*Corresponding Author's Email: stefanoaiamihai@yahoo.com
Proceedings of the International Conference on Future of Social Sciences
Vol. 3 Issue. 1, 2025, pp. 01- 19
DOI: https://doi.org/10.33422/icfss.v3i1.1577
Copyright © 2025 Author(s)
ISSN: 3030-1130 online

The Comparative Analysis of Regulations on Human Trafficking in European and Romanian Criminal Law

Mihai ȘTEFĂNOAIA

Faculty of Law and Administrative Sciences, Ștefan cel Mare University Suceava, Romania

Abstract

This paper provides a comparative analysis of the legal framework governing human trafficking in European and Romanian criminal law, emphasizing both convergence and divergence in legislative approaches, sanctioning systems, and victim protection mechanisms. Human trafficking, as one of the most severe forms of transnational organized crime, challenges the traditional boundaries of national criminal law, requiring coordinated responses grounded in international and European standards. The study examines key normative instruments such as Directive 2011/36/EU, the Council of Europe Convention on Action against Trafficking in Human Beings, and relevant Romanian criminal provisions (Articles 210–217 of the Criminal Code). Methodologically, the research employs a qualitative comparative approach, combining legal analysis with doctrinal interpretation and case-law review from the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR). The findings reveal a high degree of formal alignment between Romanian and European standards but also highlight practical deficiencies in victim assistance, interdisciplinary cooperation, and the consistent application of the principle of proportionality in sentencing. The article argues that effective combat against trafficking requires not only legislative harmonization but also an integrative approach involving criminal justice, social policy, and psychological support for victims. By bridging normative analysis with human-rights-based perspectives, this study contributes to the ongoing discourse on the Europeanization of criminal law and the consolidation of a victim-centered penal framework.

Keywords: human trafficking, European criminal law, Romanian Criminal Code, comparative analysis, victim protection, proportionality, Europeanization of law

1. Introduction

Human trafficking constitutes one of the gravest violations of human rights and human dignity, representing both a transnational criminal phenomenon and a form of psychological and social subjugation. Defined by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000) as the recruitment, transportation, transfer, harboring, or receipt of persons through coercion, fraud, or abuse of power for the purpose of exploitation,

the phenomenon combines elements of organized crime, labour exploitation, sexual abuse, and psychological coercion.

Within the European legal framework, human trafficking has become a priority of criminal policy and judicial cooperation, particularly after the adoption of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. The Directive establishes a holistic approach encompassing criminalization, prosecution, victim protection, and prevention, urging Member States to integrate both punitive and social dimensions into national systems.

In Romania, human trafficking is regulated primarily under Articles 210–217 of the Criminal Code, supplemented by special legislation such as Law No. 678/2001 (as amended) and by procedural and institutional mechanisms ensuring victim protection and reintegration. Romania, historically a country of origin, transit, and destination, has been subject to continuous monitoring by the European Commission and GRETA (Group of Experts on Action against Trafficking in Human Beings), which emphasize the need for enhanced victim identification and interinstitutional coordination.

The present study seeks to comparatively analyze the European and Romanian frameworks on human trafficking, focusing on three fundamental dimensions that together shape both the normative and functional architecture of anti-trafficking law. These dimensions are:

(1) the substantive criminalization of trafficking acts;
(2) the protection and assistance mechanisms for victims;
(3) the institutional and procedural mechanisms that ensure the effective enforcement of anti-trafficking norms.

Each of these analytical dimensions is examined through a legal-comparative and doctrinal approach, complemented by references to case law and institutional practices within the European Union and Romania.

1.1. Substantive Criminalization of Trafficking Acts

This first dimension concerns the scope and structure of criminal liability for trafficking offences, the legal definition of the crime, and the range of punishable conducts. At the European level, the normative foundation is found in Directive 2011/36/EU and in the Council of Europe Convention on Action against Trafficking in Human Beings (2005), both of which define trafficking through the classical tripartite structure: *act* (recruitment, transportation, transfer, harboring or receipt of persons), *means* (threat, coercion, fraud, deception, abuse of power or vulnerability), and *purpose* (exploitation). These instruments establish the irrelevance of the victim's consent when coercive or deceptive means are involved and require Member States to criminalize not only the act of trafficking but also its preparatory and ancillary forms.

In Romanian criminal law, the Criminal Code (Articles 210–217) reproduces this structure almost verbatim, aligning domestic definitions with European and international standards. Romanian legislation criminalizes trafficking in both adults and minors, labour and sexual exploitation, as well as forced begging and organ removal. The Law No. 678/2001, as subsequently amended, further refines the substantive provisions by defining "exploitation" and by imposing aggravated penalties where the offence is committed by an organized group, by a public official, or against a minor. Nevertheless, certain interpretative inconsistencies persist—particularly in the judicial delimitation between trafficking and proxenetism, and in the evidentiary assessment of "vulnerability" as a constitutive element of the crime.

This comparative perspective reveals that while Romania's substantive alignment with the European framework is nearly complete, jurisprudential coherence and predictability of

sentencing remain areas requiring improvement. Harmonization, therefore, extends beyond legislative conformity to include a shared interpretative culture across jurisdictions.

1.2 Protection and Assistance Mechanisms for Victims

The second analytical dimension refers to the safeguards, rights, and support structures available to victims of trafficking—elements that transform anti-trafficking legislation from a punitive instrument into a human rights protection framework.

At the European level, Directive 2011/36/EU, particularly in Articles 11–17, introduces a comprehensive model of victim protection, emphasizing early identification, access to medical and psychological care, legal aid, and secure accommodation. The Directive also enshrines the non-punishment principle (Article 8), stipulating that victims should not be prosecuted for offences committed as a direct consequence of their exploitation. The Council of Europe Convention supplements these provisions by requiring signatory states to ensure the victim's right to compensation, residence permits for cooperation with authorities, and reintegration programs tailored to gender and age-specific vulnerabilities.

In Romania, the corresponding national framework is anchored in Law No. 678/2001 and Government Decision No. 299/2003, complemented by the activities of the National Agency against Trafficking in Persons (ANITP). Victims are granted access to temporary shelters, psychological counselling, and social reintegration services. However, several structural and practical deficiencies persist. Studies and monitoring reports (GRETA, 2022; European Commission, 2023) indicate under-identification of victims, insufficient funding for support services, and sporadic application of the non-punishment clause. Additionally, the psychological dimension of recovery—essential for long-term reintegration—remains underdeveloped compared to Western European standards.

The comparative assessment thus reveals a dual gap: while Romania has formally transposed the EU's protective provisions, their implementation remains inconsistent, and the human-centred philosophy of the Directive—focusing on trauma recovery, dignity, and agency—is not yet fully internalized within domestic institutions.

