



Universiteit
Leiden
The Netherlands

To what extent have international norms and legislation promoted policy change for the protection of human trafficking victims in Romania?

Mirea, Andreea Cristina

Citation

Mirea, A. C. (2023). *To what extent have international norms and legislation promoted policy change for the protection of human trafficking victims in Romania?*

Version: Not Applicable (or Unknown)

License: [License to inclusion and publication of a Bachelor or Master Thesis, 2023](#)

Downloaded from: <https://hdl.handle.net/1887/3627793>

Note: To cite this publication please use the final published version (if applicable).

Bachelor's Thesis

Andreea Cristina Mirea

s2782502

To what extent have international norms and legislation promoted policy change for the protection of human trafficking victims in Romania?

Instructor: Prof. Dr. Müge Kinacioglu

Second reader: Dr. Carina van de Wetering

Word count: 7973

1. Introduction

Human trafficking is among the most pervasive and heinous crimes falling under the legal framework for transnational organised crime. Its profound violation of human rights and dignity has made it an issue of international importance, with efforts to achieve adequate international cooperation for combating trafficking in persons going back more than a century (Siller, 2017). In the 1990s, this cooperation intensified, culminating with the adoption of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons – frequently referred to as the Palermo Protocol – in 2000. Nonetheless, the effectiveness of international law in combating human trafficking remains a contentious issue in the academic community, with persistent debates centred around implementation, enforcement, and the impact of broader socio-economic factors on the trafficking industry.

For most of the twentieth century, efforts to address the problem of trafficking in persons have been primarily concerned with the prosecution and punishment dimension of the crime (Siller, 2017). Today, this trend has begun to shift. Scholars and international actors are adopting a more human rights-centred approach to human trafficking, with recent developments stressing the importance of prevention and victim protection measures (Fitzpatrick, 2003). These developments highlight the need to ensure that the available legal frameworks for combating human trafficking are suitable to grasp its complex dynamics. For instance, in the years following the Palermo Protocols, the United Nations High Commissioner for Refugees (UNHCR) and the Office of the High Commissioner for Human Rights (OHCHR), together with other international and regional organisations, have put out several guidelines and recommendations stressing the importance of a human rights approach for the prevention and combating of human trafficking (Gallagher, 2010). Anti-human trafficking European law since the 2000s also increasingly included human rights considerations as a central part of prevention and combating strategies (Stoyanova, 2017). These developments have created an international norm for framing human trafficking as a human rights crime rather than a migration crime (Fitzpatrick, 2003). However, despite having a significant transnational component, human trafficking remains a crime which entirely depends on the efficacy of national combatting strategies, and the permeability of international mechanisms into the domestic realm remains a matter of academic debate.

This paper aims to contribute to academic literature surrounding the role and appropriateness of international legal frameworks and international norms in addressing human trafficking cases. I will focus on establishing how norm diffusion takes place from an international to a national level and the

extent to which this diffusion can produce tangible changes in domestic political landscapes. As such, this research project will address the following question: To what extent have international norms and legislation promoted policy change for the protection of human trafficking victims in Romania?

Victim protection is an area of human trafficking which states and academic literature have only recently started to address (Fitzpatrick, 2003). Nonetheless, it occupies a crucial role in any strategies aiming to tackle the issue because effective support mechanisms are relevant for social reintegration (Armeanu, 2020, pp. 2-3) and facilitate victim identification and collaboration with subsequent prosecution efforts (Jansson, 2015). Additionally, even though scholars have been evaluating the scope and effectiveness of international law for combating human trafficking for the better part of the twenty-first century (Wylie & MacRedmond, 2010; Jansson, 2015; Siller, 2017), integrated studies following their translation into domestic legislation are relatively less developed (Britton & Dean, 2014). Thus, this research will contribute to the academic debate surrounding the influence of international law and norms to promote effective policy change domestically. This question's relevance goes beyond human trafficking to contribute to understanding how international regimes can contribute to – or hinder – desirable social and normative change despite limited enforcement mechanisms.

Societally, the relevance of this research stems from its focus on a region which, though affected profoundly by the crime under examination, has remained relatively under-studied. Eastern Europe has long been established as one of the regions with the highest human trafficking risk (Jansson, 2015, p. 43). Furthermore, Romania has consistently remained a top source country for European trafficking networks (Wylie & MacRedmond, 2010; Leman & Janssens, 2015). Poverty and socio-economic inequality, especially for women and children, make the population vulnerable to exploitation (Sarkis, 2018). As a member of the European Union and an active participant in international cooperation efforts, Romania has sought to comply with international norms and legislation. It has ratified both European and international conventions for combating human trafficking (Sarkis, 2018). Still, effective implementation and comprehensive victim protection mechanisms are yet to be observed (Sarkis, 2018). This is precisely where this research question seeks to contribute beyond the scope of academic knowledge. By developing our understanding of how international norms are translated into domestic legal practice, this project will help identify the extent to which the persistent problem of trafficking in Romania can be attributed to faulty

compliance with international laws or improper implementation of legally sound normative frameworks.

The first section of this paper is dedicated to reviewing existing academic contributions regarding international norms surrounding human trafficking and consecrated mechanisms of norm diffusion. Section two outlines the principal theories relevant to this research's scope. Section three will present the research design, including a discussion of the case selection, its significance, and specific methodological considerations. Section four is dedicated to the analysis and the presentation of findings, and section five provides the concluding remarks, including a reflection on the implications and limitations of this paper.

2. Literature review

Three strands of literature are compelling for this research project's scope. The first refers to the academic debate surrounding the existing legal frameworks for combating human trafficking, regarding the definition of the crime. The second concerns the proliferation of human trafficking in Eastern European countries. The third strand discusses the process of international norm diffusion. In this section, I outline the main contributions to each debate and explain how answering this project's central question will add to their understanding.

2.1. The importance of legal definitions

The ways in which international legal frameworks define human trafficking plays a crucial role in shaping victim protection measures. These frameworks provide a shared understanding and a set of standards for identifying, combating, and responding to human trafficking (Gallagher, 2010; Siller, 2017), and thus, by having a precise definition, legal systems can accurately identify victims and establish appropriate protective strategies (Fitzpatrick, 2003). There has been substantial academic debate surrounding the appropriateness of available definitions in international human trafficking legal instruments.

The leading definition scholars have based their analysis on is provided by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (the Palermo Protocol). The Protocol defines human trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse, of power or of a position of vulnerability or of the giving or receiving of

payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (United Nations, 2000, Art. 3).

