.’ Because I thought that if I had these documents, they would be of help in life. Because I had no documents. You see, an ID is expensive in

⁸ According to the customs of the Roma community, “Costel’s” brother got engaged at the age of 15.

Romania, 5-6 hundred thousand (15-18 euros) is only the trip to town, 1 million, 1 million something (250 euros) is to get the ID done.”

His attempts at setting things straight with the man he had considered his friend for a long time ended up in threats of violence and ID destruction: “I begged in Austria for two months to beg and I earned him good money, but after I did that, he threatened to burn my papers.” So, when he could no longer bear humiliation and exploitation, “Costel” ran away and went to the airport hoping to find a way to return to Romania. This is how he was arrested by the Austrian Border Police, taken for a while to a centre for trafficked persons and then sent by plane to Romania.

Like “Maria”, “Costel” seemed to vacillate between self-representation as a victim and a certain sense of guilt; but unlike “Maria”, he found explicitly the ‘root of evil’ in his initial victimisation by his own family. His narrative was repeatedly interrupted by flashbacks of different violent episodes of his relationship with his father or of the pain caused by being excluded from the holding environment of the family. As a matter of fact, the only clear point in an otherwise incoherent narrative framework in which he mixed past, present and future was that he wanted to become independent and to prove his worth to his family, especially to his father; the problem was that he couldn’t make up his mind how he could do that: as an unqualified worker in a storehouse, a ‘manele’ singer, a television series actor, a TV show host, a lawyer, or a mere carpenter in a woodworking workshop affiliated to the Pentecostal Church in his native village.

“Costel’s” narrative ultimately displays an interesting combination of fear of reprisal by the trafficker and/or his collaborators and the desire to recreate a holding environment in which he could enjoy trust, confidence and love. Therefore, he stressed out the need to feel safe in the following terms:

“Costel: I told him: ‘Judge, when we come to the trial, don’t let him without handcuffs, not even for a second, ‘cause I am afraid. He may take out a gun or something from his pocket. [...] You can never know. Or he may have someone else shoot me, even if he doesn’t. He may pay someone and say ‘Hey, I get you out of prison, you kill him!’”

On the other hand, the same need for safety, this time interpreted in terms of emotional availability, found its expression in his wish to find a girl to love him and marry him or at least a true friend to help him in need. Until then, he manages to maintain a certain balance between his “emotional personality” and his “apparently normal personality” (Nijenhuis, 2001 in Lam, 2002: 175) by putting all his faith in God. A victim of social and cultural marginalisation, that makes him easy prey to violence and trafficking through repeated victimisation, he can ultimately be held ‘responsible’ only for the desire to be independent, to work through his traumatising experiences and to be socially and culturally integrated.

5. Conclusions and Recommendations

1. The Issue of Responsibility and Moral Judgment as an Aspect Determining Policy

As the report has made reference to various manifestations of violence associated with labour migration, in general, and trafficking, in particular, the conclusions and policy recommendations in the Romanian case should cover both dimensions. Their separate discussion should be accounted for by the argument

that policies regarding migration and trafficking should turn into one of their basic assumptions, namely that illegality and trafficking should not be conflated. As demonstrated by numerous studies as well as by the analysis of the personal narratives in the present report, not all illegal migrants are trafficked (according to the definition of the term currently in force) and not all trafficked victims are exploited for labour and have travelled illegally to a destination which may be within, not only across national borders. Illegal migrants and victims of trafficking share indeed increased vulnerability to violent exploitation, but that should not justify abusive tightening of migration control under the cover of anti-trafficking policies, because that would expose migrants to further victimisation and would divert attention from the larger economic, social and political context as well as from state responsibility in relation to these two complex phenomena.

