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Effects of Involving Specialists in Human Trafficking Victim Support and Protection

Mihaela TOMITA¹, Adina SCHWARTZ², Roxana UNGUREANU³

Abstract

As the level of criminality at European level in continuous growth, a recently introduced legislative package aiming to protect and promote victims' rights has been introduced by the European Commission. The provisions of the "Victims Directive", alongside of the First European Strategy to protect and promote victims' rights are practically urging the member states to a full reversal of the victim's position both within the civil society and within the justice system, as the victim goes from being the passive subject of a crime, to the active subject within the European support and protection mechanism. The present article reveals the results of a research conducted in the main source country for victims of human trafficking, Romania, with the aim of examining the extent to which the new provisions have been introduced into the national framework and into the national practice. By involving both practitioners and victims of crimes into the qualitative research, a series of systemic and procedural gaps have been identified and addressed and some positive, transferable practices could be revealed and promoted. Through the study interpreting data collected by means of structured interviews we came to the conclusion that most provisions of the new legislative framework have not been integrated into the generic victim support practice for reasons stemming from the obvious lack of funds to accommodate considerable societal institutional changes in a quick manner, to lack of personnel training and in some cases, attitudinal deficiencies of practitioners. On the other hand, a multidisciplinary, victim centred approach based on a public private partnership has proved to have positive results in the field of human trafficking victim support and crime prevention.

Keywords: victims' rights, generic victims support, European Directive, transposition, procedural gaps, best practice model.

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Introduction

As revealed by the European statistics, “every year, an estimated 15% of Europeans or 75 million people in the European Union fall victim to crime. More and more people are travelling, living or studying abroad in another EU country and can become potential victims of crime.” (European Commission). Moreover, during “2017, around 15 million people were victims of serious offences, such as homicide, child sexual abuse or kidnapping. The scale of gender-based violence in the EU is alarming: 1 in 3 women (33 %) has experienced physical and/or sexual violence since she was 15 years old.” (European Commission, 2020)

Given the high rate of victimisation at European level, the European legislator has aimed, by means of creating a common legal framework for protecting the victims’ rights, to confer the victims the necessary legislative tools in order to firstly protect their core human rights, secondly reduce the harms caused by means of crimes and thirdly reduce the risk of a secondary victimisation, thus setting up a European, generic, victim support mechanism.

However, “recent reports show that victims of crime still cannot fully rely on their rights in the EU. Victims’ difficulties in accessing justice are mainly due to lack of information, insufficient support and protection. Victims are often exposed to secondary victimisation during criminal proceedings and when claiming compensation.” (European Commission, 2020, p. 2)

As one of the main rights of the EU citizens is the free movement within the European territory, yearly, more than 1 million EU citizens migrate from one EU country to another. Additionally to these, “in 2018, there were an estimated 2.4 million immigrants to the EU-27 from non-EU-27 countries.” (EUROSTAT, 2019) Research has shown that “those who become victims of crime when travelling abroad find it even more difficult to access justice and compensation. For the most vulnerable victims, such as victims of gender-based violence, child victims, victims with disabilities, elderly victims, victims of hate crime, victims of terrorism or victims of trafficking in human beings, it is particularly challenging to go through criminal proceedings and to deal with the aftermath of crime.” (European Commission, 2020, p. 2)

Thus, within the territory of the European Union, based on the provisions of the “Victims’ Directive”, all the victims were given the legal possibility to exercise their rights and to receive support and protection, regardless if they are EU citizens or not, regardless whether they have been victims of a crime in their country of origin or not and regardless whether they have cooperated with the law enforcement or not.

These newly transposed provisions of the Victims Directive into the legislation of the member states, alongside of the First European Strategy to protect and promote victims’ rights are practically urging the member states to a full reversal

of the victim's position both within the civil society and within the justice system, as the victim goes from being the passive subject of a crime, to the active subject within the European support and protection mechanism.

