

Delia MAGHERESCU

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Concurrent Crises*

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Trafficking in Human Beings in Southeast Europe During the Concurrent Crises

Tráfico de Seres Humanos no Sudoeste da Europa Durante Crises Simultâneas

Delia MAGHERESCU¹

ABSTRACT: The phenomenon of trafficking in human beings has taken on another dimension, since the development of a new criminal environment in Southeast Europe arising from bringing with it multiple concurrent crises. The current paper focuses on the specific issues raised by this phenomenon in Southeast Europe amid the pandemic, war, illegal immigration, and financial crises. These circumstances are analysed using a jurisprudential approach, under the conceptual presentation and investigation of the *de facto* situation as it exists in practice. The research activity was improved through analysing case-law solutions in criminal matters, from relevant criminal cases in which the law courts pronounced judicial decisions before and during the relevant concurrent crises. The results concluded that the law enforcement agencies should analyse the phenomenon in this context and make significant efforts in order to prevent and combat this criminal activity through legal instruments gathered from judicial tools.

KEYWORDS: Trafficking in human beings; Serious crimes; Jurisprudence in criminal matters; Transnational criminality; Case-law solutions.

RESUMO: O fenómeno do tráfico de seres humanos assumiu outra dimensão, desde o desenvolvimento de um novo ambiente criminoso no Sudeste da Europa decorrente de múltiplas crises simultâneas. O presente artigo centra-se nas questões específicas levantadas por este fenómeno no Sudeste da Europa em meio à pandemia, à guerra, à imigração ilegal e às crises financeiras. Estas circunstâncias são analisadas através de uma abordagem jurisprudencial, sob a apresentação conceptual e investigação da situação de facto tal como existe na prática. A actividade de investigação foi melhorada através da análise de soluções jurisprudenciais em matéria penal, a partir

¹ PhD., Lawyer. Gorj Bar Association, Romania. <https://orcid.org/0000-0003-0939-1549>. E-mail: delia_magherescu@yahoo.com

de processos criminais relevantes em que os tribunais proferiram decisões judiciais antes e durante as crises concomitantes relevantes. Os resultados concluíram que os órgãos responsáveis pela aplicação da lei devem analisar o fenómeno neste contexto e envidar esforços significativos no sentido de prevenir e combater esta actividade criminosa através de instrumentos jurídicos recolhidos a partir de ferramentas judiciais.

PALAVRAS-CHAVE: Tráfico de seres humanos; Crimes graves; Jurisprudência em matéria penal; Criminalidade transnacional; Soluções jurisprudenciais.

1 Introduction

The phenomenon of serious crime is not, at the moment, an unknown issue. The same is true in cases of trafficking in human beings whose main characteristic leads its transnational nature. The evolution of this kind of trafficking has broken the barriers of classical forms of criminality and is currently a strengthened phenomenon compared to a few decades ago. Why has this happened? Actually, the answer is not so easy to pin down using a simple social or even legal framework, but rather it needs special attention from practitioners in criminal matters, who pay attention to the entire criminal environment and analyse it accordingly to advance pertinent solutions on the topic involved. A summary descriptive analysis is too little, while a complex one is impossible to undertake. Therefore, the phenomenon of trafficking in human beings presents us with an inexhaustible source of information and research potential allowing theoreticians to create their own working premises for revealing as much as possible the invisible side of human trafficking².

Approaching trafficking in human beings from a theoretical perspective in terms of the ethical considerations of researching this phenomenon³, beyond a comprehensive practical observation, does not guarantee an efficient working plan, on the one hand, and complete conclusions gathered at the end of this activity carried out, on the other hand. To achieve the best results on the cases in which trafficking in human beings is present, a structured working plan has been adopted around the main

² MARTÍN-ROMO, Laura et al. Invisible and stigmatized: A systematic review of mental health and risk factors among sex workers. *Acta Psychiatrica Scandinavica*, 2023, vol. 148, nº 3, pp. 255-264.

³ DOCARMO, Tania E. Ethical considerations for studying human trafficking. In: WINTERDYK, John A. and JONES, Jackie, eds. *The Palgrave International Handbook of Human Trafficking*. Cham: Palgrave Macmillan, 2020, pp. 177-194.

issues seen in Southeast Europe. Official data demonstrates that the countries of this region are more likely to be source and transit countries for human trafficking than a destination⁴.

The current paper focuses on the issues of trafficking in human beings arising during the concurrent crises in Southeastern societies. This has been a complicated period of time featuring successive crises meaning that a unique set of circumstances has developed in this region. The purpose of the paper is to identify the individual crises and their effects on the phenomenon of trafficking in human beings and finally the consequences generated for the region. To form a perspective of the phenomenon, a series of aims have been established.

(1) To analyse causes which contribute to the development of the phenomenon of trafficking in human beings in the area of Southeast Europe.

(2) To establishing concurrent crises which occur at present in this geographical area and are favourable to this phenomenon.

(3) To researching both objective and subjective factors of concurrent crises which influence the development of the phenomenon.

(4) To analyse the consequences produced in practice in cases of trafficking in human beings through advancing conclusive theories.

(5) To advance a pattern for the phenomenon of trafficking in human beings, specific to the countries of Southeast Europe.

In order to achieve the proposed aims, research has been carried out in accordance with the conceptual approach, along with a comprehensive analysis of case-law decisions pronounced by the law courts in criminal cases in which the serious crimes of trafficking in human beings have been committed. The study opens complex directions of understanding of the phenomenon as seen in Southeast Europe as a source or transit for trafficking. Moreover, approaching the legal literature on human trafficking provides the opportunity to gather pertinent and useful information on the phenomenon, despite the divergent solutions advanced by the legal doctrine in criminal matters. The polemics submitted in the legal literature creates the opportunity for specialists in the matter to find solutions for each highlighted dispute⁵. Last but not

⁴ SURTEES, Rebecca. Traffickers and trafficking in Southern and Eastern Europe: Considering the other side of human trafficking. *European Journal of Criminology*, 2008, vol. 5, n° 1, pp. 39-68.