By placing the Protocol in the historical context of former international instruments addressing human trafficking, some scholars note its merits of moving away from the previous fallacies of past international legislation regarding human trafficking. They stress the importance of the Palermo Protocol for breaking with the inconsistencies of previous international legislation – such as the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others – and succeeding to clearly define human trafficking as a criminal offence, bind signatory states to criminalise human trafficking in their domestic legislation and provide support for victims (Siller, 2017). Additionally, they credit the Protocol and the emerging definition for addressing the role of the victim's consent in the prosecution of human trafficking (Wijers, 2005). Proof of consent by the victim has long been used as grounds for the defence (Siller, 2017), but the renewed emphasis on the "means" used by traffickers offer recognition to situations in which the victim's free will is constricted (Gallagher, 2010, p. 78).

In a contrasting view, some scholars critique the trafficking definition provided in the Palermo Protocol for the emphasis placed on the means and measures of trafficking rather than the exploitation itself. Jansson (2015) argues that this emphasis rests on assumptions of the roles played by the trafficker and the victim in a trafficking situation. By creating the stereotype of the "active perpetrator" and the "passive victim", which are often inconsistent with real-life situations, the Palermo Protocol definition can limit victim identification when applied in legal practice (Jansson, 2015, p. 94).

The Palermo Protocol definition is essentially the most debated by scholars because very few legal instruments which followed it proposed a differing definition for human trafficking. For instance, the 2005 Council of Europe Convention on Action against Trafficking in Human Beings and the 2015 ASEAN Convention against Trafficking in Persons, Especially Women and Children virtually provide the same definition of trafficking (Corthay, 2019, p. 239). The same can be said of the European Parliament Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims (Corthay, 2019, p. 240).

The insights gained into the relevance of international definitions are of substantial importance for this research. Through the emphasis placed on norm diffusion processes, I follow how these definitions and associated recommendations have been translated at each stage of diffusion, from an international to the European, and finally to the national level.

2.2. Eastern Europe – at the centre of European trafficking networks

A substantial body of work establishes Eastern European states as highly relevant for understanding European human trafficking patterns. The instability observed by the region following the fall of Communism has set the ground for socio-economic and political conditions, making the populations of transitioning countries particularly vulnerable to human trafficking networks (Jansson, 2015). Economic disparities and rising poverty and unemployment rates, particularly affecting women, have led to the "feminisation of poverty", while political volatility, corruption and weak law enforcement have created an environment conducive to criminal activities, including trafficking (Jansson, 2015, p. 44). Several studies of the action patterns of traffickers in the region show how these pre-existing factors led to perpetrators developing specific methods of recruitment of victims, such as false promises of employment, fraudulent marriage proposals, or abduction (Surtees, 2008; Petrunov, 2014; Korsby, 2023).

These findings further stress the importance of adapting legal frameworks to address the underlying factors that sustain trafficking and uphold the vulnerability of victims (Fitzpatrick, 2003).

2.3. International norm diffusion

While the previous sections prove that academic inquiries have been made into the appropriateness of the definitions of human trafficking and the situation of the region under examination, fewer efforts have been made to assess the influence international instruments have had on promoting tangible domestic changes. Britton and Dean's (2014) study offers an insightful analysis of how international norm diffusion has influenced the adoption of human trafficking legislation in Southern Africa. They note that while norm diffusion did occur, translation into national legal systems was imperfect, and implementation and enforcement remain challenging (Britton & Dean, 2014). However, a similar study into Eastern European efforts to combat human trafficking is yet to be done, but remains highly relevant to our understanding of the power of international law against human trafficking.

The constructivist logic of international norm diffusion is particularly compelling for this research. Significant work has been done to assess the ability of international organisations to act as norm entrepreneurs (Checkel, 1997; White, 2020) and their available mechanisms for diffusion (Barnett & Finnemore, 2012). Furthermore, the European Union is recognised as the most successful entity for promoting international normative change (Risse & Börzel, 2003; Börzel & Risse, 2012).

This research aims to bridge the gap between these two debates. The following section will address existing theories explaining international norm diffusion and how they are instrumental for this research project.

3. Theoretical framework

Central to this research project is the concept of norm diffusion. The dominant definition in political science literature establishes it as the process by which international norms are translated and internalised into the domestic contexts, leading to a change in the domestic normative landscape (Checkel, 1997). In their seminal 1998 article laying the ground for conceptualising the constructivist logic of norm diffusion, Finnemore and Sikkink (1998) establish three theoretically salient aspects for this project. First, they distinguish between three categories of norms: constitutive norms – which define who belongs to a community and establish members' rights and responsibilities – regulative norms – which govern the behaviour of actors within the community – and prescriptive norms – which determine specific actions or policies (Finnemore & Sikkink, 1998). I argue that the anti-trafficking international legal regime has progressed to include a prescriptive norm for increased victim protection, which acted as the driver for domestic normative change in Romania.

Second, their "norm cycle model" will guide the analysis of normative changes in the Romanian victim protection regimes (Finnemore & Sikkink, 1998). The model identifies three stages of norm diffusion which help explain the evolution of human rights regimes from the international forum of the United Nations (UN) to the regional forum of the European Union (EU), and lastly to domestic internalisation into the Romanian system. I will trace normative changes at each of the stages of diffusion: (1) norm emergence, (2) norm cascade, and (3) widespread acceptance.

Third, Finnemore and Sikkink (2008) establish the role of international organisations (IOs) in promoting and enforcing norms. They emphasise the role of IOs as norm entrepreneurs and their essential ability to socialise states, contribute to the diffusion of norms and facilitate norm compliance through monitoring, reporting, and normative pressure (Finnemore & Sikkink, 1998, pp.

899-900). Barnett and Finnemore (2012) further argue that "IOs may change the broader normative environment and states' perceptions of their own preferences so that they are consistent with IO preferences" (Barnett & Finnemore, 2012, p. 28). This is particularly compelling as international organisations such as the UN and the EU are the most influential sources of international law development in the area of human trafficking regimes, as shown by the previous sections, and simultaneously the most influential organisations for Romanian treaty-ratification (Sarkis, 2018).

In their study of international economic norms, Simmons, Dobbin, and Garret (2008) establish four causal mechanisms that lead to norm diffusion into domestic policy: (1) coercion, (2) competition, (3) learning, and (4) emulation. Since competition directly refers to the effect of economic competition between states on liberalisation and protectionism (Simmons et al., 2008), the first three mechanisms – coercion, learning, and emulation – are the most suitable for evaluating human rights norm diffusion.