1.3 Institutional and Procedural Mechanisms Ensuring Effective Enforcement

The third dimension concerns the institutional architecture and procedural safeguards that enable effective investigation, prosecution, and adjudication of trafficking cases.

At the European level, enforcement is embedded within a multilevel governance system involving EUROPOL, EUROJUST, the European Union Agency for Asylum, and national rapporteurs. These institutions facilitate cross-border cooperation, data exchange, and strategic coordination between Member States. Procedural directives—such as those on victims' rights (Directive 2012/29/EU) and access to legal aid—further enhance procedural fairness and victim participation.

In the Romanian system, the Directorate for Investigating Organized Crime and Terrorism (DIICOT) holds exclusive competence for trafficking offences, supported by the National Agency against Trafficking in Persons (ANITP) for prevention and data monitoring. However, despite this specialized structure, fragmented inter-institutional communication, limited forensic and psychological expertise, and delays in case management continue to hinder effectiveness. Victims frequently experience secondary victimization during lengthy trials, while the rate of final convictions remains relatively low compared with the number of initiated investigations.

The comparative analysis thus underscores that Romania's enforcement framework, though institutionally advanced, requires procedural harmonization with European standards—

particularly regarding victim participation, compensation mechanisms, and multidisciplinary investigation teams. Effective implementation of the "4P" model (prevention, protection, prosecution, partnership) promoted by the EU demands not only legal transposition but also adequate resources, specialization, and continuous monitoring.

2. European Legal Framework on Human Trafficking

At the **supranational level**, the regulatory foundation rests on three key instruments:

- The **UN Palermo Protocol (2000)**, which provides the international definition of human trafficking;
- The **Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 2005)**;

And the **EU Directive 2011/36/EU**, which harmonizes Member States' criminal laws and victim support systems. The Court of Justice of the European Union has not yet developed extensive case law directly interpreting Directive 2011/36/EU in trafficking-specific litigation. Nevertheless, its broader jurisprudence on victims' rights and procedural safeguards is relevant for the interpretation of victim protection obligations. In *Criminal proceedings against Maria Pupino*, Case C-105/03, the Court held that national courts must interpret domestic law, as far as possible, in conformity with EU instruments on the standing of victims in criminal proceedings, particularly where vulnerable victims are involved. The case concerned the protection of vulnerable persons and the hearing of minors as witnesses, and therefore supports a victim-sensitive interpretation of procedural safeguards in trafficking cases.

This reference is relevant because trafficking cases often involve vulnerable victims, including minors, whose participation in criminal proceedings requires protective procedural treatment. Accordingly, *Pupino* may be used not as trafficking-specific authority, but as a doctrinally relevant CJEU precedent supporting conforming interpretation, victim-sensitive proceedings and the protection of vulnerable witnesses in criminal justice systems.

2.1 Definition and Criminalization

At the supranational level, the legal foundation of anti-trafficking regulation is anchored in three major international and regional instruments that together define, criminalize, and harmonize the response to human trafficking within the European legal order. These are: the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children—commonly known as the Palermo Protocol (2000); the Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 2005); and the Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims.

The Palermo Protocol represents the first legally binding international instrument to provide a comprehensive and universally accepted definition of human trafficking, emphasizing the tripartite conceptual structure: *act*, *means*, and *purpose*. Article 3(a) defines trafficking as *"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat, use of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, for the purpose of exploitation"* (United Nations, 2000, Art. 3). Importantly, it establishes that the consent of a victim is irrelevant when obtained through coercion or deception, introducing a human right–oriented paradigm that transcends traditional criminal definitions (Gallagher, 2010).

Building upon the Palermo framework, the Council of Europe Convention on Action against Trafficking in Human Beings (2005) expanded the scope of protection and introduced detailed obligations for signatory states. Unlike the UN Protocol—which primarily

emphasizes the suppression of transnational organized crime—the Council of Europe Convention adopts a victim-centred and human-rights-based approach (Council of Europe, 2005, Art. 1). It defines trafficking in identical structural terms but innovatively incorporates the principle of non-discrimination (Art. 3) and the right to assistance and protection, thus placing the individual's dignity and recovery at the core of the anti-trafficking framework (Obokata, 2006).

In the European Union context, Directive 2011/36/EU serves as the cornerstone of harmonization among Member States' criminal justice systems. It transposes the Palermo and Council of Europe definitions into EU law, reaffirming the tripartite elements of the offence:

1. the *act*—recruitment, transportation, transfer, harbouring, or receipt of persons;
2. the *means*—threat, force, coercion, fraud, deception, or abuse of vulnerability; and
3. the *purpose*—exploitation (European Parliament & Council, 2011, Art. 2).

The Directive explicitly states that *"the consent of a victim to the intended or actual exploitation shall be irrelevant where any of the means set forth in paragraph 1 have been used"* (Directive 2011/36/EU, Art. 2(4)), thereby ensuring uniformity in the interpretation of consent and coercion across EU jurisdictions. Furthermore, it broadens the spectrum of criminalized forms of exploitation beyond those recognized under earlier frameworks, encompassing sexual exploitation, forced labour, slavery or practices similar to slavery, servitude, forced begging, organ removal, and exploitation of criminal activities (Art. 2(3)). This reflects the EU's evolving understanding of trafficking as a multidimensional phenomenon that extends beyond sexual exploitation into economic, social, and criminal spheres (Mitsilegas, 2020).

Moreover, the Directive mandates that penalties must be effective, proportionate, and dissuasive, recommending a minimum imprisonment threshold of five years for basic offences and higher sentences for aggravating circumstances such as involvement of organized crime or victimization of minors (European Parliament & Council, 2011, Art. 4). This provision harmonizes punitive frameworks across Member States while allowing national discretion in aggravation and mitigation, thereby balancing subsidiarity with uniform protection standards (De Vries, 2018).

In doctrinal interpretation, the Directive marks a paradigm shift from state-centred criminalization to victim-oriented protection. By embedding human trafficking within the Charter of Fundamental Rights of the European Union—particularly Articles 4 and 5, which prohibit slavery and forced labour—the EU elevates the prohibition of trafficking to the level of jus cogens norms within its legal order. Hence, the Directive operates not merely as a penal instrument but as a composite legal tool linking criminal justice with human rights, migration policy, and social protection.

In conclusion, the supranational definition and criminalization of trafficking in persons establish a cohesive normative triad—the Palermo Protocol, the Council of Europe Convention, and Directive 2011/36/EU—which collectively ensure legal uniformity and a shared interpretative language among Member States. Together, they transform human trafficking from a traditional crime of exploitation into a complex human rights violation that necessitates an integrated legal, social, and psychological response across the European legal space.