⁵ GENOVA, Angela and CASTELLI, Vincenzo. Human trafficking in modern world. In: *The Palgrave Handbook of Global Social Problems*. Cham: Palgrave Macmillan, 2022, pp. 1-18.

least, the legislative framework has been analysed to understand how in accordance with the judicial authorities seek to combat and prevent trafficking in human beings.

2 Trafficking in human beings as a general phenomenon

A major challenge arose in recent years, when the pandemic crisis of Covid-19 affected the entire world. Beginning in China, infections spread across the globe. This pandemic presented organised crime groups involved in trafficking in human beings with an entirely novel set of circumstances⁶. Despite the restrictions on the circulation of people in and out of their home countries, imposed by national governments the phenomenon of trafficking in human beings took on new dimensions as the gangs adapted their operating models in response to travel restrictions.

Successful adaptation of trafficking in human beings operating models is confirmed by the official statistics for the year 2023 which reveal no significant reduction in the number of cases of human trafficking in the countries of Southeast Europe. The study takes into account data from the Global Organized Crime Index of 2023⁷ and focuses on five-case countries: Romania, Bulgaria, Greece, Republic of Moldova and Serbia. Among these, three are EU Member States and two non-EU Member States.

2.1 The case of Romania

In terms of criminality ratings, Romania is ranked 15th of 17 in Central and Eastern Europe⁸ with a 'criminality' score of 4.58. This broad measure extends beyond just human trafficking to all organised crime, nevertheless it is indicative of the phenomenon of interest. The country is also considered a source, destination and transit country with all three transnational activities present within its borders. Trafficking routes mainly originate in Asia for destinations in Western Europe or even North America. The most frequent cases lead to irregular actions, as consecutive criminal activities organized by the organized crime groups. The victims are women

⁶ CAPARINI, Marina. Human trafficking and organized crime [online]. In: HOFMEISTER, Wilhelm and RUEPPEL, Patrick, eds. *Trafficking in Human Beings: Learning from Asian and European Experiences*. Singapore; Brussels: Konrad Adenauer Stiftung and European Policy Centre, 2014, pp. 11-23.

⁷ Global Initiative Against Transnational Organized Crime. *Global Organized Crime Index 2023* [viewed date: 5 September 2024]. Available from: <<https://ocindex.net/report/2023/0-3-contents.html>>

⁸ Ibid.

and children as well as men. Many young victims are undocumented children⁹, as doctrine has already highlighted.

2.2 The case of Bulgaria

Bulgaria is the 7th of 17 countries in Central and Eastern Europe with a criminality score of 5.65¹⁰. This country is considered as an origin country in terms of trafficking in human beings. This means that victims are trafficked within the country with the destination countries being situated in Western Europe. Many of the victims are trafficked for sexual purposes and the statistics show us that they are also involved in other illegal activities, such as organised begging. Specific to Bulgaria, it has been pointed out that "In general, Bulgarian-based human smuggling networks provide in-transit logistics for the smuggling of migrants from Turkey to Serbia or Romania"¹¹. This situation extends to neighbouring countries including Serbia and Romania.

2.3 The case of Greece

The situation regarding the human trafficking is even worse in Greece, which is preponderantly a transit country. Its 5.35 criminality score ranked in 2023 shows that this country is 3rd of 8 countries situated in Southeast Europe¹². Despite its transit nature, being positioned geographically at the confluence between East and West, Greece is also considered as both an origin and destination country. A medium risk is reported for the victims to be trafficked in a transnational manner. The risk of victimization increases thus in those cases in which the persons trafficked are foreigners, especially refugees or simply immigrants, both women and children. The source countries for Greece as a destination are "Eastern and Southern Europe, Central Asia & the Caucasus as well as Southern Asia and Africa"¹³.

2.4 The case of R. of Moldova

Despite its small territory, Moldova occupies the 8th position of 17 countries in

⁹ LUNDBERG, Anna. Undocumented children. In: COOK, Thomas D., ed. *The SAGE Encyclopedia of Children and Childhood Studies*. Sage Publications, 2020, pp. 1611-1615.

¹⁰ Global Initiative Against Transnational Organized Crime. *Global Organized Crime Index 2023* [viewed date: 5 September 2024]. Available from: <<https://ocindex.net/report/2023/0-3-contents.html>>

¹¹ Ibid.

¹² Global Initiative Against Transnational Organized Crime. *Global Organized Crime Index 2023* [viewed date: 5 September 2024]. Available from: <<https://ocindex.net/country/greece>>

¹³ Ibid.

Central and Eastern Europe with a criminality score of 5.60¹⁴. It is primarily considered a source country delivering victims to Russia, Europe, Middle East and Eastern Asia¹⁵. The victims are preponderantly young women from rural areas, who are often exploited for sexual purposes. This kind of criminal activity is usually accompanied by others such as trafficking in firearms and drugs or other forms of organized crime in a transnational context.

2.5 The case of Serbia

Serbia is the 3rd ranked of 17 countries in Central and Eastern Europe with a criminality score of 6.22¹⁶. Taking into consideration the geographical position situated in the neighbourhood with Romania and Bulgaria, this country is part of a very strategic corridor for transit to the western part of the European continent. Despite some data to the contrary, it cannot be considered a destination country for this kind of criminality. Recently, Serbia has made significant efforts to identify and disrupt the organized crime groups involved in trafficking in human beings.