The recent and very quick legislative changes produced in Romania, related to victim protection and victim support, are however, the consequence of the infringement procedure started against Romania in 2016, and of a memo released on the 8th of November 2018 by the European Commission, through the "November infringement package", mentioning the fact that "if the [...] Romanian authorities fail to act within two months, the cases may be referred to the Court of Justice of the EU." Therefore, even though Romania should have adapted the national legislation to the provisions of the directive prior to the end of 2015, it has failed to do so before April 2019. Nevertheless, it was only during 2020 that the basis of a generic victims support service has been created, after a series of fundamental modifications with regards to the rights to protection and individual assessment have been made, mainly within Law 211 from 2004 regarding some measures for ensuring the information, support and protection of victims of crime. This law has brought into a focal point the victim of crime, recognising its rights and its important role within the criminal justice system (Doak, 2014).

One of the most harmful and complex crimes registered within the European territory is that of modern slavery (Brysk & Choi-Fitzpatrick, 2012) also known as human trafficking and Romania has been the main source country of human trafficking victims over the past decade. (Pascoal & Schwartz, 2018; Bruinsma, 2015) Given these considerations, the present research has focused on how the new provisions of the Victims directive have been transposed into the Romanian legislation, leading to the creation of a generic victim support and thus to the protection of the most vulnerable of vulnerable persons, protection which is likely to generate a reduced risk of secondary victimization (Pemberton, 2020; Davies, Francis, & Greer, 2007) and thus has the capacity to limit the extent of human trafficking.

Literature review

Trafficking in human beings has been proved to be one of the most lucrative forms of the European underground organised crime world, affecting yearly thousands of vulnerable groups (Agenția Națională Împotriva Traficului de Persoane, 2015). "The concept of vulnerability has seen an evolution during the last century with respect to the legal terms referencing human trafficking, passing from a vulnerable group perspective, such as women and children, to an individual perspective" (Pascoal & Schwartz, 2018, p.47), including elderly (McKenna, Golladay & Holtfreter, 2020; Reisig & Holtfreter, 2018; Jansson, 2015), persons

with disabilities, migrants from third countries etc. These progressive modifications have developed in the light of the Victims' Directive, which is, for the first time, as a European legal document, promoting a victim centred individual approach of the victims, based on an individual assessment and with individually tailored assistance told.

At European level, within the so described "kaleidoscopic justice" system - a "constantly shifting pattern; justice constantly refracted through new experiences or understandings; justice as an ever-evolving, nuanced and lived experience, a number of justice themes emerged, namely justice as consequences, recognition, dignity, voice, prevention and connectedness." (McGlynn & Westmarland, p. 179) These have been highlighted also within the provisions of the Victims' Directive and constitute the core concepts of the newly developed EU strategy.

As highlighted within the specialised literature, victims of sexual assault in general and victims of sexual exploitation in special tend to not seek specialised services, due to which "researchers in the last decade have turned their attention to better understanding survivors' experiences with victim services. Surprisingly, limited research has directly asked sexual assault survivors for recommendations on how to improve victim services, including both criminal justice and community-based services" (Gagnon, Wright, Srivinas, & DePrince, 2018). While "recognizing the subjective freedom as the great accomplishment of modern society" (Fine & Vázquez, 2006) the Directive strives to involve victims in a proactive manner within the judicial procedures as "crime policy is becoming to some degree, more punitive" (Gallo & Svensson, 2019) and within their own process of rehabilitation and (re)integration (Letschert, van Dijk, 2011). Thus, the newly created European generic victim support is contributing to assist victims in such a manner that they "narratively negotiate their position as victims, while being argued that those who position themselves as innocent victims receive support, and those who do not position themselves as such are left to fend for themselves" (Thunberg & Bruck, 2020).

