

Relevant Etiological Factors Involved in Human Trafficking in order to Practice Prostitution

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Abstract: Human trafficking (especially women and young girls, though men count equally among the victims) are recently developed worldwide. The situation in certain regions of Central and Eastern Europe (with the opening of borders, increasing unemployment and poverty, dislocations and reducing state control structures) tend to favour the development of all forms of trafficking, especially of human trafficking for sexual exploitation. To adopt appropriate measures to prevent and combat we have to know first the causes and conditions that generate human beings trafficking. Analysis of case studies and police statistics allowed the structuring of categories of causes and conditions that generate and sustain the phenomenon of trafficking in order to practice prostitution.

Keywords: human trafficking; prostitution; criminal law

Currently, the phenomenon of human trafficking and corruption, underground economy, tax evasion and financial fraud, is one of the strongest manifestations of crime, which, in a record time, saw unimaginable proportions for our society. The problem of trafficking is not a new problem in human history. Slavery in new or old forms, and practices similar to slavery still exist in other countries of the world, everything is in the range of organized crime. Developing new means of communication and global economic imbalances have internationalized the trafficking. First there was trafficking in white people, then trafficking from south to north, and now trafficking in disadvantaged regions to more prosperous regions (especially to Western Europe), regardless of geographic location. Contradictory dynamics in terms of social phenomena and political processes taking place in Eastern Europe, appeared and developed as underground phenomenon of global dimensions, human trafficking. (Kartush, 2004)

Human trafficking (especially women and young girls, though men count equally among the victims) are recently developed worldwide. When the desire to emigrate to the west can not be satisfied legal migration candidates resort to intermediaries, who have often proved to be part of organized criminal networks that were authorized to recruit persons for prostitution. Especially the situation in certain regions of Central and Eastern Europe (with the opening of borders, increasing unemployment and poverty, dislocations and reducing state control structures) tend to favour the development of all forms of trafficking, especially of human trafficking for sexual exploitation. This development would not have been possible without the development of specific networks, in terms of sexual exploitation. Customers are true pillars of the system of prostitution. The client, the male buyer from the market of prostitution, remains mostly anonymous or invisible. Trafficking in human beings respond to specific requests from customers whose behaviour follows the evolution of European society. Therefore, it seems that customers of the sex trade play a decisive role; the traffickers are trying above all to meet the demand. Reasons leading to buying of sex are different: curiosity, sexual variation and

convenience, contact problems and loneliness, problems of couple life, etc. Alarm signals drawn from civil society and international community led public authorities to recognize the existence of the phenomenon and to take action against this threat. As a result, government institutions have complied with a series of measures to prevent and combat trade in human beings. Among the legal regulatory actions, the Romanian Parliament adopted the Law no. 678/2001 on preventing and combating human trafficking published in The Official Gazette no. 783 of 11.12.2001, amended and completed by Emergency Ordinance no. 143/24.10.2002 and Law no. 39/21.01.2003. This is a special law which contains provisions of criminal nature, but unlike other acts of the same kind, non criminal nature of criminal law revolves around rules which define and sanction trafficking in human beings.

Law no. 678/2001 is meant to cover the entire range of phenomena, in terms of criminal and social issues, following suppression of crime, but also identifying the generating causes by taking measures on protection of victims, issues arising from art. 1¹: "the law regulates the prevention and combating of trafficking in human beings and protects and assists the victims of trafficking which is a violation of individual rights and of their dignity and integrity."

To adopt appropriate measures to prevent and combat we have to know first the causes and conditions that generate human beings trafficking. Analysis of case studies and police statistics allowed the structuring of categories of causes and conditions that generate and sustain the phenomenon of trafficking in order to practice prostitution.