3 Trafficking in human beings during the concurrent crises

The criminality committed in Southeast Europe in different circumstances is primarily based on four macro-criminal issues, which concur each other within a multidimensional framework. First of all, it relates to the Covid-19 pandemic crisis. This was then followed by the crisis of the invasion of Ukraine in February 2022. A third concurrent dimension has been the illegal immigration crisis that has seen illegal migrants entering Europe in high numbers mainly from African and Middle eastern countries. Finally, it is the financial crisis driven by escalating energy costs resulting from the war in Ukraine. All of them form a specific context for doing criminality whose features have to be analysed, either solely or linked to other criminal contexts. A detailed analysis of each of them is more comprehensive than the simply combination which could produce confusion or unclarified approach. By analysing the combined effects of these four crises, a coherent vision will be established on the most relevant situational environments which generate criminality, and, in particular, human

¹⁴ Global Initiative Against Transnational Organized Crime. *Global Organized Crime Index 2023* [viewed date: 5 September 2024]. Available from: <<https://ocindex.net/country/moldova>>

¹⁵ Ibid.

¹⁶ Global Initiative Against Transnational Organized Crime. *Global Organized Crime Index 2023* [viewed date: 5 September 2024]. Available from: <<https://ocindex.net/country/serbia>>

trafficking. Criminal environments are unfortunately always a source of trafficking in human beings and, most of the time, is dependent on multiple often concurrent contexts.

The concurrent crises examined in this paper provide a good opportunity to highlight certain aspects of the phenomenon of trafficking in human beings in Southeast Europe. The current study has taken into account four high-consequence crises, the Covid-19 pandemic crisis, the Ukraine-Russia war crisis, illegal immigration crisis and the financial crisis. By undertaking a combined analysis of the entire criminal environment created through the presence of concurrent crises, it is not possible to achieve the best results in the matter of gathering useful information on the phenomenon. In this regard, the method of analysis separates each other and disjoins them accordingly.

3.1 Covid-19 Pandemic crisis

It has been stated that the pandemic crisis has had a determinant impact upon the risk factors for trafficking in human beings¹⁷. Moreover, the concurrent crises have highlighted that organized crime groups have turned to human trafficking as a preferred alternative to other categories of crime¹⁸, often associated with these groups such as drug trafficking or other forms of serious crimes¹⁹. In some cases, during the Covid-19 Pandemic, the organized crime groups were prevalently focused on trafficking in human beings more than other forms of criminality²⁰, with the exception of economic crimes. This is because the pandemic still permitted business operations to work and legal economic activities were fully locked down²¹. However, it could be pointed out

¹⁷ TODRES, Jonathan and DIAZ, Angela. COVID-19 and human trafficking—the amplified impact on vulnerable populations. *JAMA Pediatrics*, 2021, vol. 175, n° 2, pp. 123-124.

¹⁸ ZARAFONITOU, Christina, KONTOPOULOU, Eleni and ANITSI, Elli. Crime, criminal policy and social reactions in Greece in the era of COVID-19. In: SIEGEL, Dina, DOBRYNINAS, Aleksandras and BECUCCI, Stefano, eds. *Covid-19, Society and Crime in Europe. Studies of Organized Crime*. Cham: Springer, 2022, pp. 121-139.

¹⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021- 2025 - COM(2021) 171 final, Brussels, 14.04.2021 [viewed date: 3 February 2025]. Available from: <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0171>>. See also ARMITAGE, Richard and NELLUMS, Laura B. COVID-19: Compounding the health-related harms of human trafficking. *eClinicalMedicine*, 2020, vol. 24.

²⁰ ŽIVOTIĆ, Ilija and TRAJKOVSKI, Daniela. Adaptability of organized criminal groups to the situation caused by the Covid 19 Pandemic. *Knowledge - International Journal*, 2020, vol. 43, n° 3, p. 1003.

²¹ NIKOLIĆ-RISTANOVIĆ, Vesna. COVID-19 and crime in Serbia. In: SIEGEL, Dina, DOBRYNINAS, Aleksandras and BECUCCI, Stefano, eds. *Covid-19, Society and Crime in Europe. Studies of Organized Crime*. Cham: Springer, 2022, pp. 23-42.

that the economic criminality does not unitary generate criminality²², but a harmonization between it and other criminal networks in several cases exists²³.

The pandemic has opened certain opportunities for the organized crime groups which were interested in joining other illegal networks and commit other forms of serious crimes, including economic crimes. These organized crime groups worked in close collaboration with officials, civil servants or politicians in order to accumulate huge amounts of money from illegal economic operations. Some specific crime schemes were developed with the same purpose, namely of trading in criminal products. The EPPO of Brussels have investigated several cases of criminal economic operations, all of them related to crimes against the financial interests of the European Union. Indeed, during the pandemic, companies from the EU Member States were granted millions of Euros for activities aimed at controlling the pandemic crisis itself or simply developed businesses related to the pandemic issues. In this regard, it has been observed that, in most cases, the perpetrators are joined together within transnational criminal schemes which involve countries such as Romania, Cyprus, Spain and Portugal²⁴. The difficulty in these cases arises from the fact that the judicial activity aimed at combating these crime schemes is very complicated because the perpetrators work in close cooperation to hide the products and proceeds of this crime. Thus, the pandemic represents a new criminal environment in which the crimes of trafficking in human beings were just marginally attenuated, but certainly not stopped totally during pandemic. Moreover, a new generation of crimes were activated as forms of violent criminality²⁵ involving crimes of aggression. Consequently, a new generation of counter-criminality, with a special focus on technology²⁶, has arisen in terms of digitalization, in which the electronic services could create real opportunities for fighting

²² MICELI, Thomas J. Counting offenders' gains? Economic and moral considerations in the determination of criminality. *European Journal of Law and Economics*, 2022, vol. 54, p. 475.

²³ GREENBAUM, Jordan et al. The public health impact of coronavirus disease on human trafficking. *Frontiers in Public Health*, 2020, vol. 8, pp. 1-4.