In an era in which human trafficking is in continuous transformation, due to a series of "criminogenic factors" (Nikolić-Ristanović, 2014), "individual and country risk factors" (Daigle & Muftić, 2016) the European legislator is promoting the development of a "holistic approach" (Obokata, 2006) within the specialized victim support providers, an approach which is being also transposed into the European generic procedures. This development is being much welcomed by Romanian professionals as the present research has highlighted.

Methodology

Research Goal

The scope of our research was to identify to what extent the European's Directive on victim rights was transposed into the national legislation and is implemented in the current praxis. To this end, we've set our goal around measuring the impact of the directive, both from the victim's perspective and the professionals acting in the field of victim support. Thus, being provided with a two-sided approximation on how and how much the interaction between professionals and victims has changed, we could firstly compare the findings to similar study results in literature and identify changes and/or trends. Given the nature of the topic at hand, we designed a qualitative study addressing key relevant points in praxis at which a change could be measured. To this end we've developed two semi-structured interviews containing items involving comparisons with the experience before the directive's adoption in legislation and after, both for professionals and for victims.

Although our general hypothesis – derived from observation – was that the directive was not implemented in praxis in its entirety, we still suspected that at least some of the directive's provisions were integrated, and wanted to conduct a study on the initial impact of it in the field.

Samples

Professionals: Participants were selected according to two criteria: experience in the field and availability. Thus, interviewed professionals had at least 10 years of praxis experience, and since most professionals in the field are under certain occupation-related restrictions and may require additional clearing by superiors, their availability to undergo the necessary procedures for the interview, heavily restricted our pool of candidates. The fact however that they have accepted to participate pro bono and undergo all necessary procedures may indicate their involvement and interest in the topic. Under the conditions mentioned, we've acquired the participation of 15 professionals (*Table 1*)

Victims of crimes: Participants were selected from a pool of victims which had a longer exposure to the system, and had means of comparison, meaning victims that had this status both before and after the directive's transposition. Since the victim's pool was larger than the professional's and most displayed availability to participate, we've decided to also interview 15 victims, thus ensuring no text analysis and derived data processing and compression would be required.

Given the fact that the victims, up until the moment this article had been written, do not benefit from generic victim support services, the researchers had to select the victims of some certain crimes in order to be able to receive a feedback regarding the services they have received. The crimes identified were human trafficking and domestic violence. However, in order to not limit the researched population

to only these two categories of victims, the decision was taken to extend it also to the victims of the top 2 violent crimes, according to statistics: hitting or other violence and victims of theft respectively.

The researchers have kept gender-based proportionality between the respondents, in such a way that the gender represented in the research is directly proportionate to that represented in the national violent crime statistics. Therefore, 10 female victims – 6 victims of human trafficking, 3 victims of domestic violence, 1 victim of violence – and 5 male victims – 3 victims of human trafficking, 1 victim of violence, 1 victim of theft – were selected (*Table 1*).

Table 1. Participants

Professionals	15	Victims of crimes	15
Mediators	1	Human trafficking	9
Prosecutors	1	Domestic violence	3
Psychologists	1	Other violence	2
Police officers	3	Theft	1
Social workers	7		
Academics	2		

Tools and variables

Aside from descriptive data, which acted solely as control for unforeseen effects, collected study-specific variables provided a framework both for guiding the interview (Loseke, 2016) and for the qualitative analysis of responses (Wincup, 2017).

Our research tool was comprised of a semi-structured interview, containing items according to interviewee’s status.

The interview for stakeholders investigated and if possible, measured the following variables: (1) Stakeholder’s organizational profile – types of victims they provide services for, and type of services provided, nominal; (2) How many of the victim’s rights are ensured – a number of 6 rights, scaled; (3) Perceived changes made in response to the Victim’s Directive, including in accordance with legislation – crossed with 6 rights, scaled; (4) Current inter-organizational collaboration – three-way comparative with previous and planned, ordinal; (5) Further planned changes/strategy and inter-organizational cooperation – isolated, as a direct reaction to Victim’s Directive, ordinal; (6) Evaluation of current system – deficiency, efficiency, required improvements, desired improvements, multiscale; (7) Required/additional training needs – current deficiencies, niche-specific, isolated, introduced as effect through the Victim’s Directive, multiscale.