Coercion

Out of the two mechanisms of coercion – unilateralism and conditionality – IOs can successfully employ the latter (Simmons, Dobbin, & Garrett, 2008). Conditionality refers to linking policy reform to political membership or economic resources, essentially putting states in a "quid-pro-quo" situation (Simmons et al., 2008). This is particularly common in the case of the European Union, through its use of the Copenhagen criteria, additionally justifying the higher rate of policy convergence among EU members and candidate states (White, 2020).

Learning

The role of IOs in facilitating norm diffusion through social learning is the least contested out of all diffusion mechanisms. Learning occurs when an actor changes their beliefs due to "observation and interpretation or from the acquisition of new theories or behavioural repertoires" (Simmons et al., 2008, p. 25). IOs are a natural conduit for learning and organised pedagogy due to three core features: (1) they are set up as a set of rules meant to guide state behaviour, (2) they enhance transparency, and (3) they intensify information flows (Simmons et al., 2008). This mechanism is also discussed by White (2020) when she establishes IOs as arenas where governments can cooperate towards policy convergence and gain ideas of "best practices" (White, 2020, pp. 70-72).

Emulation

Emulation emphasises the role of rhetorical power in propelling policy convergence. In this instance, countries opt to change their behaviour because of expert recommendations or because "specialists make contingent arguments about a policy's appropriateness" (Simmons et al., 2008, p. 34).

The last theory which deserves consideration in the context of this research paper is Europeanisation. Europeanisation as a process describes how EU members and accession states "adapt and change their domestic institutions in response to EU rules and regulations" (Börzel & Risse, 2012, p. 6). Scholars have shown how a misfit between European-level and domestic processes, policies and institutions is necessary for any change to occur, as this misfit becomes the source of adaptational pressures (Risse & Börzel, 2003). However, adaptational pressure alone is not enough to conduct policy change. Risse and Börzel (2003) identify two pathways for domestic change – rationalist institutionalism and constructivist institutionalism. Of those, the latter is most compelling in the context of human trafficking norm diffusion, as it emphasises a logic of appropriateness based on state socialisation, the activity of norm entrepreneurs as "change agents", and the presence of a cooperative political culture (Risse & Börzel, 2003). Additionally, domestic incentives – such as internal pressure from political actors or civil society – are essential for policy convergence (Börzel & Risse, 2012).

This section has outlined the principal mechanism through which constructivist theories of international relations argue that international law can promote policy change on a national level. Instrumental for this research project is the "norm cycle model" framework, which will guide my analysis and help trace the progression from the international arena to the implementation of Romanian legislation. I argue that starting with the Palermo Protocols, which was the first legal framework recognising the importance of victim protection measures, international and European organisations have placed an increasing emphasis on the human rights aspects of trafficking (Gallagher, 2010), creating a prescriptive norm in this sense. This norm first emerged in the international forum through the work of the organisations in the United Nations institutional network and was then picked up by regional actors such as the Council of Europe and the European Union (Gallagher, 2010). Finally, the norm was dispersed and internalised at the domestic level due to three diffusion mechanisms: coercion, learning and emulation. I will analyse which diffusion mechanisms were salient at each stage of the process and how the international definitions and prescriptions for the protection of human trafficking victims were incorporated in European and Romanian legislation. Since this project will focus on the case of Romania, a country which has been a member of the

European Union since 2007, I argue that the process of Europeanisation was a powerful mechanism of norm diffusion and, ultimately, the most important driver of policy change. I expect that Romanian legislation was responsive to international legal frameworks such as the Palermo Protocols, but ultimately, it was European-level instruments which promoted the most substantive change in the Romanian regime for human trafficking.

4. Research design

The analysis of this paper will be structured as a case study on the process of norm-adaption in Romania. During the period under examination – starting from the 1990s and until the present – Romania underwent an intense process of democratisation and Europeanisation, leading to the adoption of a wide range of legislative norms to conform to international and European standards (Sarkis, 2018; Armeanu, 2020). Despite its ratification and integration of international legal instruments for combating human trafficking, the crime still poses significant problems domestically (Leman & Janssens, 2015). Within transnational trafficking networks, Romania is considered not only a source country but also a transit and destination country (Sarkis, 2018). Furthermore, the application of victim protection remains limited (GRETA, 2021), with a possible concern being the persisting stigmatisation and emphasis on prosecution rather than the protection of human rights (Armeanu, 2020). Thus, Romania constitutes an interesting and relevant case for studying international norm diffusion, allowing for a thorough investigation into norms' efficacy to produce real changes in a domestic context.

The method of analysis will be organised as a process-tracing study. This will allow for a step-by-step evaluation of how international norms and legal frameworks were translated into Romanian legal instruments, aiming to assess whether persisting challenges can be related to shortcomings of these international elements or if the problem rests with domestic impediments. I will focus on identifying the step-by-step changes in international, European and Romanian legislation related to all dimensions of human trafficking crimes – prevention, prosecution and victim protection – but the latter will form the main scope of the investigation. As such, I will examine publicly available international documents, including the Palermo Protocols and the UN Office of the High Commissioner for Human Rights 'Principles and Guidelines on Human Rights and Human Trafficking' (2002). Several European instruments will also form the object of this analysis, including the EU Anti-Trafficking Directive (2011/36/EU), EU Victims' Rights Directive (2012/29/EU) and the Council of Europe Convention on Action against Trafficking in Human Beings (2005). A critical mention regarding data collection concerns international legal frameworks

which precede the Palermo Protocol. Although several earlier agreements have been signed at international and European levels, I have excluded them from the analysis because the Palermo Protocol marks the beginning of a sustained and integrated effort to tackle human trafficking through international law (Gallagher, 2010, p. 70). Finally, the last leg of the process tracing analysis will focus on the adoption of domestic legislation in Romania, such as the Romanian Anti-Trafficking Law (Law 678/2001) and its modifications, Romanian Criminal Code (Law no. 286/2009), and the Romanian Criminal Procedure Code (Law no. 135/2010). The insights of secondary sources will supplement these primary materials.

The following section will present the findings of the process tracing analysis. I evaluate the main developments regarding the progress of victim protection regimes on an international, European, and domestic level. I will address the step-by-step changes between the early 2000s and the present and discuss how norm diffusion promoted adopting and revising human trafficking provisions in the Romanian legal system.

5. Process tracing analysis

The process tracing analysis reveals three stages of norm diffusion from the original international legislation in the early 2000s to the development of a comprehensive Romanian framework for the protection of victims of trafficking in human beings. This section will elaborate on each stage of the process, a summary of which can be found in Table 1.