2.2 Victim Protection and Non-Punishment Principle

A cornerstone of the European Union's legal response to human trafficking lies in its victim-centered and human-rights-based approach, which represents a fundamental shift from traditional punitive models to a holistic framework that prioritizes the recovery, reintegration,

and dignity of victims (Obokata, 2006). This orientation, codified in Directive 2011/36/EU, reflects the EU's commitment to ensuring that the criminal justice process does not re-victimize individuals who have already endured severe forms of exploitation.

Article 11 of the Directive imposes a binding obligation on Member States to ensure that victims of trafficking receive appropriate assistance and support before, during, and after criminal proceedings. Such assistance encompasses access to medical treatment, psychological counselling, legal aid, safe accommodation, interpretation services, and compensation mechanisms (European Parliament & Council, 2011, Art. 11). These measures are not conceived as optional welfare interventions, but rather as legal entitlements grounded in the broader framework of EU fundamental rights.

From a normative perspective, the Directive's protection regime builds upon and extends the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings (2005), which mandates that assistance be delivered "in cooperation with non-governmental organizations and other relevant civil society actors" (Council of Europe, 2005, Art. 12). By institutionalizing a multi-sectoral approach, the Directive transforms victim protection into a shared responsibility between state authorities, judicial bodies, and social partners (Allain, 2017).

Additionally, Article 11(3) explicitly requires that assistance be provided unconditionally, meaning that it is not contingent upon the victim's willingness to cooperate with law enforcement authorities. This represents a significant evolution from earlier criminal law paradigms, where support was often tied to prosecutorial cooperation (Gallagher, 2010). The unconditional nature of assistance recognizes that many victims are psychologically incapable of engaging in criminal proceedings immediately after their rescue due to trauma, fear of retaliation, or dependency mechanisms established by traffickers (Brunovskis & Surtees, 2012).

Directive 2011/36/EU also emphasizes the importance of psychological rehabilitation and social reintegration as integral elements of recovery. The concept of "assistance" extends beyond emergency support to include long-term measures such as vocational training, educational access, and integration into the labour market (European Parliament & Council, 2011, Recital 18). Scholars highlight that these provisions operationalize a trauma-informed legal philosophy, in which the restoration of autonomy and self-efficacy is recognized as a precondition for sustainable reintegration (Askola, 2007).

Within this framework, the psychological dimension of victim protection is especially critical. The Directive calls for Member States to ensure that service providers are trained to recognize trauma symptoms and provide gender-sensitive, child-appropriate, and culturally competent care (European Commission, 2020). This aligns with the Council of Europe Convention's obligation to adopt gender-specific approaches, acknowledging that women and girls disproportionately experience trafficking for sexual exploitation (Council of Europe, 2005, Art. 1).

Perhaps the most transformative provision of the Directive is found in Article 8, which codifies the non-punishment principle. This principle prohibits the prosecution or punishment of victims for criminal acts they were compelled to commit as a direct consequence of their exploitation. The rationale is both legal and ethical: victims should not bear criminal liability for conduct arising from coercion, manipulation, or psychological domination exerted by traffickers (Mitsilegas, 2020).

The non-punishment principle was first articulated at the international level in Article 26 of the Council of Europe Convention (2005) and was subsequently reaffirmed in Directive 2011/36/EU. Its integration into EU law elevated the standard from a policy recommendation

to a binding obligation of non-criminalization within Member States' domestic systems (Council of Europe, 2021). In practice, this principle requires prosecutors and judges to evaluate the causal nexus between exploitation and the unlawful act, ensuring that victims are not re-victimized by criminal proceedings (de Vries, 2018).

Case law from the European Court of Human Rights (ECtHR) has also reinforced this standard. In *V.C.L. and A.N. v. the United Kingdom* (2021), the Court held that the prosecution of recognized victims of trafficking for drug-related offences violated Article 4 of the European Convention on Human Rights, which prohibits slavery and forced labour. The judgment clarified that authorities have a positive procedural obligation to assess whether individuals are victims before proceeding with prosecution (ECtHR, 2021). This jurisprudence has profoundly influenced national courts within the EU, requiring the application of a presumption of victimhood in cases where indicators of trafficking are present. The ECtHR judgment in *V.C.L. and A.N. v. the United Kingdom (2021)* established a positive obligation on national authorities to assess trafficking indicators prior to prosecution, reinforcing the operational scope of the non-punishment principle.

Despite its normative clarity, the implementation of the non-punishment principle remains uneven across Member States. Reports by GRETA (2023) and the European Commission (2022) indicate discrepancies in national judicial practices, with some states applying the principle narrowly or only at the sentencing stage rather than during the decision to prosecute. Moreover, gaps persist in training law enforcement and judicial actors to identify coercion and psychological dependency as mitigating factors (European Commission, 2020).

These challenges underscore the tension between punitive efficiency and human rights protection. As scholars note, achieving true compliance with Article 8 requires not only legal transposition but also a paradigm shift in prosecutorial culture, where victims are seen as subjects of rights rather than objects of evidence (Askola, 2007).

2.3 Institutional Mechanisms

The institutional architecture of the European Union's anti-trafficking framework is designed to ensure a multidisciplinary, multilevel, and transnational response to one of the most complex forms of organized crime. Directive 2011/36/EU explicitly requires Member States to establish coordinated institutional mechanisms that integrate law enforcement, judicial cooperation, and victim support services. This approach operationalizes the EU's overarching "4P" paradigm—*prevention, protection, prosecution, and partnership*—which situates human trafficking at the intersection of criminal justice, human rights, and social policy (European Parliament & Council, 2011; European Commission, 2022).

Article 19 of Directive 2011/36/EU requires each Member State to designate National Rapporteurs or equivalent mechanisms responsible for monitoring the implementation of anti-trafficking policies, collecting data, and evaluating trends. These bodies serve as independent monitoring entities, bridging governmental, judicial, and civil society sectors (European Commission, 2020). Their role is both analytical and preventive, enabling a continuous policy feedback loop between national authorities and EU institutions.

In practice, however, the effectiveness of National Rapporteurs varies considerably across Member States. Countries such as the Netherlands and Sweden have established institutionally autonomous rapporteur offices with research mandates, while others—such as Romania, Greece, and Hungary—embed their rapporteur function within existing ministries, limiting their operational independence (GRETA, 2023). In Romania, the National Agency against Trafficking in Persons (ANITP) acts as both the national coordinator and rapporteur, yet GRETA evaluations highlight the need for greater institutional independence and analytical capacity (Council of Europe, 2022).