The interview for victims investigated and if possible, measured the following variables: (1) Background information – only if relevant as altering factor for

other interpretations; (2) Provided service quality – types of services, perceived adequacy, perceived quality, multiscale; (3) Restorative justice praxis – method, level of involvement, perceived process quality, multiscale; (4) Possibility or opportunity for benefiting of other support services – perceived availability and quality of service, multiscale; (5) Availability of information regarding victim's rights – a number of 6 rights, scaled;

Perceived required service improvement/suggestion of additional services to be provided – multiscale. In order to make measurement possible, whenever and as much as possible, researchers encouraged participants to provide specific answers accompanied by qualitative distinctions, which will sustain synthetization and variable scaling in the subsequent data interpretation phase. This approach provided both an indicative base for raw data collection which would help in designing a future quantitative study, and increased accuracy in extracting specific, structured information, leading to adequate interpretations and solid conclusions. (Bachman, Schutt & Plass, 2016)

Out of 15 interviews with professionals, 11 were conducted face to face, and 4 were conducted by phone. The average duration of each interview was 2 hours. The interviews with the victims were all conducted face to face and lasted on average 1 hour and 30 minutes.

Data analysis

As mentioned above, since precise variables were collected, the first step was performing a text analysis, extracting variables and their scaled or ordinal values, similarly to a quantitative approach. At the same time, additional variations were noted and appended to their appropriate classification criteria e.g. obstacles, complains, successes, suggestions, notes and mentions, practical examples, requirements etc. All of the criteria were in turn quantized according to their qualitative similarity if applicable.

Based on the re-classification resulted the first step, after accounting for notes, exceptions and potential descriptive altering variables, trends inevitably started emerging. Interpretation centred around key concepts based on frequency, and variability of additional gathered data from – for instance – suggestions, requirements, obstacles etc., which didn't factor as initial statement altering variables, were analysed in accordance to group characteristics, for professionals and victims, taking into account the professional's speciality and the victim's status respectively.

Results

The majority of participants, from both groups have welcomed the fact that Romania is for the first time, about to have a generic victim support service.

Professionals

Many of the professionals have a broad international experience and have participated in several professional exchanges and thus having the opportunity of taking a glance into the victim support services from other countries, especially England and Germany. Three of them have clearly mentioned that the generic victim support services which exist in the western countries have a high level of transferability. The same three persons have underlined the fact that they have made proposals to transpose such models of best practice into the local victim identification and referral system but they have not received any support because nobody has felt responsible for doing so and also because there was no funding to support the victims after they would have been identified and referred. Given these considerations, the interviewed stakeholders had a very welcoming and positive attitude towards the long-awaited legislative change.

No generic victim support services available

Even though currently the national legislation foresees the obligation of the General Directorates for Social Assistance and Child Protection to create generic victim support compartments, all the interviewees mentioned that they expect this to be a lengthy procedure. Therefore, prior to their creation, victims still remain without support.

Lack of required infrastructure

According to representatives of law enforcement, the likelihood of implementing provisions requiring investment in infrastructure or societal restructuring of institutions – for instance, creating a special waiting room in the local courts for victims of crimes who participate as witnesses in criminal trials – is very low, at least in the near future, and given the amount of problems they are currently facing, it would not constitute a priority. While this issue is a financial one, organizational or attitudinal one on the behalf of decision makers is beyond this study's object, participants tended to agree on the fact that it may well be a combination of multiple such factors and most pointed towards other, urgent priorities which are yet to be addressed.

Currently, such facilities do not exist within the courts of justice and the lack of such facilities have made the subject of a series of both voiced and even formal complaints by lawyers, prosecutors and victims themselves. There are no

few cases, especially in cases of organised crime, where victims need to wait on the hallway together with the perpetrator and/or with their family members and friends. In such circumstances the victims are often threatened. Not only can such threats influence declarations which are yet to be made by the victims, but also raise the risk of revictimization and may interfere with psychological rehabilitation, in some cases stagnating or even regressing therapeutic progress.