One important step in this respect should be, as also suggested by Anderson and Andrijasevic, “to put the state back into the analysis, and to address the role played by the state’s immigration and labour regulations in creating the conditions in which trafficking and exploitation of migrant labour are able to flourish” (2008: 144). To particularise, state responsibility might be considered in terms of both source and target of labour migration flows. A problematic issue which seems to favour illegal migration and expose thus many Romanian migrants to exploitation is the still large number of countries of destination that impose work restrictions for Romanians. As long as potential Romanian employees remain dependent on their employers for the granting of their work permit (as shown in a previous report section) or they are not allowed free access to jobs in certain domains, according to their education and qualifications, they will be vulnerable to exploitative treatment, prone to restrictions of access to social rights and health insurance, and, at the worst, compelled by the circumstances to assume an illegal status. Therefore, granting Romanian workers the freedom of seeking employment in any work domain in the countries of their destination could be a very good starting point for a social action programme meant to encourage fair treatment of all EU workers “on an equal footing with the rules on competition and economic freedom”, as stated in a declaration recently issued on the European Economic and Social Committee site to mark the twentieth anniversary of the adoption of the Community Charter of Fundamental Social Rights (http://www.eesc.europa.eu/documents/declaration-Charter-Fundamental-Social-Rights/index_en.asp). The same social action programme could, among other things, stipulate certain facilities for the employers who decide to legally offer jobs to migrant workers. The effects of such measures could be beneficial in many ways. Paying fewer and/or less substantial taxes might function as an incentive for both employers and employees to opt for a legal work contract rather than for unofficial agreements: an important sector of the current black market could thus be lent visibility, tax evasion would be reduced, and employees’ vulnerability (manifest in their lack of access to proper medical assistance and social rights) and potential victimisation (as part of ‘recommendation networks’ forcing them into debt bondage or as subjects to abusive treatment by the employers) would be avoided.

Nevertheless, until such measures are adopted by the host countries, the Romanian state should take steps to protect its citizens migrating across national borders from potential victimisation. As the report has shown, an institutional and policy framework has already been created to encourage legal labour migration and to provide Romanian migrant workers with all information needed on their rights (social security and not only). That is a good starting point for further development of policies meant to facilitate Romanian citizens’ access to full information about job offers and contract mediators. Public awareness campaigns

should be organised to draw the attention of the public at large on the wide range of information available to those who wish to seek employment abroad, and on the risks to which they will expose themselves, should they choose to ignore it. Private recruitment agencies should be more cautious in the selection of the contracts they negotiate so that they could guarantee fair treatment for Romanian employees abroad, and they should be subject to more thorough control by the state for a more effective identification of mere cover-ups for forced labour trafficking. Last but not least, the Romanian state should reconsider the policy framework aimed at encouraging Romanian migrant workers to return home: more coherent social and economic policies aimed at providing new alternatives to the migrants whom economic crisis and severe unemployment have driven abroad could reduce migration out-flows and the ensuing shortage of skilled labour, and boost Romania's economic development.

A reconsideration of anti-trafficking policies and legislation in Romania should definitely take place within the framework of a more radical movement from a criminal to a human rights model. In this context, several aspects should be taken into account. For one thing, trafficking should be seen as a multifaceted, complex phenomenon, encompassing a wide range of situations that belong to what might be referred to as a 'gray' area in which the definition of the victim merely in terms of 'innocence and ignorance' would abusively deny protection rights to the 'guilty' women/men who accepted either an illegal job offer or involvement in some form of sex trading (prostitution, porn video-chat, massage parlours, escort services, strip bars and 'modelling' agencies). Though a first step has been taken in this respect by the implementation in the Romanian legislation of the provisions of the 2005 CE Convention, further useful clarifications for an improved definition of the victim would result from a clear-cut distinction, at both the legislative and the public opinion levels, between trafficking and prostitution. Refusing to acknowledge the individual agency of sex workers and to grant the rights arising from their working in a particular service sector, the state would turn a blind eye on the vulnerability ensuing from the lack of protection they would be thus exposed to, favouring their extreme exploitation and trafficking, and fuelling the judgment on rigid moral grounds – and thus the social re-victimisation – of the sex workers. Therefore, as some of the professionals have also stated, legalisation or at least decriminalisation of prostitution/sex work might be helpful to some extent in refining the debate on trafficking and the definition of the victim.

Altogether, a victim-centred approach could “prevent survivors of trafficking from going unidentified” (van den Anker, 2006: 180) and optimise the process by means of which victims are offered protection and assistance. That would imply, particularly in the Romanian case, that the law should encourage more fruitful inter-institutional collaboration in providing proper assistance to the victims: a better collaboration with the Ministry of Health by extending its attributions for both prevention and assistance – diagnosis and treatment – purposes; an easier not so bureaucratic collaboration with other institutions like NGOs, the Department of Child Protection, the Ministry of Internal Affairs, magistrates, etc. Moreover, the law should be changed so that the judicial proceedings be shorter, depositions be also taken on (video) tapes, and those guilty be sentenced faster; otherwise, the victims of trafficking, feeling threatened, might withdraw their complaint, let alone the fact that they would be overexposed and forced to re-live the trauma over and over again all through the trial. The protection and assistance system consisting of centres and shelters should be better organised so as to provide for the special needs of different categories of victims (according to age, disability, background, problems), to offer

both victims and the personnel better security, and to give the victims a chance to better specialised help by avoiding work overloads and shortage of properly qualified personnel (psychologists, psychotherapists and social workers) as well as by encouraging a more sustained organisation of training/updating courses so that the centre/shelter employees might be better prepared to help the victims work through their trauma. Thus, misjudgement and mistreatment of victims by the very professionals who should help them would be completely avoided.