²⁴ European Public Prosecutor's Office. *Medical rehabilitation centre in Romania: businessman and company indicted for fraud and money laundering, damages of over €3 million in EU funds*. 2022 [viewed date: 26 October 2024]. Available from: <<https://www.eppo.europa.eu/en/news/>>

²⁵ KURILOVSKÁ, L. and HAJDUKOVA, T. Taking advantages of information and communication technologies for teaching and raising awareness in the fight against criminality during the COVID-19 Pandemic. In: GÓMEZ CHOVA, Luis, LÓPEZ MARTÍNEZ, Agustín and CANDEL TORRES, Ignacio, eds. *15th International Technology, Education and Development Conference*. Valencia: IATED Academy, 2021, pp. 2394-2402.

²⁶ GUITTON, Matthieu J. and FRÉCHETTE, Julien. *Facing cyberthreats in a crisis and post-crisis era: Rethinking security services response strategy*. Computers in Human Behavior Reports, 2023, vol. 10.

criminality²⁷.

3.2 War crisis

How the war in Ukraine is affecting organized crime is a very pertinent question which may generate many relevant answers. Is the territory of Ukraine still an attractive one for trafficking in human beings? The crisis began in February 2022 in Ukraine and created a very dangerous context in which to engage in serious organised crime²⁸. Research has concluded that, usually, armed conflicts could be a premise for criminality²⁹. This also applies to trafficking in human beings, and the situation seems to be worse in the neighbouring countries, such as Romania, Poland, Hungary. As EU Member States, these countries have made considerable efforts to control the situation by means of the judiciary. The judicial system in criminal matters is applied to cases in which the transnational character of trafficking in human beings exceeds the territory of one country and therefore involve two or more countries³⁰.

In the context created by the Ukraine-Russia war, the human traffickers have chosen other routes that avoid Ukraine. The newly preferred routes move trafficking to the Southern European area via Romania, Bulgaria, Serbia, Croatia, Slovenia or other similar routes, also from Southeast Europe³¹. The Republic of Moldova also reported certain suspicions regarding the trafficking in human beings³². Consequently, it can be stated that no predictable route is, at the moment, chosen by criminal gangs, but rather they have switched their operations to other countries.

3.3 Illegal immigration crisis

The illegal immigration crisis is not a new issue for Southeast Europe, and

²⁷ DI NICOLA, Andrea. Towards digital organized crime and digital sociology of organized crime. *Trends in Organized Crime*, 2022. [_](#)

²⁸ COCKBAIN, Ella and SIDEBOTTOM, Aiden. War, displacement, and human trafficking and exploitation: Findings from an evidence-gathering roundtable in response to the war in Ukraine. *Journal of Human Trafficking*, 2022, pp. 1-29.

²⁹ KIDD, Alicia. Unavoidable exploitation? Conflict, agency and human trafficking. In: MURASZKIEWICZ, Julia, FENTON, Toby and WATSON, Hayley, eds. *Human Trafficking in Conflict. Context, Causes and the Military*. Cham: Palgrave Macmillan, 2020, pp. 43-60.

³⁰ Directorate for Investigating Organized Crime and Terrorism. *Raport de activitate 2022* [viewed date: 3 October 2024]. Available from: https://www.diicot.ro/images/documents/rapoarte_activitate/raport2022.pdf

³¹ BRUNOVSKIS, Anette and Surtees, Rebecca. *Vulnerability and exploitation along the Balkan route: Identifying victims of human trafficking in Serbia* [online]. Oslo: Fafo-report, 12, 2017.

³² MARTON-GADOŚ, Katarzyna and STRZAŁA, Karol. Human trafficking in the Russia's war on Ukraine. *Vectors of Social Sciences*, 2023, pp. 35-42.

neither is trafficking in human beings³³. Both have been a permanent threat which has persisted over a long period of time and still creates difficulties for those actors involved in maintaining a legal climate against trafficking in human beings. Illegal immigration tends to be connected to human trafficking³⁴. In this regard, a precise delimitation of the two terms is challenging but necessary, means a difficult activity, but a needed one. This differentiation is firstly applied to the law enforcement agencies which are called on to establish which cases involve illegal immigration and which comprise trafficking in human beings. In the global process of people movement from one country to another³⁵, and the transit territories involved, this process seems to be almost impossible to achieve. The main reason is related to the *modus operandi* of the criminal organized groups operating in Southeast Europe which has become very complex. However, the judicial authorities have sufficient legal instruments to combat various forms of trafficking in human beings, even associated with illegal immigration. In terms of the European instrument on preventing and combating trafficking in human beings, the authorities' attention is also paid to the victims of human trafficking who are subjects of an illegal action to facilitate illegal immigration³⁶. In these circumstances, the action plan is to look for more rigorous prevention, protection and prosecution of the victims' rights, for a better understanding of the contextually different forms of trafficking.

The network of illegal immigration crosses the European continent, especially in Southeast Europe and spans traditional routes via Turkey, Greece, Bulgaria, Serbia, Romania, Croatia, Slovenia, and Hungary. Ukraine is avoided by migrants coming from Far Asia to the Western European countries, because of the war taking place in this country, which began in February 2022. The Republic of Moldova could be chosen by migrants and their guides, but taking into consideration the proximity of that country to the conflict area, the routes via this country would also tend to be avoided by some at

³³ LASZLO, Éva and ROTH, Mária. Seven faces of victimhood: Towards a typology of victims of trafficking for sexual exploitation. *Belvedere Meridionale*, 2023, vol. 35, nº 1, pp. 105-123.

³⁴ HEBER, Anita. Stranger Danger: The political debate on crimmigrants. *Critical Criminology*, 2023, vol. 31, pp. 859-878.

³⁵ MAGHERESCU, Delia. Irregular migration in Europe for crime. In: *Criminal Repression in the Context of the Economic Crisis and the Maximization of Crime at European and Global Level*. Bologna: Monduzzi Editore International Proceedings Division, 2013, pp. 133-137.