5.1. Step 1: Norm emergence (2000-2002)

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children emerged from the growing concern within the international community related to the threats of transnational organised crime. These efforts were materialised in the late 1990s and early 2000s through what is now known as the Vienna Process, a series of conferences and initiatives seeking to strengthen international cooperation and competence building for combating transnational organised crime (Gallagher, 2009). The Protocol, conceived as a supplementary act to the United Nations Convention against Transnational Organised Crime, was part of "the first serious attempt by the international community to invoke international law as a weapon against transnational organised crime" (Gallagher, 2010, p. 70). Thus, it must be noted that the main catalyst behind the cooperation efforts of the 1990s were states' concerns for the sovereignty and security aspects of trafficking and migrant smuggling crimes, rather than their regard for human rights protection (Gallagher, 2009).

Nonetheless, human rights considerations were addressed during the Vienna Process. It was the widespread participation of international advocacy groups and the "sustained involvement" of a coalition of intergovernmental agencies and organisations – referred to as the Inter-Agency Group – such as the UNHCHR, the UNHCR, the International Organisation for Migration and the United Nations Children's Fund which can be credited with imprinting some human rights considerations on the final form of the Transnational Organised Crime Convention, and even more so on the Trafficking Protocol. In particular, this involvement was successful in persuading states to make four important human rights concessions, by including: "(1) a coercion-based definition of trafficking that recognises a number of end purposes in addition to sexual exploitation; (2) specific references to international law including human rights law, refugee law, and humanitarian law (both Protocols); (3) an anti-discrimination clause (both Protocols); and (4) the protection of rights as a principal objective (both Protocols)" (Gallagher, 2010, p. 72).

The trafficking definition included in the Protocol has already been addressed in section two of this paper, however, one aspect is relevant for the purpose of this analysis. Out of the three elements of the definition – the action (recruitment, transportation, transfer, harbouring or receipt of persons), the means (threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse, of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person), and the purpose (exploitation) (United Nations, 2000, Art. 3 (a)) – the means hold the most weight for the evaluation of human trafficking charges. This becomes evident when considering the issue of the victim's consent. The definition of trafficking provides that consent becomes "irrelevant" in any situation where the means have been established (United Nations, 2000, Art. 3 (b)).

The Palermo Protocol was the first time an international cooperation mechanism in the area of combating trafficking in persons included provisions, albeit limited, for the protection of victims' rights (Jansson, 2015). However, these provisions have been criticised for establishing few explicit obligations for states (Scarpa, 2008, pp. 63-65). Article 6 of the Protocol binds states to protect victims by safeguarding their privacy and identity, providing information on legal proceedings, assisting them to participate during criminal proceeding, ensuring their physical safety and enabling them to seek compensation under domestic law (United Nations, 2000, Art. 6).

Two main criticisms arise from the Protocol's treatment of victim support measures. The first, regarding compensation, is related to the fact that the Palermo Protocol relies on the provisions of the Transnational Crime Convention to address the manner in which compensation should be paid to the victim. As a result, the Protocol does not bind states to "use the proceeds from seizure and confiscation to fund assistance and compensation for victims of trafficking" (Gallagher, 2010, p. 83). The second critique regards the fact that the protective measures are left at the discretion of the state. Under that test of the Protocol, states can be found in full compliance with international legislation even if they decide not to provide any form of support for victims. More importantly, states are also within their right to condition the assistance they provide to victims on their cooperation with prosecution efforts. These aspects have been heavily contested by several human rights agencies and intergovernmental agencies, as they drastically restrict the scope of the Protocol to protect victims and its ability to enforce these obligations upon states (Gallagher, 2010, p. 83).

Despite these shortcomings, the Palermo Protocol can still be credited with significant advancements in the international regime for protecting the victims of human trafficking. By including the protection and support of victims into the purpose of the Protocol (United Nations, 2000, Art. 2), and by outlining several standards states must consider in developing their national strategies, the Protocol laid the ground for the birth of an international norm framing human trafficking as a human rights issue. It was the subsequent principles and guidelines issued by a series of UN agencies which consolidated this effort (Fitzpatrick, 2003, p. 1154). The first and most influential of these guidelines are the OHCHR Recommended Principles and Guidelines for Human Rights and Human Trafficking, submitted to the UN Economic and Social Council in 2002 (OHCHR, 2002). The first Principle of the guidelines establishes the "primacy" of human rights and their centrality for combating human trafficking and assisting victims (OHCHR, 2002, p. 1). The OHCHR Guidelines served as a basis for subsequent documents issued by organisations such as the UNHCR, the IOM, and the UNODC, and represent the most comprehensive set of standards for victim protection in the international normative system (Fitzpatrick, 2003; Gallagher, 2010, p.126). Thus, the period between 2000 and 2002 can be established as the moment of norm emergence.

5.2. Step 2: Norm cascade – European legal frameworks

Within the theoretical framework of Simmons et al. (2008), two mechanisms can explain the adoption of European level legislation in the years following the Palermo Protocol: learning and emulation. The EU and the UN can be considered equals in the international arena, through their shared status as international organisations. Therefore, coercion could not have been applied to

promote policy convergence at a European level, as there is no established enforcement mechanism which can bind international organisations to adopt international legislation.

On the one hand, learning requires that the adoption of legislation at a UN-level promoted a new approach in the international system to the issue of human trafficking. European institutions responded to this change because the UN was successful in setting up a set of rules to guide international conduct and intensified information flows through their promotion efforts. The Protocol's binding character, its emphasis on enhancing cooperation and information-sharing among states, together with the previously addressed human rights protection elements established a new frame for combating trafficking which persuaded European institutions of its appropriateness and encouraged law-making efforts on a regional level. The salience of the learning mechanism can be evaluated through the evidence of progressive adoption and revision at a European level of the human trafficking framework. On the other hand, emulation maintains that the UN is seen as an expert-led organisation, and thus is salient in establishing policy appropriateness in the international system. The salience of this mechanism is established through the activity of the Inter-Agency Group, which had a recognised "strong educative effect" during the drafting Protocol, and thus was influential in building arguments regarding the necessity of a stronger human rights focus within human trafficking measures (Gallagher, 2010, p. 71).

The link between international instruments and the emergence of a European legal framework for human trafficking is evident both in terms of timing and content. The first European framework addressing the issue of human trafficking was the EU Framework Decision on Combating Trafficking in Human Beings, which was adopted by the Council of the European Union in 2002 (Framework Decision on Trafficking, 2002). The Framework was conceived as a complementary mechanism to the Palermo Protocol, seeking to expand its minimum standards (Gallagher, 2010, p. 97). The definition of trafficking is essentially identical to that offered by the Protocol (Framework Decision on Trafficking, 2002, Art.1), and the provisions mirror and even expand its emphasis on criminal justice aspects (Gallagher, 2010, p. 98).