As in the case of labour migration (actually, often taken as a pretext for trafficking), it is the larger economic, social, political and cultural context that largely influences trafficking flows as well as the process of rehabilitation and reintegration of the victims. Therefore, more consistent support (financial but not only) should be granted for campaigns of information and prevention in (high) schools and in the media (TV, internet, newspapers), targeted at pupils (elementary level included)/students and parents, in particular, and at the public opinion, in general. Such campaigns could aim at attaining a double goal: to warn the potential victims of the dangers of trafficking and to educate the public at large, through a non-sensationalist representation of the phenomenon, in the spirit of equality, non-discrimination, and respect for human rights, so that a significant change of mentalities could be achieved, the demand – hence renewal of trafficking-related trauma – would be significantly reduced, and empathic unsettlement would be articulated with more coherent socio-political response in the sense of victim reintegration and rejection of rigid moralising patterns. Equally empathy-motivated should be the state policies acknowledging poverty and the lack of social and economic alternatives as the real causes of trafficking, thus advancing viable solutions to these social ‘evils’.

2. Women’s Rights and Gender-related Violence

The previously advanced policies should be further reinforced with a view to at addressing more specifically the issue of women’s role and rights in the society, given that the feminisation of illegal, semi-/unskilled, low-paid labour force migration and of trafficking has remained irrefutably prominent. In this respect, the women’s rights debate in Romania should more explicitly address the specific needs of women and especially women who are discriminated against on account of their femininity as well as on additional grounds. Through the implementation of the EU Acquis, the Romanian legislative, policy and institutional framework has indeed acknowledged the importance of gender mainstreaming (see, for example, the National Strategy for Gender Equality 2006-2009), and, though steps have been made towards a reconsideration of women’s role in the Romanian society, concrete action should still be taken in this respect.

That the Romanian society has remained essentially patriarchal, still fixing women’s roles mostly by their association with the domestic sphere (mothers and wives) and their sexuality (innocent virgins/vs./whores), cannot be denied and seems to be most painfully obvious especially in the rural areas. That may explain why, as the professionals’ accounts have also pointed out, most of the victims of trafficking have come from dysfunctional families in the countryside, more often than not with a history in domestic violence, affording them virtually no opportunities for professional fulfilment (as most of these victims were forced to drop out of school to help their families survive). As a matter of fact, many of the illegal Romanian migrant women working abroad as domestic workers and carers belong to the same rural environment and have come to comply with abusive treatment in their country of destination partly because their rather poor education would not allow them to aspire to better-paid jobs, partly because they

have (vainly) hoped that migration might both empower them by opening up new opportunities to challenge patriarchal gender hierarchies, and improve their financial status within a short period of time. Consequently, a wider range of social and educational policies should be implemented especially in the rural area with an aim at improving life conditions and educational standards as well as to raise awareness of the unacceptable nature of gender discrimination and its negative consequences for the identity and integrity of women.

As a matter of fact, public-awareness campaigns should be organised all over the country and involve both state institutions and NGOs defending women's rights in addressing, the issue of gender-related violence in the present-day Romanian society. Such campaigns should tackle some of the blind spots of patriarchal culture in a poor society, such as domestic violence, sexual abuse, harassment and discrimination, and they should imply, for a successful implementation, a significant change in the representation of women in the Romanian media. Most regretfully, at the moment, Romanian media promotes for consumerist purposes and in line with the patriarchal gender norms, such stereotypical representations as: the woman as a sex object (shallow in her exclusive preoccupation for her looks rather than her education, therefore beautiful but stupid), the bad mother who mistreats and/or abandons her children, the woman as a victim of violence (beating, mutilation, rape, trafficking for sexual exploitation, even murder). Images of successful women are still rather marginal and, hence, not influential enough in providing new models for the younger generation. To conclude, more vigorous action should be taken in order to change mentalities and behaviours at both micro- and macro-level with regard to gender roles in the Romanian society, and not only; it is only thus that trafficking and other forms of violence that women might be subject to could be properly addressed and combated as socially and culturally determined issues.

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