³⁶ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, published in Official Journal of the European Union L101 of 15.04.2011 [viewed date: 5 February 2025]. Available from: <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0036>>

least for the period of hostilities.

3.4 Financial crisis

The above-stated crises come together within the larger prevailing environment. To the three crises highlighted so far, another one could be added — the financial crisis. In this case we refer to the financial crisis related to the lockdown measures imposed by authorities during the Covid-19 pandemic³⁷ and extended by the energy crisis triggered by the war in Ukraine and resulting Russia sanctions. These financial factors could have significant consequences for organised crime including the phenomenon of trafficking in human beings. In this matter, it is important to state what crisis should be analysed to arrive at an understanding of the phenomenon of trafficking in human beings. We also need to consider whether the phenomenon should be analysed from the perspective of the origin country of the destination country. One significant financial driver in the origin countries are the living standards experienced by citizens. Should these standards fall into a prevalence of poor education, poverty and lack of basic services the motivation to migrate increases and the demand for criminal people smuggling services also increases³⁸.

One of the main questions arising is how to avoid a financial crisis³⁹ either in the origin countries or in the destination ones. The causes should be researched within the social environment and depend on issues such as the unemployment rate and other related issues, such as the cost of living and doing business⁴⁰. Although the doctrine refers to the international financial crisis⁴¹, it should be emphasized that the regional or even national financial crises could be discussed when evaluating trafficking in human beings. A financial crisis is often based on the issues of globalization, in which the economies of the states face several challenges, one of them being related to

³⁷ BECUCCI, Stefano. The COVID-19 Pandemic in Italy: The effects on society and crime. In: SIEGEL, Dina, DOBRYNINAS, Aleksandras and BECUCCI, Stefano, eds. *Covid-19, Society and Crime in Europe. Studies of Organized Crime*. Cham: Springer, 2022, pp. 141-158.

³⁸ MAGHERESCU, Delia. Aspecte privind controlul criminalității: O analiză asupra fenomenului imigrației clandestine. In: *Omul, Criminologia, Știința*. Chișinău: Institutul de Științe Penale și Criminologie Aplicată, 2023, pp. 427-434.

³⁹ SACHS, Jeffrey. Alternative approaches to financial crises in emerging markets. *Brazilian Journal of Political Economy*, 1996, vol. 16, n° 2, pp. 202-216.

⁴⁰ JAWADI, Fredj et al. Does higher unemployment lead to greater criminality? Revisiting the debate over the business cycle. *Journal of Economic Behavior & Organization*, 2021, vol. 182, pp. 448-471.

⁴¹ PETERSON, Ozili K. 100 Quotes from the global financial crisis: Lessons for the future. In: ÖZEN, Ercan and GRIMA, Simon, eds. *Uncertainty and Challenges in Contemporary Economic Behaviour*. Bingley: Emerald Publishing, 2020, pp. 185-194.

criminality. In practical terms the crime of trafficking in human beings is committed transnationally and the financial crisis is a factor which involves neighbouring countries. In the area of Southeast Europe, these countries usually include Greece, the Republic of Moldova, Romania, Bulgaria, Serbia.

The *de facto* situation on trafficking in human beings also provides that it could be advanced the idea of a circular movement of criminality which particularly refers to serious crimes. Speaking about this concept, it highlights trafficking in human beings in a determined region, as the Southeast Europe is, and never a larger territory, which involves continents.

3.5 Case-law solutions

The situation regarding trafficking in human beings has been analysed in a comparative manner through observing the criminal activities committed both before and during the pandemic and other related concurrent crises. An important guiding mark consisted of analysing this phenomenon as part of the concurrent crimes and is presented under several forms.

Case I. Concurrent crimes: From a practical perspective, trafficking in human beings is under the judicial bodies' attention which is primarily interested in discovering these cases and solving them legally in accordance with the *de facto* situation proved by conclusive evidence⁴². Taking into account the huge number of crimes committed, the courts of law have pronounced several judicial decisions during the last three-year period. Many cases have been associated with sexual exploitation of women⁴³, usually young women, who were forced to practice prostitution abroad.

As it can be observed even before pandemic, in one case, the perpetrators were convicted by the courts of law in the United Kingdom for criminal activity continuously committed in a transnational manner. In the matter of fact, the law court has retained concurrent crimes, such as trafficking in human beings, crime associated with sexual exploitation, organizing activities of prostitution in order for the perpetrator to gather illegal benefit, the crime of rape and the crime of possessing false identity documents intended to be used in illegal activities. In this case, the solution pronounced by the

⁴² CRIȘU, Anastasiu. *Drept procesual penal. Partea generală*. 8th ed. Bucharest: Hamangiu, 2024, pp. 328-351. ISBN 978-606-27-2599-0.

⁴³ High Court of Cassation and Justice of Romania. *Criminal Decision 317 of 2023* [viewed date: 15 September 2024]. Available from: <<https://www.scj.ro/>>

law court identifies the high level of dangerous context, and therefore the perpetrators were sentenced to no less than 15 years imprisonment⁴⁴.

The criminal activities linked to trafficking in human beings were constantly perpetuated even during the pandemic, when several organized crime groups were discovered by judicial bodies. In 2022, ten home searches were conducted in Bucharest and neighbouring areas, in pursuit of the organized crime groups suspected of having committed crimes, such as trafficking in human beings, proxenetism, money laundering, and cybercrimes⁴⁵. Simultaneously, in the United Kingdom, six home searches were carried out regarding the same organized crime groups, which also operated in that country. Specific to this kind of illegal activity, the organized crime groups are established within one category to which other categories are subsequently added. Criminals are firstly involved in prostitution, but, subsequently, they are motivated by additional financial rewards offered by criminal activities, such as money laundering.

Moreover, it is observed that, during 2016-2022, the crime of trafficking in human beings was very much restricted to the family members, the perpetrators being involved in the family member's sexual exploitation. The preferred locations were chosen in the United Kingdom, Italy and Germany, through using violence, both physical and psychological⁴⁶. In order to strengthen the criminal proceedings aims of solving criminal cases in reasonable time speedy justice is required⁴⁷.