A general lack of responsibility with regards to victim information and referral

While the directive is urging the involved parties in a criminal proceeding to cooperate with each other, without a multidisciplinary unified framework, the victim's rights are very unlikely to be respected. The representatives of law enforcement aim to identify the truth and proceed to prosecuting the perpetrator accordingly and their interest on the victim's needs is very limited. In the case of victim support services, the focus is on the needs of the victim. Their interest, in turn, on the perpetrator is very limited. These two apparently antonymous focal points would need to collaborate and both parties should be responsible for a portion of the other's in order for the system to accommodate restorative justice practices.

Lack of knowledge and trust in the existing restorative justice services

During 2011-2012 the Romanian legislator has supported the development of mediation as a restorative justice service, making it compulsory to inform on its benefits. In that period and a couple of years after, the benefits of mediation have been widely promoted and the population started benefiting from mediation. Then the legislation was changed again and the parties involved did not have to receive, on a compulsory manner, information about the benefits of mediation. Since information has stopped being compulsory, few professionals kept promoting the benefits of restorative justice, while the majority went back to ignoring the only available restorative justice system, which resulted in ignorance towards the existence or possibility of restorative justice services altogether by the population.

Lack of specialised training for law enforcement officers with regards to the new provisions

Several stakeholders have underlined the importance of organizing on-going training sessions with regards to the identification and referral mechanisms which are going to be created, both from a procedural perspective and from a practical perspective – for instance, the benefits of victim support for criminal procedures.

Inter-institutional cooperation is poorly formalized

The inter-institutional cooperation is often poorly formalized. Therefore, cooperation sometimes takes place based on informal relations between colleagues or on the basis of previous successful cooperation. And while the proof that such cooperation is desired by professionals is the very fact that it is undertaken spontaneously among professionals, the lack of a formal framework not only discourages it, but may also lead to unnecessary complications. Besides, if the professionals supporting and promoting such cooperation stop doing so or leave the institution, at best, the cooperation stops, but in worse cases, the relationship between the institutions through it's employees may become sour or even conflictual.

Absolute lack of government funding for NGOs working in victim support field

As mentioned also within the present report, in Romania there is an acute lack of funding allocated by the state for victim support NGOs. In such conditions the organizations which are the only victim support entities – in some fields like human trafficking or domestic violence – are not only frustrated and undergone by the Romanian state, but in some cases, cease their services and close down because they lack the necessary funds. And while struggling to acquire support from various sources, government officials constantly raise the standards, perform controls, often fine these organizations for not upholding the newly raised standards, all of which creates tensions which, in some cases, also extend to state institutions the NGO's collaborate with and the institutions rely upon.

Victims of crimes

The 9 victims of human trafficking have received, during the assistance phase, the whole spectrum of victim support services: identification, referral, psychological support, legal advice, residential support, support in reintegration on the labour market, support during criminal proceedings. The other victims interviewed have received the services shown in tab. 2 and tab. 3 or no services at all.

Table 2. Services received by the interviewed victims

Type of service	Number of beneficiaries
No type of victim support service	4
Psychological support	3
Social assistance	8
Legal advice	6

The 9 victims of human trafficking have received, during the assistance phase, the whole spectrum of victim support services: identification, referral, psychological support, legal advice, residential support, support in reintegration on the labour market, support during criminal proceedings. The other victims interviewed have received the services shown in *Table 2* and *Table 3* or no services at all.

Table 3. Restorative justice

Has received restorative justice services	Have not received restorative services
1 (victim offender mediation)	14

The perceived strengths of the victim support system could be collected based on feedback from human trafficking victims. These seemed to know precisely what their rights and obligations are both as victims and as witnesses within the criminal trial. They knew where to ask for support and to which extent they can rely on victim support services. Additionally, they knew the role of each institution involved in the rehabilitation process and were satisfied with the support received. The victims felt empowered to fight for their life and to actively participate in their rehabilitation process.