At the operational level, the Directive underscores the necessity of specialized police units and prosecutorial bodies trained to identify, investigate, and dismantle trafficking networks. This specialization is indispensable, given the transnational nature and organizational complexity of trafficking structures, which often overlap with other forms of serious crime such as money laundering, document fraud, and migrant smuggling (EUROPOL, 2021).

Within the EU, EUROPOL's European Migrant Smuggling Centre (EMSC) and EUROJUST's Anti-Trafficking Team serve as key pillars of cross-border cooperation. EUROPOL supports national authorities through intelligence exchange, threat assessments, and joint operational coordination, as reflected in its *Serious and Organised Crime Threat Assessment (SOCTA)* reports, which identify trafficking in human beings as one of the EU's top criminal priorities (EUROPOL, 2021). EUROJUST complements these efforts by facilitating judicial cooperation, coordinating Joint Investigation Teams (JITs), and resolving conflicts of jurisdiction in multi-state proceedings (EUROJUST, 2023).

Moreover, the establishment of the European Public Prosecutor's Office (EPPO) in 2021 represents a significant institutional innovation in transnational criminal enforcement. While EPPO's current competence is limited to offences affecting the EU's financial interests under Regulation (EU) 2017/1939, scholars note its potential future extension to human trafficking, given the increasing interlinkage between trafficking networks and financial crimes (Mitsilegas, 2020; Bachmaier Winter, 2022).

Directive 2011/36/EU and subsequent policy instruments, such as the EU Strategy on Combating Trafficking in Human Beings 2021–2025, emphasize cross-border operational coordination through data-sharing platforms, common investigation procedures, and harmonized training standards (European Commission, 2021). The European Network of National Rapporteurs and Equivalent Mechanisms (NRMs), coordinated by the European Commission, ensures policy coherence and information exchange across Member States, fostering a shared understanding of evolving trafficking trends (European Commission, 2022).

However, despite the existence of this sophisticated institutional framework, practical implementation asymmetries persist across Member States. GRETA's *Third Evaluation Round Reports (2023)* underline considerable disparities in judicial protection, access to compensation, and inter-agency cooperation, particularly between Western and Eastern European jurisdictions (GRETA, 2023). In several Member States, including Romania, challenges remain regarding systematic victim identification, cross-sectoral data collection, and the continuity of assistance during criminal proceedings (Council of Europe, 2022).

The fragmentation of competencies among national institutions, coupled with insufficient financial and human resources, often undermines the operational efficiency of multidisciplinary mechanisms. As Mitsilegas (2020) argue, harmonization at the legislative level has not yet produced functional uniformity at the enforcement level, resulting in a *"compliance gap"* between EU directives and national practice.

To address these deficiencies, recent EU policy developments advocate for an integrated enforcement ecosystem, combining data-driven intelligence (EUROPOL), judicial oversight (EUROJUST and EPPO), and human rights monitoring (FRA and GRETA). The 2023 EU Anti-Trafficking Progress Report calls for enhanced coordination between law enforcement and victim assistance agencies, arguing that *"effective prosecution is inseparable from effective protection"* (European Commission, 2023, p. 12).

This institutional interdependence reflects a broader trend toward Europeanization of criminal enforcement, in which supranational institutions no longer merely coordinate national actions

but actively participate in shaping prosecutorial strategies, evidence-sharing standards, and cross-border case management (Bachmaier Winter, 2022; Mitsilegas, 2020).

In sum, the institutional mechanisms developed under Directive 2011/36/EU represent an evolving multi-level governance system that combines supranational coordination with national specialization. While EUROPOL, EUROJUST, and emerging actors such as the EPPO have strengthened the operational dimension of anti-trafficking enforcement, the asymmetrical implementation of these mechanisms across Member States continues to hinder the Directive's full effectiveness. To achieve genuine harmonization, Member States must not only transpose EU norms but also institutionalize cooperation, allocate sustainable resources, and cultivate a shared prosecutorial culture rooted in the Union's core values of human dignity, solidarity, and justice.

3. Romanian Legal Framework

Romania's criminal law has undergone substantial reforms over the past two decades to align with international and European standards on combating human trafficking. The current Criminal Code, adopted through Law No. 286/2009 and in force since 2014, codifies trafficking-related offences within Articles 210–217, thereby harmonizing domestic legislation with the tripartite definitional model established by the Palermo Protocol (2000) and Directive 2011/36/EU. Romanian case law illustrates ongoing interpretative inconsistencies. For example, in several decisions of the High Court of Cassation and Justice of Romania, courts have reclassified trafficking offences as pimping where coercion was insufficiently evidenced, highlighting difficulties in proving 'abuse of vulnerability.

Specifically, Article 210 defines *trafficking in persons* as *"the recruitment, transportation, transfer, harbouring, or receipt of a person for the purpose of exploitation, by means of threat, violence, deception, or abuse of authority or of a person's vulnerability"*, while Article 211 criminalizes *trafficking in minors*, establishing higher penalties to reflect the increased social danger of offences involving children (Romanian Criminal Code, 2014, Arts. 210–211). The Code explicitly provides that the consent of the victim is legally irrelevant when coercive means or abuse of vulnerability are involved—an essential alignment with Article 2(4) of Directive 2011/36/EU (European Parliament & Council, 2011).

In addition, Article 216 criminalizes *exploitation through forced labour or services*, and Article 217 addresses *the use of the services of an exploited person*, thereby sanctioning not only traffickers but also the demand side of exploitation. The inclusion of Article 217 reflects a significant policy evolution, recognizing that demand constitutes a structural driver of human trafficking—a dimension also emphasized in Recital 25 of Directive 2011/36/EU and Article 19 of the Council of Europe Convention (2005).

Romanian case law confirms that the main difficulty does not concern the formal definition of trafficking, but the judicial interpretation of coercion, abuse of vulnerability and the distinction between trafficking in persons and related offences such as pimping. In its interpretative practice, the High Court of Cassation and Justice has treated situations involving the recruitment and transportation of persons abroad for exploitation as capable of constituting trafficking in persons, while also emphasizing the possible concurrence or delimitation from pimping depending on the factual circumstances of exploitation and control. This jurisprudential line illustrates the importance of proving not only the material acts of recruitment, transportation or harbouring, but also the means used by the offender and the exploitative purpose pursued.

A relevant illustration may be found in Romanian judicial practice concerning the reclassification of trafficking charges into pimping where courts considered that coercion,

deception or abuse of vulnerability had not been sufficiently established. Such cases demonstrate that the concept of "abuse of vulnerability" remains decisive in separating trafficking from proxenetism and other related offences. The evidentiary difficulty is particularly visible in cases involving psychological control, emotional dependency, economic precarity or manipulation, where the victim may appear to have consented to exploitation, although such consent is legally irrelevant under both Romanian law and Directive 2011/36/EU.