A. **Poverty** is a real cause that often leads to the decision to adopt such a lifestyle. Material deprivation is the main reason for practicing prostitution (83%). Precarious financial situation is the most common reason together with the lack of perspective to improve this situation. The poorest areas in Romania are Moldavia and Muntenia,² the relationship between poverty and the phenomenon of trafficking being emphasized by reducing jobs, reducing opportunities for young people to become independent in relation to family, reducing the chances of founding families, weak control mechanisms of the Community.

Periods of economical³ and political crisis, of war⁴, refuge, the transition to a new social order, natural disasters create an environment conducive to the proliferation of prostitution for economic reasons. Poverty in its *absolute* form, when the means of subsistence lack and life is endangered, or in its *relative* form, when you cannot meet the social needs for culture and education, in its *primary* form, if the income is below costs, or *secondary*, if costs are not appropriate, the poverty determines the adoption of such a lifestyle. Some individuals, groups, collectivities, were born in poor environments, others are poor in objective circumstances. Poverty leads to the market of selling sex, as practitioners, as well as procurers. The desire to avoid poverty, the aspiration to a new level of life motivates this option. (Macavei, 2005, p. 77)

B. Lack of occupation, job insecurity, unemployment, and the ambition to reach social position in economic and administrative functions, political or artistic expression can cause acceptance of intimate relationships. Unemployment is the factor that leads to the sudden decline in living

¹ Law no. 678/2001 on preventing and combating trafficking in human beings, published in M.O. no. 783 from 11.12.2001, modified and completed by the Emergency ordinance no. 143 from 24.10.2002, Law no. 39 from 21.01.2003 and the ordinance from October 11th 2005.

² National Institute of Statistics.

³ Economic crises are characterized by fast inflation, financial blockage and the lost of the external market which affects the production the wages and the unemployment. These economic inequalities force individuals to leave the country of origin and to look for a better paid job abroad.

⁴ See The Times, no. 1985 from March 23rd 2004 which notices that the war changed Kosovo in a new area of human beings trafficking.

standards, affecting the individual's inner balance. Also, family structure is seriously touched, when the father becomes unemployed and his authority is declining. In many poor families the woman remains the sole supporter of the family. This reversal of roles leads to confusion, imbalance, anxiety, alcoholism or emotional instability. (Lazaroiu, 2000, p. 34)

In terms of the ongoing process of economic restructuring, many couples do not find jobs and choose prostitution as a means of subsistence. Also, a successful model is important in strengthening the decision of foreign immigration for a job. Internal migration (in the country) and external (outside the country) for finding a job is experienced as a crisis of identity. The legal and illegal market (in some countries) expands the offer with persons forced to earn a living in this way. The lack of attractiveness in the private sector which sometimes involves tough conditions, low pay, sexual harassment or the lack of obligations assumed by the employer are also important reasons.

C. Street and the environment created by the underworld are a source of recruitment of vulnerable persons. Children and youth living on the streets are possible victims for the sex market. They are obliged by their parents to enter this market through prostitution or pornography.

D. The pressure of moral habits, religious obligations, convince practitioners to earn money by selling the body and influence the conduct expected: increasing the divine presence, sexual performance and other benefits.

E. Personal life trauma is a common cause of this phenomenon through prostitution, procurement and pornography. Frustrations of childhood and adolescence (Strominger, 2002, p. 103), abandonment, neglect and especially sexual abuse - rape, incest and paedophilia - are sources of internal conflict that affect the psychological balance and lead to social maladjustment. Failures in intimate personal life can be the basis for decisions to use the body as a source of profit. The vulnerability of young people increases if they were physically, sexually or economic abused. The abusive family and institutional environment influences the emotional balance, inflicting a feeling of failure. Traffickers take advantage of this situation that mimics the interests towards victims that face emotional disturbances. Victims (Mitrofan, 1992, p. 106) then accept (by virtue of this emotional relationship) the status of prostitute or complicit in procuring prostitutes.

F. Freedom of Decision. There are cases where women decided to practice multiple sex to support their family, children, as a way to sacrifice the health and reputation. There are cases of couples forced to undergo religious rituals and sexual magic. These two situations are a mobile for offering prostitution.