Case II. Trafficking in migrants: Other cases which present interest for the current topic are related to trafficking in migrants, a phenomenon also observed during the pandemic, and increased in the context of the specific risk factors⁴⁸. The *modus operandi* used by the organized crime groups during the pandemic could be taken into consideration in the same circumstances as those crimes committed before this crisis, also corroborated with other forms of crises. Analysing the trend in this matter, it has been observed that in order for the court of law to pronounce its decision, the crimes

⁴⁴ Ibid.

⁴⁵ Directorate for Investigating Organized Crime and Terrorism. *Communication of 18.05.2022* [viewed date: 3 October 2024]. Available from: <<https://www.diicot.ro/mass-media/comunicate>>

⁴⁶ Directorate for Investigating Organized Crime and Terrorism. *Communication of 21.02.2024* [viewed date: 3 October 2024]. Available from: <<https://www.diicot.ro/mass-media/comunicate>>

⁴⁷ BĂLAN, Cristian. *Termenul rezonabil în procesul penal român*. Bucharest: Hamangiu, 2021, pp. 15-24.

⁴⁸ KEEGAN, Brittany. Isolation, economic desperation, and exploitation: Human trafficking and the COVID-19 crisis. In: MUSCHERT, Glenn W. et al., eds. *Social Problems in the Age of COVID-19*. Vol. 2. Bristol University Press, 2020, pp. 5-14.

have been committed by an organized crime group which worked in a co-ordinated and transnational manner often having a structured organization in Romania and Germany⁴⁹. The evidence administered in this case by the judicial bodies in both countries have proved beyond any reasonable doubt the criminal activity committed by that organized crime group during the three-year period, as well as its transnational feature. The perpetrators, as members of the organized crime group, acted under the coordinated criminal operations in order to transfer migrants coming from Iraq, Iran, and Syria to Germany illegally⁵⁰.

The *de facto* situation is that the main preferred routes comprised the origin countries (Iraq, Iran, Syria), the transit countries (Turkey, Greece, Bulgaria, Romania, Serbia), and the destination country – Germany. Each member of the transnational organized crime group has defined duties and responsibilities carried out in exchange for a payment of between 2.000 and 20.000 Euros for each trafficked person⁵¹. It is concluded that the organized crime groups act in a transnational manner, despite the restrictions ordered by the authorities during the pandemic. The Southeast European area has been a well-defined criminal people trafficking route spanning Bulgaria, Serbia, Romania, Hungary, as transit countries.

Case III. Trafficking in minors: In cases of trafficking in minors, the level of activity did not decrease during the pandemic and the other concurrent crises. Referring to this issue, it is observed that the concurrent crises increased the vulnerabilities to human trafficking⁵², especially in cases with minors as victims⁵³. Analysing the activities carried out by the judicial bodies, it is clear that from 2014 to 2021, this kind of crime was prevalently committed in the area of Southeast Europe. In fact, the minors were recruited and, taking advantage of their state of obvious vulnerability⁵⁴, were transported to the states of Western Europe, primarily Germany

⁴⁹ High Court of Cassation and Justice of Romania. *Criminal Decision 250/RC of 2023* [viewed date: 15 September 2024]. Available from: <<https://www.scj.ro/>>

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² MEDEIROS, André Aparecido and VASCONCELLOS, Maria da Penha. Covid-19 as a multifaceted crisis and its implications on human trafficking or other forms of human exploitation. *Saúde e Sociedade*, 2023, vol. 32, nº 1, pp. 1-15.

⁵³ KEEGAN, Brittany. *op. cit.*, pp. 5-14.

⁵⁴ GIAMMARINARO, Maria Grazia. *COVID-19 position paper: The impact and consequences of the COVID-19 Pandemic on trafficked and exploited persons*. United Nations Human Rights Special Procedures, 2020.

and Belgium through the use of both physical and psychological violence⁵⁵. In this context, the criminal gangs organized activities of prostitution and other illegal activities and profited greatly from them.

Moreover, the jurisprudence in criminal matters has concluded that for eleven years an organized crime group committed the crimes of trafficking in minors associated with juvenile prostitution. In this regard, the law court stated that the defendants have established an organized crime group in order to commit the crimes of trafficking in minors and prostitution, within a private night club. Several underage girls were employed and coordinated by the defendants to execute pole dancing and sexual performances⁵⁶. The criminal investigation initiated by the judicial authorities has stopped the criminal activity. The leadership of the organized crime group has been ascertained by one of the defendants, who was recognized by the witnesses as the “supreme leader”⁵⁷. The main role of the leader was also to recruit young girls and ensure the presence of clients in the club. In other words, the defendant, as leader, organized the activity of committing illegal prostitution. Another member of the organized crime group was involved in the activity of transporting young girls and supervising their activities in the club.

Consequently, to analyse the full range of criminal activities conducted by the perpetrators in cases of trafficking in minors, it is argued that the subjective perception of perpetrators should be observed, under the psychological determining factors on how they are usually evaluated⁵⁸, but not the subjective perception of the victims. This is because they could frame their work using a neutral term such as “sex work”⁵⁹. This is also the legal direction of the criminal law provisions, which determine that the victim’s consent does not constitute a justifying cause in these circumstances. Moreover, despite the doctrinal remarks⁶⁰, there is no possibility to strengthen relations

⁵⁵ Directorate for Investigating Organized Crime and Terrorism. *Communication of 16.02.2024* [viewed date: 3 October 2024]. Available from: <<https://www.diicot.ro/mass-media/comunicate>>

⁵⁶ High Court of Cassation and Justice of Romania. *Criminal Decision 197/RC of 2023* [viewed date: 15 September 2024]. Available from: <<https://www.scj.ro/>>

⁵⁷ Ibid.