However, in terms of victim protection, the EU Framework Decision falls short of reaching even the standards imposed by the Palermo Protocol in terms of victim protections. The only provisions which set it apart from the Protocol are aimed at preventing victim intimidation during the investigation and prosecution process (Gallagher, 2010, p. 98). The EU sought to address these criticisms through the EU Council Directive 2004/81/EC on the residence permit issued to third-

country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who decide to cooperate with authorities, but even this framework fails to establish appropriate protections for victims of human trafficking (Gallagher, 2010, p. 100). Due to the shortcoming of these initial European instruments, the real tipping point, which prompted the rapid integration of human rights frames into human trafficking legislation can be identified in the 2005 European Convention against Trafficking in Human Beings (Council of Europe, 2005a).

Gallagher (2010) notes the striking leap from the Palermo Protocol to the European convention: "the European Trafficking Convention is defined, at least in part, by what the UN Trafficking Protocol is not" (p. 114). That is because the Convention was specifically designed out of a perceived necessity to supplement the protections and standards established by the Protocol (Council of Europe, 2005a, Art. 39). The Preamble of the Convention clearly establishes trafficking as a violation of human rights a breach of human rights and an affront to human dignity and integrity (Gallagher, 2010, p. 115). The definition of trafficking replicates that of the Palermo Protocol (Council of Europe, 2005a, Art. 4), however, the interpretation and application of this definition is expanded under the Explanatory Report accompanying the Convention (Gallagher, 2010, p. 115). Notably, the definition of vulnerability is clarified, and that of exploitation is broadened (Council of Europe, 2005b). Furthermore, Article 4 of the Convention goes a step further by offering a definition of the victim as well, an important addition for victim protection provisions (Gallagher, 2010, p. 115).

The European Convention against Trafficking represents the tipping point for the international norm regarding victim protections because it is the document which most closely reflects the spirit and standards of the 2002 OHCHR Principles and Guidelines (Gallagher, 2010, p. 126). A human rights approach to trafficking, emphasis on prevention measures which address the root-causes of trafficking and raise awareness, clear victim protection and binding minimum standards in this sense, the principle of non-discrimination, an effective criminal justice response, the importance of international coordination, and the need for monitoring and evaluation mechanisms are all provisions which are common between the Convention and the OHCHR Guidelines (OHCHR, 2002; Council of Europe, 2005a). Critically, the Convention mirrors OHCHR Guidelines on correct victim identification, requiring states to arrange legal instruments and trained personnel, and cooperate with competent agents internally and transnationally to ensure that the identification process is appropriate (OHCHR, 2002, Guideline 2; Council of Europe, 2005a, Art. 10). This is a decisive development for ensuring a framework which distinguishes between trafficking victims and instances of migrant

"smuggling" (OHCHR, 2002). Furthermore, in the spirit of the OHCHR Guidelines, the Convention clarifies appropriate measure of assistance, requires states to provide a minimum level of assistance to all victims of trafficking within their borders, and prohibits any conditionality provisions related to the victims' cooperation with criminal justice proceedings (Council of Europe, 2005a, Art. 12). Finally, a crucial component of the Convention is its establishment of a monitoring mechanism formed of two bodies: the Group of Experts against trafficking in human beings (GRETA) and the Committee of Parties (Council of Europe, 2005a, Art. 36-37). GRETA is an expert-led body, establishing a comprehensive and periodical monitoring procedure which combines State Parties' self-evaluation with country visits to evaluate progress, and provide recommendations to enhance anti-trafficking measures and protect victims' rights. Its creation is highly relevant for the norm diffusion process, first because it stands as proof of the Convention's assimilation of the OHCHR victim-centred approach, and second because it acts as a driver for diffusion from the European to the national level, an aspect which will be treated in detail in the following section of this paper.

The fact that the European Trafficking Convention marks the tipping point which brought about the norm cascade stage of the diffusion of a victim-centred approach to human trafficking is further proved by the subsequent changes in EU legislation (Villacampa Estiarte, 2012). This development is significant, because the European Union has long been recognised as the most powerful norm entrepreneur in the regions, with a strong ability to promote policy change and convergence among member states (Risse & Börzel, 2003). Directive 2011/36/EU of the European Parliament and the Council aims to address the shortcomings of the 2002 EU Framework Decision, recognising human trafficking as a gross violation of human rights (European Union, 2011, Preamble (1)) and establishing an "integrated, holistic, and human rights approach to the fight against trafficking in human beings" (Preamble (7)). The link between the Convention and the EU Directive 2011/36/EU is evident, in terms of structure and content alike (Villacampa Estiarte, 2012, pp. 291, 306). The Preamble of the Directive acknowledges previous international and regional frameworks, notably the Palermo Protocol and the European Convention, and calls for coordination among international instruments (European Union, 2011, Preamble (9)). Although the Directive prioritises prosecution provisions to a greater extent than the Convention, it nevertheless greatly expands the measures for victim assistance, support and protection compared to previous EU legislation (Villacampa Estiarte, 2012, pp. 306-312). Victim protections are further expanded under Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision (European Union, 2012). A critical aspect for the purpose of this research is the status of victims as defined by European

frameworks. While Directive 2011/36/EU does not explicitly define victims of human trafficking, Directive 2012/29/EU offers a definition of victims of crime which also applies to victims of trafficking, and surpasses the requirements of the European Trafficking Convention by separating the status of "victim of crime" from their role within criminal justice processes (Stoyanova, 2017, pp. 87-90).

To sum up, this section has shown not only that the norm surrounding a victim-centred approach to human trafficking established at an international level has permeated European legal frameworks, but that there has been significant expansion of the application and spirit of the norm from one instrument to the next. The following section will trace the progression of norm diffusion in the Romanian legal system.

5.3. Step 3: Romanian norm internalisation

The mechanisms which influence policy change at a national level as a result of international norm diffusion are even more extensive than those identified in the previous section. International organisations are frequently enabled to employ coercion mechanisms to encourage policy change and compliance among their member states (Börzel & Risse, 2012). Additionally, in the context of European states, the process of Europeanisation strengthens the diffusion mechanisms and generates new pressures for policy convergence. Crucially, Europeanisation is not initiated once a state joins the European Union, rather it can be observed during the accession process as well (Börzel & Risse, 2012). Thus, this section will explain the adoption of Romanian human trafficking legislation through several mechanisms and show that Europeanisation played a central role in policy change.