Penalties range from three to ten years of imprisonment for adult trafficking and from five to twelve years for trafficking in minors, with aggravating circumstances including offences committed by an organized criminal group, by public officials, or resulting in serious bodily harm or death (Criminal Code, Arts. 210–211). In these aggravated cases, the upper sentencing threshold may reach fifteen years, reflecting the Romanian legislator's intent to ensure that punishment remains effective, proportionate, and dissuasive.

Romanian criminal law also integrates related offences such as *pimping* (Art. 213), *child pornography* (Art. 374), and *illegal adoption* (Art. 385), which often intersect with trafficking activities (Dănileț, 2020). This legislative coherence demonstrates the adoption of a systemic criminalization strategy, one that addresses trafficking not as an isolated phenomenon but as a constellation of interrelated exploitative practices.

Nevertheless, despite this normative sophistication, interpretive challenges persist in distinguishing trafficking from proxenetism, labour exploitation, and migrant smuggling—particularly in cases where coercion or abuse of vulnerability is implicit rather than explicit . Romanian courts have gradually consolidated jurisprudence in line with European standards, yet inconsistencies remain at the prosecutorial level, as observed in GRETA's Third Evaluation Report (2022), which notes the need for enhanced judicial training on the psychological and social dimensions of coercion (Council of Europe, 2022).

Romania's institutional response to human trafficking is anchored in the National Agency against Trafficking in Persons (ANITP), established under the authority of the Ministry of Internal Affairs through Government Decision No. 460/2011, succeeding the earlier framework of Law No. 678/2001. ANITP functions as the national coordinator for prevention, victim identification, data collection, and interinstitutional cooperation. Its role aligns with Article 19 of Directive 2011/36/EU, which mandates the establishment of national rapporteurs or equivalent mechanisms (European Commission, 2022).

In addition to ANITP, the Directorate for Investigating Organized Crime and Terrorism (DIICOT) holds exclusive jurisdiction over trafficking-related offences, reflecting the recognition of trafficking as a form of organized transnational criminality (Romanian Law No. 508/2004). DIICOT operates specialized units tasked with investigation, prosecution, and international cooperation through EUROPOL, EUROJUST, and INTERPOL channels.

Victim protection mechanisms are regulated primarily by Government Decision No. 299/2003, which establishes assistance and protection centers offering temporary accommodation, medical care, psychological counselling, and legal aid. These services are delivered in collaboration with non-governmental organizations, such as *Reaching Out Romania* and *eLiberare*, reflecting the Directive's requirement for multi-sectoral partnerships (European Parliament & Council, 2011, Art. 11; European Commission, 2020).

Under the Criminal Procedure Code (2014), victims are entitled to participate as civil parties in criminal proceedings and may request state compensation for material and moral damages. Furthermore, Article 16(1)(g) of the same Code codifies the non-punishment principle, stipulating that prosecution shall not be initiated or shall cease if the act was committed under coercion or in direct connection with the victim's exploitation. This provision gives domestic

effect to Article 8 of Directive 2011/36/EU and Article 26 of the Council of Europe Convention (2005) (Council of Europe, 2005).

In theory, this comprehensive legal and institutional framework ensures compliance with European standards. However, implementation gaps continue to undermine effectiveness. The GRETA Report on Romania (2022) identifies systemic deficiencies in victim identification—particularly among foreign victims and those subjected to labour exploitation—alongside inadequate funding for shelters and limited access to psychological services (Council of Europe, 2022). The U.S. Department of State's Trafficking in Persons Report (2024) similarly notes that while Romania meets the minimum standards for combating trafficking, *"the government did not demonstrate overall increasing efforts compared to the previous reporting period"*, highlighting insufficient prosecution rates and the persistence of secondary victimization during judicial proceedings (U.S. Department of State, 2024, p. 485).

Moreover, despite ANITP's central coordination role, interagency cooperation remains fragmented, and the national referral mechanism (NRM) lacks formal legal codification, depending instead on internal protocols and memoranda between institutions. As a result, victims may experience inconsistent referral pathways between police, prosecutors, and social services—a concern reiterated in European Commission evaluations (2023), which recommend strengthening the NRM through legislative formalization and standardized procedures.

Finally, the psychological and social rehabilitation of victims—though legally mandated—often suffers from resource scarcity and regional disparities. Research indicates that reintegration programs are short-term and insufficiently tailored to the trauma spectrum experienced by trafficking survivors. In this respect, Romania's compliance with the EU's victim-centred approach remains formalistic rather than functional, fulfilling the letter but not yet the spirit of Directive 2011/36/EU.

In summary, Romania's anti-trafficking legal framework demonstrates advanced legislative harmonization with European and international standards. Substantively, the Criminal Code integrates the tripartite definition of trafficking, criminalizes demand-side participation, and prescribes proportionate sanctions. Institutionally, ANITP and DIICOT embody specialized structures designed to coordinate prevention, investigation, and victim assistance. However, the gap between law and practice persists—manifested through insufficient funding, limited interagency coordination, and inconsistent application of the non-punishment principle.

Therefore, while Romania has successfully aligned its formal legal architecture with the European model, achieving substantive harmonization will depend on embedding a truly victim-centred, trauma-informed, and multi-sectoral enforcement culture, supported by sustained institutional capacity-building and judicial sensitivity to the psychosocial dimensions of trafficking.

While the Romanian Criminal Code provides for penalties ranging from 3 to 10 years for adult trafficking and up to 15 years in aggravated cases, empirical data suggest inconsistencies in sentencing practice. According to the U.S. Department of State (2024), courts frequently apply sentences at the lower end of the statutory range, particularly in cases lacking organized crime elements. This raises concerns regarding the effective and dissuasive character of sanctions required under Article 4 of Directive 2011/36/EU.

4. Comparative Analysis: European vs. Romanian Law – Interpretative Gaps

Although Romania has achieved formal alignment with the European Union's anti-trafficking acquis, as reflected in its transposition of Directive 2011/36/EU and implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (2005), significant interpretative and operational discrepancies persist between European normative expectations and domestic practice. The process of harmonization, while legislatively complete, has not yet generated functional equivalence—that is, the effective and uniform enforcement of victim-centered standards within the Romanian criminal justice system (Mitsilegas, 2020).

An underdeveloped dimension of the Romanian anti-trafficking response concerns the use of labour inspections and financial investigations. EU policy frameworks emphasize the role of labour inspectorates in identifying exploitation in sectors such as agriculture, construction, and domestic work. However, in Romania, cooperation between labour authorities and criminal investigators remains limited.

Similarly, financial investigations—aimed at tracing illicit profits and dismantling trafficking networks—are insufficiently integrated into prosecutorial practice, despite recommendations from EUROPOL and the European Commission (2020). The limited use of asset recovery mechanisms weakens both deterrence and the disruption of organized criminal structures.