⁵⁸ ASSAD M, Daniel. Psychological approach of the minors’ legal status during their incarceration in the Romanian detention centers. *Journal of Social Science*, 2019, vol. 15, pp. 167-172.

⁵⁹ WIJLMAN, Miriam and KLEEMANS, Edward. Female offenders of human trafficking and sexual exploitation. *Crime, Law and Social Change*, 2019, vol. 72, pp. 53-72.

⁶⁰ VIUHKO, Minna. Just trust me and you’ll make a fortune – Relationships between offenders and victims of human trafficking. *Nordic Journal of Criminology*, 2019, vol. 20, n° 2, pp. 196-212.

between perpetrators and victims⁶¹ of trafficking in human beings.

4 Global typology of trafficking in human beings

Architecture of the trafficking in human beings during the concurrent crises needs some comprehensive solutions, but these cannot be submitted in the absence of a global investigation on the whole phenomenon. At the outset of using these investigative tools, some questions on the typology of the phenomenon arise. Why is the area of Southeast Europe a very attractive region for trafficking in human beings? Why can't the countries in the region solve the issue and join the big European family? What are they characterized with? In order to have a pertinent point of view on the above-stated questions, it is firstly necessary to analyse the source of trafficking in human beings in the countries of origin. It is observed that this is because of their geographical position and the fact that neighbouring countries are also involved in human trafficking. Moreover, the situation in the origin countries should be managed in such a manner to avoid its internationalization or simply the transnational feature. Finally, it has been pointed out that trafficking in human beings is the consequence of wrongful or inappropriate policies in the field of combating this phenomenon.

The discussion is structured on two levels depending on the states' legal status as member states of the European Union or not. On the one hand, in the first situation, the Member States have to respect European legislation in force regarding the prevention and combating of human trafficking⁶². In this regard, the process of implementation of the European provisions is considered finalized since they are already applied by the national courts of law accordingly. On the other hand, national policy should imperatively be harmonized with the Council of Europe instrument on action against the human trafficking⁶³. This instrument is also an imperative legislative tool for the non-member states situated in Southeast Europe.

Understanding the origin countries' instability comes not from analysis of the

⁶¹ RODRÍGUEZ-LÓPEZ, Silvia. Telling victims from criminals: Human trafficking for the purposes of criminal exploitation. In: WINTERDYK, John A. and JONES, Jackie, eds. *The Palgrave International Handbook of Human Trafficking*. Palgrave Macmillan, 2020, pp. 303-318.

⁶² Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, published in Official Journal of the European Union L101 of 15.04.2011 [viewed date: 5 February 2025]. Available from: <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0036>>.

⁶³ Council of Europe Convention on Action against Trafficking in Human Beings, adopted on 16 May 2005 in Warsaw and into force on 1 February 2008 [viewed date: 3 February 2025]. Available from: <<https://rm.coe.int/168008371d>>.

situation occurring in Southeast Europe. Other countries beyond Europe also face the phenomenon of trafficking in human beings⁶⁴. Indeed, Southeast Europe is both a source and transit region, but this feature should be viewed within a broader spectrum of conditions and circumstances encountered in this context. There is no unique contextual typology of the crime of trafficking in human beings, as there is no one kind of this crime committed. This postulation does not strictly refer to the crime typology itself, but to the *modus operandi* used by the perpetrators⁶⁵, as well as the consequences flowing from it. In fact, it is admitted that these crimes are not committed in the same circumstances or in a specific context, although certain similarities exist. For this reason, research studies have devoted an ample space and time to achieving knowledge and best results on the topic of the global typology of trafficking in human beings⁶⁶. Only by doing so a detailed explanation can be achieved which provides information on the typology of these crimes during the concurrent crises.

As a general theory of criminal law, the typology of crime means the presence of action in criminal conduct, which is therefore predictive of other criminal phenomena. Consequently, the global typology of trafficking in human beings is naturally subordinated to criminality viewed as a general phenomenon. It requires researchers in criminal matters to reflect on the new approach to the phenomenon under the idea of the global typology of trafficking in human beings⁶⁷. Moreover, criminological research is also interested in conceptualizing results on how the typology of offenders works, along with substantive psychological studies. In this regard, the diversity in offender careers related to human trafficking and other illegal operations, such as sexual exploitation has been highlighted⁶⁸. The same is true in cases of gender-based offending groups. Doctrine has emphasized that both men and women could be involved in organized crime⁶⁹, and there is no a determining factor to polarize the

⁶⁴ VILLACAMPA, Carolina and TORRES, Núria. Human trafficking for criminal exploitation: The failure to identify victims. *European Journal on Criminal Policy and Research*, 2017, vol. 23, pp. 393-408.

⁶⁵ LLOYD, Anthony. Working for free illegal employment practices, 'Off the Books' work and the continuum of legality within the service economy. *Trends in Organized Crime*, 2020, vol. 23, pp. 77-93.

⁶⁶ DANIEL-WRABETZ, Joana and PENEDO, Rita. Trafficking in human beings in time and space. A socioecological perspective. In: GUIA, Maria João, ed. *The Illegal Business of Human Trafficking*. Cham: Springer, 2015, pp. 1-19.

⁶⁷ DE SOUSA SANTOS, Boaventura, GOMES, Conceição and DUARTE, Madalena. The sexual trafficking of women: Representations of illegality and victimisation. *RCCS Annual Review*, 2010, vol. 2, pp. 167-191.

⁶⁸ COXEN, Julia O. et al. COVID-19 Pandemic's impact on online sex advertising and sex trafficking. *Journal of Human Trafficking*, 2023, pp. 1-18.

⁶⁹ WIJKMAN, Miriam and KLEEMANS, Edward. *op. cit.*, pp. 53-72.

organized crime groups toward men. Actually, the stratification of criminal organizations could be taken into account with its specific defining elements which configure both offenders and the crimes themselves.