Firstly, learning and emulation remain powerful mechanism for the translation of international frameworks into domestic systems. Much like in the case of European norm diffusion, learning and emulation at the state's level happen because international norms are framed as examples of best practices by international organisations which are perceived as expert-led norm entrepreneurs. Learning can be observed through the process of revision and amendment which the Romanian legal framework underwent in response to evolving international norms.

The first national provisions for combating human trafficking and for ensuring the protection of victims were compiled under Law no. 678/2001 (Parlamentul României, 2001), after Romania's ratification of the Palermo Protocol. The law had the double objective of integrating the requirements of the Protocol into national legislation and of harmonising the Romanian system with the European

acquis communautaire (Sarkis, 2018, p. 189). The Law frames human trafficking as an affront on the rights, dignity, and integrity of persons (Law no. 678/2001, Art. 1), and provides a definition with trafficking that widely mirrors that provided by the Palermo Protocol (Art. 12), including the provision that the victim's consent shall not influence traffickers' criminal responsibility under the law (Art. 16). The Law further establishes the assistance victims are entitled to including "accommodation, social housing arrangements, legal assistance, and repatriation assistance" (Sarkis, 2018, p. 189).

However, two criticisms arise from the definition adopted by Law no. 678/2001. First, that the Law does not provide an explicit definition of trafficking victims, which is essential for an effective process of victim identification and assistance. This issue is addressed in the aftermath of Romania's ratification of the European Trafficking Convention (2005), first through the Common Order no. 335/2007 which defines trafficking victims as "'any individual who is alleged to have suffered physical or mental harm, emotional abuse, economic loss or serious violation of his or her fundamental rights through actions or inaction that violates the criminal legislation in the field of combating and preventing trafficking in human beings" (Ministerul Internelor și Reformei Administrative, 2007, Appendix; translation cited in Sarkis, 2018, p. 191), and later through a 2010 modification of Law no. 678/2001 which provides a definition mirroring that of the Convention (Sarkis, 2018, p. 192). These developments testify to the power of international instruments to promote policy change, as the European Convention promoted a process of legislative revision which ultimately strengthen the Romanian victim protection regime. The second critique relates to the lack of an explicit mention of "abuse of a position of vulnerability" as a means of trafficking, which is significant as "vulnerability" has a broader scope which can influence victim identification (GRETA, 2012, p. 17). This was rectified following Romania's accession to the European Union and its ratification of the EU Directive 2011/36/EU, through the inclusion of an updated definition of trafficking in the Romanian Criminal Code (GRETA, 2012, p. 17).

In the aftermath of the European Trafficking Convention (2005), Romania also established two crucial legal instruments which reflect the spirit of the Convention. The first is the National Agency against Trafficking in Persons (ANITP), established in 2005 to coordinate and implement national policies on trafficking, conduct investigations, provide assistance and protection to victims, and raise public awareness about the issue (Sarkis, 2018, p. 190). The second is the National Identification and Referral Mechanism (NIRM) (Ministerul Internelor și Reformei Administrative, 2007), established in 2007 as a set of standards and indicators "to help identify and notify victims of trafficking"

(Sarkis, 2018, p. 193). The NIRM has been especially praised by international monitoring mechanisms such as GRETA for its contribution to the effectiveness of Romania's victim support and assistance efforts (GRETA, 2012).

Secondly, Romania's accession to the European Union emphasised the salience of Europeanisation-specific mechanisms of diffusion: (1) conditionality, and (2) monitoring and evaluation. The first refers to linking admission to the European Union on Romania's alignment with European norms and standards related to human trafficking. During the period between 1993 – when Romania signed its European Agreement (Ministerul Afacerilor Externe, 2008) – and 2007, Romania underwent a period of intense reform in order to meet the admission criteria established by the EU and to harmonise its legislation with European norms (Pridham, 2006). Effective protection of human rights and the transportation into national legislation of the European *acquis* are two of the obligations which candidate states undertake under the Copenhagen criteria. The EU issued periodical reports of Romania's progress in fulfilling its commitments which stress the need to "address the problems of [...] trafficking in human beings" (European Commission, 2004, p. 13). Conditionality can thus account for the prompt ratification and implementation, following 2001 of anti-human trafficking legislation and victim protection measures. The second, highlights the importance of monitoring and evaluation mechanisms for promoting policy convergence. The EU Directive 2011/36/EU places information-sharing obligations on member states and establishes periodical evaluation procedures to be carried out by the European Commission (European Union, 2011, Art 19, 20, 23). The Directive further acknowledges the importance of monitoring instruments established by the Council of Europe and stresses the importance of inter-institutional cooperation (European Union, 2011, Preamble). GRETA has issued three rounds of evaluations on Romania's progress in implementing the European Trafficking Convention (2005), and has since been a powerful tool for promoting policy change (GRETA, 2012; 2016; 2021). By issuing detailed assessments and recommendations, GRETA facilitates the policy-revision process, and it has thus far proved effective: between each round of evaluation, GRETA highlights Romania's implementation of previous recommendations (GRETA, 2016; GRETA, 2021).

This section has shown a progressive implementation into the Romanian legal system of victim protection measures reflecting international and European norms. The legal frameworks addressed in the analysis do not compile an exhaustive list of normative developments in Romania, as the emphasis was placed on highlighting the diffusion mechanisms. A complete list and an overview of the process tracing analysis are included in Table 1.

Table 1. International norm diffusion for victim protection into the Romanian legal system