A comparative reading of EU law and Romanian practice reveals a multi-level divergence between *de jure* compliance and *de facto* implementation. This divergence manifests across four critical areas: jurisdictional competences, psychological assessment and victim care, application of the non-punishment principle, and judicial outcomes.

Dimension	**EU Legal Framework (Directive 2011/36/EU, CoE Convention)**	**Romanian Criminal Law (Cod Penal, Law 678/2001)**
Definition of Trafficking	Act–Means–Purpose model, aligned with Palermo Protocol	Fully aligned since 2014 Criminal Code reform
Consent of the Victim	Irrelevant if obtained through coercion or deception	Explicitly irrelevant under Art. 210(2)
Forms of Exploitation	Sexual, labour, servitude, organ removal, criminal activity	Fully covered, though "exploitation of begging" remains under judicial interpretation
Victim Assistance	Legal aid, medical, psychological, and social support	Provided by ANITP and NGOs; uneven regional coverage
Non-Punishment Principle	Mandatory under Art. 8	Recognized by case law; not consistently applied
Institutional Coordination	National Rapporteurs, EUROPOL, EUROJUST	ANITP coordinates; limited prosecutorial specialization
Victim Compensation	State and offender-funded schemes	Compensation possible through civil action, rarely applied

One of the most persistent structural challenges concerns the overlapping jurisdictional competences between the Directorate for Investigating Organized Crime and Terrorism (DIICOT) and local prosecutors' offices. While DIICOT holds statutory competence over trafficking-related offences (Law No. 508/2004, Art. 12), many investigations—particularly those involving *labour exploitation* or *domestic servitude*—are frequently initiated or managed by local prosecutors, who may lack specialized training in the psychological and

evidentiary complexities of trafficking cases (Council of Europe, 2022; European Commission, 2022).

This institutional fragmentation leads to inconsistent case handling and frequent reclassification of offences, often downgrading trafficking charges to lesser offences such as *pimping* or *illegal restraint*. The absence of a clear procedural demarcation between DIICOT and general prosecutors' offices undermines prosecutorial coherence and contributes to a *"jurisdictional dilution"* of trafficking as a complex organized crime phenomenon. By contrast, several EU Member States, such as the Netherlands and Belgium, operate centralized anti-trafficking prosecution units, ensuring specialization, consistent methodologies, and enhanced inter-agency communication (EUROJUST, 2023).

Consequently, while Romania formally complies with Article 18(4) of Directive 2011/36/EU, which calls for effective investigative tools and coordination, its institutional dispersion of competences weakens the strategic coherence of national enforcement and diminishes the deterrent effect of criminal prosecution (European Commission, 2023).

A second major interpretative gap concerns the insufficient integration of psychological expertise into investigative and judicial processes. European standards emphasize that trauma-informed approaches are indispensable to both victim protection and the reliability of testimony (European Parliament & Council, 2011, Art. 11; Council of Europe, 2005, Art. 12). However, in Romania, psychological evaluations are often limited to medical certificates or brief counselling sessions, lacking depth in assessing *trauma-induced compliance, post-traumatic stress, or suggestibility* .This deficiency contrasts sharply with EU best practices, which recommend specialized forensic-psychological assessments at every procedural stage—from identification to courtroom testimony—to prevent secondary victimization and ensure evidentiary integrity (GRETA, 2023; Brunovskis & Surtees, 2012). Romanian courts rarely employ expert witnesses trained in trauma psychology, leading to inconsistent appreciation of coercion, vulnerability, and consent—concepts that are central to the legal definition of trafficking .The lack of institutionalized psychological assessment units within DIICOT or ANITP hinders the effective application of the victim-centered paradigm promoted by Directive 2011/36/EU. As GRETA (2022) observes, *"Romanian authorities continue to focus predominantly on the criminal dimension of trafficking, to the detriment of victims' psychological recovery and reintegration"* (p. 7).

A third area of divergence lies in the uneven application of the non-punishment principle, enshrined in Article 8 of Directive 2011/36/EU and Article 26 of the Council of Europe Convention (2005). While Article 16(1)(g) of Romania's Criminal Procedure Code formally incorporates this standard by precluding prosecution for acts committed under coercion or exploitation, its practical enforcement remains inconsistent.

Prosecutors and judges often apply the provision narrowly, requiring explicit proof of coercion rather than inferring it from contextual indicators such as psychological dependency, threats, or debt bondage. As a result, trafficking victims have been prosecuted for offences such as drug cultivation or theft committed under traffickers' control—a practice that contravenes ECtHR jurisprudence, notably *V.C.L. and A.N. v. the United Kingdom* (2021), which held that states have a positive obligation to identify potential victims before initiating prosecution.

This inconsistency creates what scholars call a "revictimization paradox": victims who should be protected by the criminal justice system are instead retraumatized through punitive processes (Askola, 2007). GRETA's evaluation (2022) confirms that Romanian courts have yet to adopt a uniform interpretative standard on non-punishment, recommending specialized judicial training and explicit prosecutorial guidelines to ensure compliance with European

human rights obligations.Despite an increase in investigations over the past decade, Romania continues to

register low conviction rates in trafficking cases, revealing a persistent *attrition gap* between the number of identified victims, opened investigations, and final convictions (U.S. Department of State, 2024). According to GRETA (2022), conviction rates in Romania remain significantly lower than the European average, with many cases dismissed due to insufficient evidence, poor victim cooperation, or procedural delays.

This problem is compounded by the lack of standardized evidence-gathering protocols and the reliance on victim testimony as the primary source of proof, contrary to EU recommendations advocating the use of financial investigations, electronic surveillance, and cooperation with labour inspectorates (European Commission, 2020). The absence of robust evidentiary frameworks reflects a retributive rather than preventive prosecutorial culture, prioritizing punishment over systemic disruption of trafficking networks (Mitsilegas, 2020).

Furthermore, the procedural environment often remains hostile to victims. Extendedtrial durations, repeated cross-examinations, and inadequate witness protection mechanisms exacerbate secondary victimization, discouraging victims from testifying and contributing to the high attrition rate . In contrast, Member States such as Sweden and the Netherlands implement accelerated judicial procedures and multidisciplinary support teams, ensuring both victim safety and prosecutorial efficiency (EUROJUST, 2023).

In comparative perspective, Romania has fulfilled the formal conditions of legal harmonization under Directive 2011/36/EU but falls short of achieving substantive equivalence with European best practices. Fragmented institutional competences, inadequate psychological support structures, and inconsistent application of the non-punishment principle continue to undermine the efficacy of anti-trafficking law.