Lack of information

Especially the victims who received a variety of victim support services have highlighted a lack of information about such services. They have mentioned the fact that if they had not been referred by the law enforcement agencies to the service providers, they would not have pro-actively searched for such services, primarily because they wouldn't have known of their existence. Additionally, part of them have mentioned the fact that if more victims such as themselves knew about the existence of support services, more would have the courage to try and break free from human trafficking and seek help, especially since one of the ways in which traffickers teach their victims helplessness is by constantly reminding them that "nobody cares" and that authorities will just register their complains and throw them back on the streets without further protection or any other services.

Lack of residential assistance for some category of victims

Some victims have mentioned the fact that the existing residential services often have no vacancies, leaving the victims without out of options. Also, usually the residential services are in the main cities, often far their resident locality. Additionally, the numbers of emergency shelters which can be accessed 24 hours a day are very limited nationwide, altogether absent in many cities.

Lack of trust in support services

Some of the respondents have mentioned the fact that they did not trust victim support services, this being one of the main reasons why they did not request support. They consider that the level of corruption is high within the services and that social workers don't take their responsibilities seriously.

Lack of information for illiterate victims

One of the victims interviewed was illiterate. As he was not referred to a victim support service, he was not able to search for one. Furthermore, he was also afraid that such a service would involve a lot of bureaucracy which he could not handle.

Validity issues and limitations

Within this "phenomenological qualitative research" (Giorgi, 2002), the majority of the victims interviewed were victims of human trafficking which may not be representative for the general population of victims of crimes in Romania but it is however representative for the current population of victims which receive an integrated assistance and protection offered by specialised institutions and non-governmental organisations.

Discussion

Overall, the research conducted involving both stakeholders and victims revealed, as a major problem, the lack of proper victim briefing, as well a lack of information available and accessible to and by the wide public.

Both from victim's complains about the lack of quality in some areas of service and from professionals' knowledge of a personnel core lacking knowledge on contextual procedures regarding both institutions and the victims themselves, the need for specialized training was clearly revealed.

The stakeholders have also voiced the lack of personnel tools, which would ensure an increase in the quality of provided services: a need's assessment tool, a risk assessment tool and of a known and assumed referral mechanism.

The recent legislative changes have been very welcomed by the specialist but the urgency of transposition into practice of the main provisions has been underlined by both the specialists and the victims. Therefore, the urgent need of a generic victim support service, with uniform geographical coverage, has been clearly highlighted by the participants.

Given the procedural gaps identified, the researchers have further examined the possibility of promoting a working and tested best practice model which could be transposed into the newly created generic victim support service, a model which promotes a multidisciplinary and a victim centred approach in the spirit of the victims' directive.

The benefits of a multidisciplinary, victim centred approach

In order to be able to cover all the identified needs of the human trafficking victims and in order to be able to efficiently fight against human trafficking, specialized NGOs and state institutions have joined forces into creating a regional multidisciplinary task force against human trafficking and for victim protection. As the task force does not have a legal personality and as it is functioning on a rather volunteer basis it does not have an official name so we are going to refer to it as the “*anti-trafficking in persons working group*” (ATIPWG). The group is coordinated by the Regional Center of the Romanian National Agency Against Trafficking in Persons (NAATIP), in this case by the Regional Center Timisoara. Within the regular meetings of the ATIPWG the partners discuss the current gaps and the practical ways in which the partnering NGOs/state institutions could fill them, complex and challenging cases are analyzed, national and international case referrals are discussed, statistics on human trafficking are presented and current tendencies are commonly identified, prevention campaigns are generated based on the identified tendencies, prevention campaigns are coordinated in order to avoid overlaps of subjects or places where they are implemented, new projects/initiatives are presented. Especially during the recent years, another common endeavor was to support each other in increasing the level of identified victims of human trafficking as “the government decreased efforts to protect victims. Public officials and NGOs identified 497 victims in 2018, the lowest number of identified victims in more than a decade and a decline from 662 in 2017 and 757 in 2016; these statistics included victims from ongoing investigations and prosecutions initiated in previous years.” (U.S Department of State, p. 382)