For a macro-analysis on crime and criminality, the typology of crime presents the type of specific criminal actions, as they are presented in the following concepts.

- Trafficking in human beings for sexual exploitation⁷⁰, trafficking of children for forced labour, trafficking for the purpose of slavery, trafficking for the purpose of extorting ransom, trafficking for the purpose of removal of organs;
- Trafficking in human beings for benefits of a luxurious lifestyle, investments in real estate, cars, investments in doing legal business usually to launder the money gathered from trafficking in human beings;
- Trafficking in human beings with victims exploited⁷¹ and coerced prostitutes, without access to welfare, social protection, health, judicial and financial services, as well as support to be reintegrated in society;
- Trafficking in human beings involving illegal cross-borders actions, illegal housing services, forgery or false documents;
- Trafficking in human beings for entertainment and sports, child soldiers;
- Trafficking in human beings as symptom of migration facilitated by organized crime, product of prostitution, by product of forced labour;
- Trafficking in human beings as business, doing business, perceptions of business, illegal market in trafficking, commercial exploitation.

The conceptual analyses of the typology of these crimes and its criminal implications in the global context cannot be dissociated from the macro-environment of the phenomenon. Despite the circumstances which characterize trafficking in human beings, the typology of the phenomenon in Southeast Europe features some specific particularities. These result from a repetitive process of engaging in criminality and develop other issues within the concurrent crises. Thus, specific typology of the phenomenon refers to trafficking in human beings in a transnational context, involving neighbouring countries; trafficking in human beings with young victims, especially girls

⁷⁰ LAMBERTINI, Sara Mariella. Consolidation of organized crime in the Orinoco Mining Arc (OMA): The control of illegal mining, human trafficking, and other crimes. *Journal of Illicit Economies and Development*, 2023, vol. 5, nº 1, pp. 22-33.

⁷¹ HOGAN, Kimberly A. and ROE-SEPOWITZ, Dominique. Providing services to victims of human trafficking during the COVID-19 Pandemic: A social service agency state-wide survey. *Journal of Social Service Research*, 2023, vol. 49, nº 3, pp. 357-376.

trafficked in Europe and the USA; trafficking in human beings for sexual exploitation, occurring unless during the pandemic; trafficking in human beings intersected with labour exploitation of men involved in construction; trafficking in human beings with serious consequences, especially for removing human organs; trafficking in human beings for accumulating considerable financial proceeds, especially during a financial crisis. The above-stated point-references contribute to a specific overview of the typology of trafficking in human beings in Southeast Europe, in context of the concurrent crises, although some of them are developed during one specific crisis or another. In this case, the feature of concurrent crises is removed, and it appears as an exceptional state, but not as a rule. Another common characteristic is related to the criminal actions committed, being present in all forms of human trafficking and during the entire period of the concurrent crises. They refer to recruitment, exploitation, transportation, transfer, receiving for exploitation, as incriminated by the law⁷².

5 Conclusions

This study of trafficking in human beings has highlighted a series of findings. The main causes which produce the phenomenon of trafficking in human beings in this region are related to the poor material conditions in which the people still live, they do not have a positive perspective for the future, including the issue of unemployment and the lack of a basic level of education. All these issues create strong argumentative premises for considering people as victims of this kind of serious crime. They are trafficked abroad for different purposes, from forced labour⁷³ to petty offences committed in street such as begging, and from sexual exploitation to selling human organs.

It is concluded that, in criminal cases of sexual exploitation, petty offences committed in street and forced labour, the victims sometimes have the chance to escape and then go to the judicial bodies to submit a criminal complaint. This means that, under criminal law provisions, the perpetrators will be punished in accordance with the crimes they commit. At the same time, under the civil law provisions, the victims are entitled to receive compensation for the trauma suffered as a consequence

⁷² RODRÍGUEZ-LÓPEZ, Silvia, *op. cit.*, pp. 303-318.

⁷³ RICARD-GUAY, Alexandra and HANLEY, Jill. The challenge of addressing both forced labor and sexual exploitation. In: WINTERDYK, John A. and JONES, Jackie, eds. *The Palgrave International Handbook of Human Trafficking*. Cham: Palgrave Macmillan, 2020, pp. 287-302.

of the crimes of trafficking in human beings. Moreover, in both cases, compensatory remedies should be provided by the supranational judicial system⁷⁴. From a practical point of view, it has been observed that the cases of trafficking in human beings reported to judicial bodies do not exhibit significant changing features during the concurrent crises. Analysing the situation, the number of these cases could be the same or even less than in an ordinary period of time. However, the phenomenon cannot be totally controlled by the judicial bodies, despite the efforts made using legal mechanisms of prevention.

Without any ambiguities, the area of Southeast Europe is still full of criminality, especially in the field of trafficking in human beings. Possible solutions? There are some pertinent proposals which authorities may consider for the control of serious crimes in Southeast Europe, with particular focus on human trafficking. First of all, the solutions should involve the origin countries which act as the source of such crimes, then the transit and the destination countries, which receive the trafficked persons. Taking into account these remarks, the current study concludes that it is impossible to advance a model for trafficking in human beings, as a phenomenon specific to Southeast Europe, and a specific control tool, although a trend in this matter⁷⁵ has already been highlighted in the field of doctrine.

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⁷⁴ BĂLAN, Cristian. Cauza Brudan contra României. Un nou început în materia remediilor compensatorii disponibile în cazul încălcării termenului rezonabil de soluționare a cauzelor civile și penale. *Pandectele Române*, 2018, n° 2, pp. 53-70.

⁷⁵ GOLOB, Adam. *Gang strategies in the Northern triangle. Coerced criminality as a form of human trafficking*. London: Lexington Books, 2023, pp. 22-36.

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Rua Dr. António Bernardino de Almeida, 541 - 4200-072 Porto

Email: upt@upt.pt