As highlighted by Mitsilegas (2020), "legal harmonization in the absence of functional implementation produces only symbolic compliance." The Romanian experience exemplifies this paradox: a modern, Europeanized legislative framework operating within a procedural culture still constrained by resource deficits, formalism, and limited interdisciplinarity. Bridging this gap requires sustained investment in capacity-building, judicial specialization, and trauma-informed procedural reform, ensuring that Romania's anti-trafficking policy evolves from a model of *legal conformity* to one of *effective protection and justice*.

5. Discussion

The comparative analysis demonstrates that Romania has achieved a high degree of legislative harmonization with the European Union's framework on preventing and combating human trafficking. The Criminal Code (Articles 210–217), Law No. 678/2001, and related procedural instruments faithfully transpose the definitional, punitive, and protective requirements of Directive 2011/36/EU and the Council of Europe Convention on Action against Trafficking in Human Beings (2005). However, the findings also reveal that functional harmonization—the capacity to ensure coherent coordination between legal norms, institutional structures, and victim assistance mechanisms—remains incomplete and unevenly operationalized (European Commission, 2023; GRETA, 2023).

While the European legal model promotes a multidimensional and trauma-informed paradigm, Romania's domestic practice continues to emphasize the repressive dimension of trafficking control, focusing on criminal investigation and punishment rather than on the rehabilitation and empowerment of victims. This imbalance reflects what scholars term the "implementation gap" between normative transposition and substantive realization of human rights obligations (Mitsilegas, 2020).

At the European level, the integrated victim-centered paradigm conceptualizes trafficking not merely as a crime against the state but as a severe violation of human dignity and autonomy. This approach, codified in Articles 8 and 11 of Directive 2011/36/EU, requires states to ensure *comprehensive recovery pathways* that combine legal, psychological, medical, and social interventions (European Parliament & Council, 2011).

In contrast, Romanian institutional responses remain largely procedural, focusing on prosecutorial outcomes rather than the psychosocial well-being of survivors. GRETA (2022) observes that Romanian authorities "continue to prioritize repression over prevention and recovery," with support services often underfunded and accessible only for short-term periods (Council of Europe, 2022, p. 15). The emphasis on punitive enforcement, while aligning with deterrence goals, inadvertently perpetuates secondary victimization, particularly during repeated interrogations and court proceedings.

This divergence underscores a fundamental tension between criminal law efficiency and human rights protection. Effective harmonization, therefore, requires not only alignment of penal provisions but also integration of victim-oriented and psychosocial dimensions into every stage of the legal process—from identification and investigation to adjudication and reintegration (Askola, 2007).

One of the most salient deficiencies in Romania's anti-trafficking system is the absence of a coherent trauma-informed framework. Directive 2011/36/EU calls for a holistic approach that addresses both the visible and psychological consequences of trafficking, explicitly referencing the need for gender-sensitive, child-appropriate, and culturally competent care (European Parliament & Council, 2011, Recital 3; European Commission, 2020).

However, national procedures rarely integrate psychological assessment or long-term trauma recovery into victim assistance. Services provided by shelters are frequently limited to 90-day stays, with scarce follow-up support (Council of Europe, 2022). Moreover, specialized training for prosecutors, police officers, and judges on trauma and coercion dynamics remains sporadic, leaving professionals ill-equipped to interpret *trauma-related inconsistencies* in victim testimony (GRETA, 2023).

A gender perspective is also insufficiently mainstreamed in Romanian practice. Although most identified victims are women and girls trafficked for sexual exploitation, national reintegration programs do not systematically differentiate between gender-specific needs such as reproductive healthcare, parenting assistance, or stigma reduction. The lack of such differentiation weakens the transformative potential of anti-trafficking policies, which, according to EU standards, must address structural inequalities that render certain groups more vulnerable to exploitation (European Commission, 2021).

To move from formal compliance toward substantive harmonization, Romania must undertake targeted reforms that align institutional practice with the holistic vision of the Directive. Four priority areas are particularly relevant:

1. Strengthening Interagency Collaboration.

The cooperation between the National Agency against Trafficking in Persons (ANITP), the Directorate for Investigating Organized Crime and Terrorism (DIICOT), and civil society organizations remains fragmented and overly bureaucratic (Council of Europe, 2022). Establishing a legally codified National Referral Mechanism (NRM)—integrating NGOs, healthcare providers, and social services—would ensure continuous protection and reduce administrative discontinuity. This model is consistent with the *EU Strategy on Combating Trafficking in Human Beings 2021–2025*, which prioritizes coordination across governmental and non-governmental actors (European Commission, 2021).

2. Institutionalizing Specialized Training for Prosecutors and Judges.

Effective implementation of the non-punishment principle and trauma-sensitive adjudication requires continuous capacity-building. As GRETA (2023) and the European Commission (2022) emphasize, judicial actors must be trained to recognize psychological coercion, dependency, and trauma-related behaviour as legally relevant indicators of victimization. This could be achieved through mandatory modules in the National Institute of Magistracy (INM) curriculum and periodic training led by interdisciplinary experts.

3. Creating State-Funded Compensation Schemes.

Although Romanian law allows for civil compensation, victims rarely access restitution due to protracted litigation and procedural barriers (U.S. Department of State, 2024). Establishing a state-funded compensation mechanism, independent of criminal conviction outcomes, would align Romania with best practices in countries such as the Netherlands and Germany. Such a fund should be administered transparently by ANITP in collaboration with the Ministry of Justice, ensuring victims' immediate access to financial assistance for recovery.

4. Adopting a Multidisciplinary Victim Recovery Protocol.

A standardized victim recovery protocol, integrating medical, psychological, legal, and social services, is necessary to achieve the multidimensional recovery envisioned by the Directive (European Parliament & Council, 2011, Recital 17). This protocol should establish clear timelines, responsibilities, and outcome indicators—mirroring the "case management model" applied in several Western European states (Brunovskis & Surtees, 2012). Moreover, it should include monitoring and evaluation mechanisms to assess the effectiveness of assistance programs and prevent re-trafficking.

To ensure the sustainability of reforms, Romania should draw upon European best practices emphasizing prevention, partnership, and protection. The Austrian Task Force on Human Trafficking and the Dutch Coordination Centre against Trafficking in Human Beings (CoMensha) provide valuable models of multi-agency cooperation that integrate data monitoring, victim reintegration, and strategic policymaking (EUROJUST, 2023).

Adopting similar institutional mechanisms in Romania would enhance the continuity of victim support and promote evidence-based policymaking. Furthermore, cross-border collaboration through EUROPOL, EUROJUST, and Frontex can be expanded to ensure the identification of transnational victim networks and the dismantling of supply chains of exploitation (European Commission, 2023).