Stages of the Norm Cycle Model		
Norm emergence	Norm cascade	General acceptance
International legal instruments	European legal instruments	Romanian legal instruments
Causal mechanisms		
International legal frameworks and guidelines for combating human trafficking have included increasingly strong mechanisms and recommendations for a victim-centred and human rights-centred approach to human trafficking. This trend in international legislation led to the creation of an international norm for the importance and appropriateness of victim protection in human trafficking contexts.	<i>Learning and Emulation:</i> European-level international law and guidelines for combating human trafficking responded to this international norm by integrating victim protection requirements in regional legal frameworks. These processes are the result of established diffusion mechanisms of learning and emulation.	<i>Conditionality:</i> prior to EU accession; <i>Learning and Emulation:</i> Romania adhered to the international norm related to the protection of human trafficking victims by: ratifying international legislation, transposing their provisions into national legislation and revising initial normative frameworks as a result of international monitoring. These processes are the result of established diffusion mechanisms of learning and emulation.
Indicators and Sources		
2000 UN Palermo Protocols: establishes a standardised definition of trafficking, guidelines for preventing and prosecuting trafficking, and states' obligation to criminalise the offense;	2002 EU Council Framework Decision on Combating Trafficking in Human Beings: first European instrument translating and supplementing the Palermo Protocol into regional legislation;	2001 Law no. 678/2001: criminalises human trafficking, provides a legal definition of the crime and established the legal framework for prosecuting traffickers and protecting victims – does not include a definition of human trafficking victims;
2002 OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking: first comprehensive set of principles addressing the human rights dimensions of trafficking.	2004 EU Directive 2004/81/EC: establishes conditions for issuing residence permits to victims who cooperate with law enforcement authorities in the investigation and prosecution of traffickers;	2004 Law no. 211/2004: integrates into national legislation the provisions of the European Convention on the Compensation of Victims of Violent Crimes (1983) ahead of EU accession;
	2005 Council of Europe Convention on Action against Trafficking in Human Beings: guarantees gender equality among victims and establishes an effective framework for the protection of victims' rights; established an international monitoring mechanism (GRETA) which periodically assesses the compliance of member states with European standards for combating human trafficking;	2005 Romania established the National Agency against trafficking in Persons (ANITP);
	2011 EU Directive (2011/36/EU): establishes minimum standards for preventing and combating human trafficking, protecting victims, and prosecuting traffickers;	2007 Common Order no. 335/2007: establishes a definition of the trafficking victim, not included in Law no. 678/2001; established the National Identification and Referral Mechanism (NIRM);
	2012 EU Directive (2012/29/EU): sets out minimum standards for the rights, support, and protection of victims of crime, including victims of human trafficking.	2010 Law no. 678/2001: complemented with Article 2 (3) defining victims of human trafficking in accordance with the 2005 Council of Europe convention; establishes new victim protection measures;
		2011 Law no. 237/2011: complemented Law no. 678/2001 to integrate the provision of EU Directive 2011/36/EU;
		2015 Law No. 130/2015: amended and supplemented Law No. 678/2001 to enhance the protection of victims (witness protection and assistance during legal proceedings);
		2020 Law No. 203/2020: amended and supplemented Law No. 678/2001 to further enhance the protection of victims (compensation and assistance for victims during criminal proceedings).

1. Conclusion

This paper set out to investigate the extent to which international norms and legislation promoted policy change for the protection of human trafficking victims in Romania. The results of the three-step process tracing analysis, show that norm diffusion did occur at every stage – from the international to the European level, and from the European to the national level. Throughout the period under analysis, initiating with the adoption of the Palermo Protocol until the present, legal frameworks addressing the issue of human trafficking have progressively expanded their human rights considerations and have increasingly employed a victim-centred approach. The analysis showed that the most influential development in this sense was the adoption of the European Convention on Action Against Trafficking in Human Beings (2005), which established an extensive human rights protection regime for combating human trafficking and determined the revision of both EU and Romanian legal frameworks. The analysis further showed that policy change and revision at a national level did happen due to norm diffusion, with Romanian frameworks reflecting the requirements of international legislation, and that Europeanisation provides the most influential driver of reform. The important contribution of this paper rests with its identification of three distinct stages of norm diffusion in the international system which correspond to and confirm the "norm life cycle" model (Finnemore & Sikkink, 1998) and the related salient diffusion mechanisms – learning, emulation, conditionality, and monitoring – an approach which has not been previously used for the study of human trafficking regimes.

While this research provides valuable insights into the topic of international norm diffusion and human trafficking victim protection regimes, it also comes with certain limitations. First, while allowing for an in-depth study of the materials, the single case-study research design does constrict the ability to generalise the findings. Consequently, establishing the patterns of norm diffusion in the case of Romania does not infer that an identical level of permeability will be observed among all EU member states or acceding states. Second, the limited timeframe and scope available for this research project urged me to focus the data selection strategy exclusively on legally binding international and domestic documents. As such, a wide range of documents such as guidelines, action plans, international, European, and Romanian strategies were left out of the analysis. While these documents do not carry the same weight in the human trafficking legal framework, they are relevant for a comprehensive examination of how norms evolved during the implementation process and for establishing solid causal mechanisms of diffusion. Thus, this paper does not claim to provide an exhaustive analysis of the norm diffusion process, but rather bridge the gap by applying the insights of the constructivist logic of norm diffusion to the study of victim protection regimes under

international law. Finally, the exclusive focus on legal frameworks limits the ability of this research to offer insights into the implementation and enforcement of victim protection regimes. Romanian legislation complies with international standards, yet human trafficking remains a pervasive issue in the country.

Consequently, the primary target audience of this paper consists of scholars, researchers and policymakers in the fields of international relations, human trafficking, and human rights interested in the role and effectiveness of international legal frameworks addressing human trafficking and promoting policy convergence. The insights of this research can also inform international policy development and implementation through its identification of the effective norm diffusion mechanisms which international actors can rely on.

Finally, further research should aim to tackle the limitations of this project by complementing the analysis with a more comprehensive selection of documents which includes European and national strategies and action plans. These documents are relevant because they inform on relevance of norms at the implementation level. Moreover, the generalisability of these findings can be increased through further research applying a similar methodology to other EU members and neighbouring states alike to assess whether significant differences occur and identify possible explanations.

Bibliography

- Armeanu, A. (2020). Legal protection and social reintegration of human trafficking victims. *Agora International Journal of Juridical Sciences*, 13(2), 1-7.
- Barnett, M., & Finnemore, M. (2012). *Rules for the world: international organization in global politics*. Ithaca: Cornell University Press.
- Britton, H. E., & Dean, L. A. (2014). Policy responses to human trafficking in Southern Africa: Domesticating international norms. *Human Rights Review*, 15(3), 305–328.
- Börzel, T. A., & Risse, T. (2012). From Europeanization to diffusion: Introduction. *West European Politics*, 35(1), 1-19.
- Checkel, J. T. (1997). International norms and domestic politics: Bridging the rationalist-constructivist divide. *European Journal of International Relations*, 3(4), 473-495.
- Corthay, E. (2019). The identification of victims of human trafficking: Definition, challenges and states' obligations. *Jurnal Hukum Internasional*, 16(2).
- Council of Europe. (2005a, May 16). *Council of Europe Convention on Action Against Trafficking in Human Beings*, 16 May 2005, CETS 197. Retrieved May 2023, from Council of Europe: <https://rm.coe.int/168008371d>
- Council of Europe. (2005b, May 16). *Explanatory Report to the Council of Europe Convention on action against trafficking in human beings*. Retrieved May 2023, from Council of Europe: <https://rm.coe.int/16800d3812>
- European Commission. (2004, October 6). *Communication from the Commission to the Council and to the European Parliament: Strategy Paper of the European Commission on progress in the enlargement process {SEC(2004) 1199, 1200}*. Retrieved May 2023, from EUR-Lex: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52004DC0657>
- European Union. (2002, August 1). *Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA)*, OJ L 203/1. Retrieved May 2023, from EUR-Lex: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32002F0629>
- European Union. (2004, April 29). *Council Directive 2004/81/EC of 29 April 2004 on the Residence Permit Issued to Third-Country Nationals Who are Victims of Trafficking in Human Beings or Who Have Been the Subject of an Action to Facilitate Illegal Immigration, Who Cooperate With the Competent Authorities*. Retrieved May 2023, from EUR-Lex: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:261:0019:0023:EN:PDF>
- European Union. (2011, April 15). *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*. Retrieved