The core principles based on which the ATIPWG is working are: (1) Independent facilitator (NAATIP); (2) Common agenda of the partnering state institutions and NGOs; (3) Shared measurement systems with regards to human trafficking; (4) Implementation of mutually reinforcing activities; (5) Continuous Communication.

Given the positive results of such a unique multidisciplinary, victim centered team, once the responsible institutions will have created the legally foreseen generic victim support services, the proposal of the researchers would be to transfer this best practice model, alongside of the core elements of the Romanian National Identification and Referral Mechanism for Victims of Human Trafficking, as foreseen within the Government Ordinance 335 from 2007 into the generic victim identification and support mechanism.

Conclusion

Up to the point when the present report was finalized, Romania had fully aligned the provisions of the national legislation to those of the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

However, the practical changes, as resulted from the field research, have not yet been felt, neither by the practitioners, nor by the victims of crimes.

Therefore, given the fact that the backbone of a generic victim support service was already created by the legislator, now it is the role of the institutions which have received the responsibilities to assist victims of crimes to implement the aspects foreseen in the national laws in such a way that they are not realized only in the letter of the law but also in the spirit of the law.

Through the research conducted it became evident that in order to reach the goal of the directive all the measures taken by the institutions and NGOs need to have a victim-centred approach, with activities carried out in such a way that the professionals avoid further traumatization of the victim, obtain an efficient empowerment and support them to actively participate, as a decision takers in their own rehabilitation process.

In order to be able to intervene when it is needed, the Romanian state should ensure the fact that emergency victim support services are available throughout the country. Furthermore, the institutions should ensure that they are working based on specifically tailored identification, needs assessment, risk assessment and referral tools. Given the fact that the Romanian National Identification and Referral mechanism for victims of human trafficking was “exported” and promoted as a best practice model, the Romanian legislator should not start now from scratch in designing such tools but we appreciate that it should use what has already proved to be efficient and which already is familiar for several key actors in the field.

Recommendations

We recommend training sessions for personnel and professionals which should contain but should not be limited to: crime-specific indicators of victimization, a victim-centred approach, available victim support services and the receipt procedures of these, measures to avoid secondary victimisation, behaviour indicators for psychological or psychiatric conditions, risk assessment, needs assessment.

With regards to the importance of information, corroborated with the right to understand and be understood, the recommendation would be to not just make sure that the victims receive a free of charge translator or interpreter during the criminal proceedings but also the fact that victims receive written information materials

about their rights and duties, or that online resources are available in different languages. Such a practice is unfortunately rather rare currently. Additionally, in order to support foreign victims in their understanding about the national victim support mechanism and criminal proceedings, specially trained cultural mediators should be made available.

Furthermore, with regards to public acknowledgement of the available services, we highly recommend massive information campaigns in a simple language and in such a manner that also illiterate individuals acquire the information, especially as they are among the most vulnerable groups. Naturally, if the Romanian state is not going to provide necessary and continuous funds to ensure that the recently established rights will become common practice, then the generic victim support service will become just one of the other institutions which exist but do not work.

In addition, we would underline the necessity of a shift in mentality, both in the case of the Romanian legislator as well as in the case of the specialists, namely a shift from a segmented, needs-based, approach, towards a holistic, rights and obligations-based approach. Finally, we would adhere to the statement that “research is not a cut-and-dried process” (Maltz & Rice, 2015) and would recommend a continuous monitoring of the developments in such a way that a prompt intervention could be implemented there where gaps arise.

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