In conclusion, while Romania's legislative architecture mirrors the European framework, the implementation of a truly victim-centered and trauma-informed system remains an unfinished project. Achieving substantive compliance requires the translation of legal norms into institutional culture—one that privileges empathy, intersectoral cooperation, and psychological rehabilitation alongside repressive enforcement.

As Piotrowicz aptly observes, *"the human rights approach to trafficking is not merely about preventing exploitation, but about restoring the personhood of those affected."* For Romania, the challenge lies not in rewriting the law, but in redefining the justice process so that it embodies the Directive's humanitarian essence—transforming victims into rights-holders, and institutions into genuine instruments of recovery and protection.

6. Conclusions

Human trafficking continues to represent a multifaceted legal, social, and psychological phenomenon, situated at the intersection of human rights protection, organized crime, and social policy. Despite extensive legislative progress across Europe, including Romania, the

phenomenon persists as one of the most severe violations of human dignity, requiring coordinated, multidisciplinary, and transnational responses (European Commission, 2023; Mitsilegas, 2020).

The findings of this study confirm that Romania's legal framework is formally aligned with the European Union's acquis, particularly Directive 2011/36/EU and the Council of Europe Convention on Action against Trafficking in Human Beings (2005). The substantive criminalization of trafficking, the establishment of specialized institutions such as DIICOT and ANITP, and the incorporation of the non-punishment principle demonstrate the country's commitment to legislative harmonization and compliance with international standards (Council of Europe, 2022).

However, the research also reveals persistent implementation deficits that hinder the transition from *de jure* conformity to *de facto* protection. The lack of consistent interinstitutional coordination, insufficient funding for rehabilitation programs, and the limited application of trauma-informed practices indicate that Romania's anti-trafficking response remains predominantly punitive and procedural, rather than restorative and preventive.

At the European level, the Directive advocates for a comprehensive victim-centered approach, recognizing that true justice involves not only the prosecution of offenders but also the restoration of victims' autonomy, dignity, and psychosocial integrity (European Parliament & Council, 2011). Yet, as GRETA's (2023) evaluations show, the Romanian system continues to prioritize repressive enforcement over long-term social reintegration, with recovery services remaining fragmented and inconsistently accessible.

The Romanian experience thus illustrates a broader structural challenge within the EU: the difficulty of transforming legal harmonization into functional harmonization. While the adoption of European legal norms has modernized national criminal law, the internalization of human rights–based and trauma-informed principles across institutions remains incomplete. As Mitsilegas (2020) argues, "the Europeanization of criminal law cannot be reduced to transposition; it must entail a transformation of legal culture and institutional behavior" (p. 221).

Consequently, the future of Romania's anti-trafficking policy depends not merely on sustaining compliance but on embedding empathy, interdisciplinarity, and evidence-based practices into its institutional and judicial ethos. This transformation requires a shift from a *law-in-books* perspective to a *law-in-action* paradigm—one that operationalizes solidarity, dignity, and justice as living principles guiding all aspects of anti-trafficking governance .

To achieve this transformation, Romania must consolidate a multilevel, rights-based framework that links criminal enforcement with social reintegration and psychological recovery. Such an approach would not only enhance the effectiveness of legal interventions but also reaffirm the European values of human dignity, equality, and respect for fundamental rights that underpin the Union's legal order.

In conclusion, while legislative harmonization represents an essential milestone, true convergence with the European anti-trafficking model will be attained only when Romanian institutions are capable of transforming compliance into protection, punishment into restoration, and formal standards into lived realities for all victims of trafficking.

References

Allain, J. (2017). *Slavery in International Law: Of Human Exploitation and Trafficking*. Martinus Nijhoff Publishers

Askola, H. (2007). *Legal Responses to Trafficking in Women for Sexual Exploitation in the European Union*. Oxford and Portland Oregon : Hart Publishing

Bachmaier Winter, L. (2022). *The European Public Prosecutor's Office: The Challenges Ahead, Hart* Publishing.

Brunovskis, A., & Surtees, R. (2012). *Leaving the Past Behind? When Victims of Trafficking Decline Assistance*. Fafo Report, ISBN 978-82-7422-901-3

Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA). (2023). *3rd Evaluation Round – Annual Report 2023*. Strasbourg.

Council of Europe. (2005). *Convention on Action against Trafficking in Human Beings* (CETS No. 197). Warsaw.

Council of Europe. (2023). *GRETA – 3rd General Report on Activities*. Strasbourg..

Court of Justice of the European Union. (2005). *Criminal proceedings against Maria Pupino*, Case C-105/03, Judgment of 16 June 2005, ECLI:EU:C:2005:386.

Directive 2011/36/EU also expressly regulates non-prosecution or non-application of penalties to victims in Article 8, so this can support your discussion of non-punishment.

EUROJUST. (2023). *Annual Report 2023: Strengthening Judicial Cooperation in the EU*. The Hague.

European Commission. (2020). *Study on the Economic, Social and Human Costs of Trafficking in Human Beings within the EU*. Luxembourg: Publications Office.

European Commission. (2021). *EU Strategy on Combating Trafficking in Human Beings 2021–2025*. COM(2021) 171 final. https://doi.org/10.1016/S1361-3723(21)00125-1

European Commission. (2022). *Report on the implementation of Directive 2011/36/EU*. COM(2022) 726 final.

European Commission. (2023). *EU Anti-Trafficking Progress Report 2023*. Brussels.

European Court of Human Rights (ECtHR). (2021). *V.C.L. and A.N. v. the United Kingdom* (Applications nos. 77587/12 and 74603/12). Strasbourg.

European Parliament & Council. (2011). *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*. Official Journal of the European Union, L 101/1.

EUROPOL. (2021). *Serious and Organised Crime Threat Assessment (SOCTA) 2021*. The Hague.

Gallagher, A. T. (2010). *The International Law of Human Trafficking*. Cambridge University Press. https://doi.org/10.1017/CBO9780511761065

GRETA. (2023). *Annual Report 2023 – Group of Experts on Action against Trafficking in Human Beings*. Council of Europe.

High Court of Cassation and Justice of Romania. (2005). *Decision no. IV of 26 September 2005*, concerning the legal classification of trafficking in persons and pimping.

Mitsilegas, V. (2020). *EU Criminal Law after Lisbon: Rights, Trust, and the*

Transformation of Justice in Europe. Hart Publishing.

Obokata, T. (2006). *Trafficking of Human Beings from a Human Rights Perspective: Towards a Holistic Approach*. Martinus Nijhoff Publishers. https://doi.org/10.1163/ej.9789004154056.i-247

U.S. Department of State. (2024). *Trafficking in Persons Report 2024*. Washington, D.C.

United Nations. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. Palermo.