G. Direct or masked advertising or Internet can be a source of inspiration but also a mobile for incitement. The Internet offers unprecedented benefits and traffickers exploit these advantages. Human trafficking is now performed as job offers or under cover of matrimonial agencies by email, as sales of pornographic and prostitution services.

Stereotypical images of women and men in the media contribute to the strengthening of gender inequality. Certain media images reflect the devaluation of women in the benefit of man; her contribution is perceived by most as one of satisfying sexual desires. Such men buying sexual favours and continues to be that person to sell sexual favours when women are looked and stigmatized as immoral.

Although that prostitute is a victim, she is often considered to be the guilty one and not the procurer. Both media and television, by the way some news are presented or movies with sexual themes, provides negative behaviours. This constant dissemination of these types of news leads to a

desensitization of the audience regarding the serious harms that this phenomenon produces. (Tarde, 1924, p. 174)

H. Discrimination consists in refusing to treat a social group according to its aspirations. In their home countries because of discrimination, women do not have the same professional and economic opportunities as men. In the destination countries the attitude of certain parts of the male population also plays a role: sexual prejudices that create the actual existence of this demand. These prejudices lead to frustration and triggers aggressive impulses from those who consider themselves discriminated, which lead to cultural conflict. (Sellin, 1938, p. 98) This mentality of society leads to the devaluation of human beings in favour of material gains.

I. Education is an important determinant of behaviour, which leads to the position of victim. Education is the result of the training done in schools, work place and family. (Stanculescu, 1998, p. 237) Women victimized by the inability to find jobs in their countries of origin are due either to abandonment or lack of any qualifying school.

Low levels of training of persons trafficked cause a limited and distorted vision. An example is the groups that belong to prostitution networks where the psycho-social support is the mimetism towards others that appreciate the situation superficially. (Macavei, 2001)

Although most of the motivation to practice prostitution or to seek a job in another country is the lack of money, in reality, what determines such a decision is frustration caused by such failures, which comes from education. Thus, a high level of education protects young women from the danger of being trafficked.

Schools have a very important role in education and detection but also prevention of misfits. Also, the school must develop skills and disseminate professional knowledge.

The educational system is bound to form strong views on social relations between individuals, based on laws and moral norms so that every individual must be aware of the fact that compliance with the law and rules of social life is a condition without which the rule of law cannot exist, that democracy means freedom guided by rules. Most offenders have gaps in education, many understanding freedom and democracy as an open gate to insult, to attack the dignity, health, bodily integrity or life. (Moscovici, 1998, p. 164) Also, teachers need to teach pupils aspects related to sexuality and couple relationships.

J. Legal factors. Criminal law, still incomplete and insufficiently harmonized approaches human trafficking from different angles, low effective control and proliferation of the transborder crime in this field are causes of trafficking. Lack of effective control in this area is reflected in the high degree of apparent legality covered by the existence of agency models, artistic management, marriage offices, placement agencies of foreign labour.

Therefore, to adopt an adequate criminal policy for this period we need tougher sanctions, which will improve the fight against trafficking in persons for sexual exploitation.

Legal regulation of prostitution is an extremely complex problem. The legislator is facing the first request of a party that female prostitution to be given legal status, and on the other hand, the demands of those who consider that this kind of prostitution is immoral and should be banned. In a democratic society we cannot ignore either of these options, which actually determine the content of several contradictory and uncertain status of contemporary legal systems, sometimes legally, sometimes clandestine prostitutes.

K. Criminogene international influences. A country with open borders is subject to both positive effects of world culture and civilization, and international organized crime. Trafficking as a form of manifestation of organized crime needs new markets, new networks that cannot be controlled, with an extraordinary capacity for adaptation and appropriate money goals.

All these factors have created a major obstacle for women who chose to be prostitutes, creating a status that they cannot overcome.

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