- May 2023, from EUR-Lex: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>
- European Union. (2012, October 25). *Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime*. Retrieved May 2023, from EUR-Lex: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>
- Finnemore, M., & Sikkink, K. (1998). International norm dynamics and political change. *International Organization*, 52(4), 887–917.
- Fitzpatrick, J. (2003). Trafficking and human rights violation: the complex intersection of legal frameworks for conceptualizing and combating trafficking. *Michigan Journal of International Law*, 24(4), 1143-1168.
- GRETA. (2012, May 31). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania*. Retrieved May 2023, from Council of Europe: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680683a1d>
- GRETA. (2016, September 30). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania: Second evaluation round*. Retrieved from Council of Europe: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a99b1>
- GRETA. (2021, June 3). *Evaluation report Romania: Third evaluation round. Access to justice and effective remedies for victims of trafficking in human beings*. Retrieved May 2023, from Council of Europe: <https://rm.coe.int/evaluation-report-on-the-implementation-of-the-council-of-europe-conve/1680a2b0f8>
- Gallagher, A. T. (2009). Human rights and human trafficking: quagmire or firm ground? A response to James Hathaway. *Virginia Journal of International Law*, 49(4), 789.
- Gallagher, A. T. (2010). *The international law of human trafficking*. Cambridge: Cambridge University Press.
- Hernandez, D., & Rudolph, A. (2015). Modern day slavery: What drives human trafficking in Europe? *European Journal Of Political Economy*, 38, 118–139.
- Jansson, D. B. (2015). *Modern slavery: A comparative study of the definition of trafficking in persons*. Leiden: Brill Nijhoff.

- Korsby, T. M. (2023). Complex Intimacies Sex Work, Human Trafficking and Romance between Italy and the Black Sea Coast of Romania. In M. D. Frederiksen, & T. Khalvashi, *In A Sea of Transience* (pp. 66–79). New York, Oxford: Berghahn Books.
- Leman, J., & Janssens, S. (2015). *Human trafficking and migrant smuggling in Southeast Europe and Russia : Learning criminal entrepreneurship and traditional culture*. Houndmills, Basingstoke, Hampshire, New York, NY: Palgrave Macmillan.
- Ministerul Afacerilor Externe. (2008). *Cronologia relațiilor României cu UE*. Retrieved May 2023, from Ministerul Afacerilor Externe: <https://www.mae.ro/node/1542>
- Ministerul Internelor și Reformei Administrative. (2007, October 29). *Ordin nr. 335 din 29 octombrie 2007 pentru aprobarea Mecanismului național de identificare și referire a victimelor traficului de persoane*. Retrieved May 2023, from Monitorul Oficial nr. 849 din 17 decembrie 2008: <https://legislatie.just.ro/Public/DetaliiDocument/100429>
- Parlamentul României. (2001, November 21). *Legea Nr. 678 din 21 noiembrie 2001 privind prevenirea și combaterea traficului de persoane*. Retrieved May 2023, from Monitorul Oficial al României, Partea I, Nr. 920, din 10 decembrie 2001: <https://legislatie.just.ro/Public/DetaliiDocument/32589?isFormaDeBaza=True&rep=True>
- Petrunov, G. (2014). Human trafficking in Eastern Europe: The case of Bulgaria. *The Annals of the American Academy of Political and Social Science*, 653(1), 162–182.
- Pridham, G. (2006). Between rhetoric and action: Reflections on Romania's European Union accession and political conditionality. The Views from Brussels and Bucharest. *Romanian Journal of European Affairs*, 6(3), 5–24.
- Risse, T., & Börzel, T. A. (2003). Conceptualising the domestic impact of Europe. In K. Federstone, & C. M. Radaelli, *The politics of Europeanisation* (pp. 57-80). Oxford: Oxford University Press.
- Sarkis, I. (2018). The Romanian legal system for the protection of human trafficking victims. *Analele Universității Titu Maiorescu, XVII(XVII)*, 184–199.
- Scarpa, S. (2008). *Trafficking in human beings modern slavery*. Oxford: Oxford University Press.
- Siller, N. J. (2017). Human trafficking in international law before the Palermo Protocol. *Netherlands international law review*, 64(3), 407-452.
- Simmons, B. A., Dobbin, F., & Garrett, G. (2008). Introduction: the diffusion of liberalization. In B. A. Simmons, *The global diffusion of markets and democracy* (pp. 1-63). Cambridge: Cambridge University Press.
- Stoyanova, V. (2017). *Human trafficking and slavery reconsidered: conceptual limits and states' positive obligations in European law*. Cambridge: Cambridge University Press.

- Surtees, R. (2008). Traffickers and trafficking in Southern and Eastern Europe. *European Journal of Criminology*, 5(1), 39–68.
- United Nations. (2000, Novembre 15). *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, Supplementing the United Nations Convention against Transnational Organized Crime*. Retrieved May 2023, from United Nations: <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>
- UN Office of the High Commissioner for Human Rights (OHCHR). (2002, May 20). *Recommended principles and guidelines on human rights and human trafficking, 20 May 2002, E/2002/68/Add.1*. Retrieved May 2023, from Office of the High Commissioner for Human Rights: <https://www.ohchr.org/sites/default/files/Documents/Publications/Traffickingen.pdf>
- Villacampa Estiarte, C. (2012). The European Directive on preventing and combating trafficking in human beings and the victim-centric treatment of this criminal phenomenon. *European Criminal Law Review*, 2(3), 291-317.
- White, L. A. (2020). Do international organizations influence domestic policy outcomes in OECD countries? In R. Niewenhuis, & W. Lancker, *The palgrave handbook of family policy*. Cham: Springer Nature Switzerland AG.
- Wijers, M. (2005). *Analysis of the definition of trafficking in human beings in the Palermo Protocol. Report upon request of UNDP Belarus*. Retrieved from : <http://lastradainternational.org/lisidocs/354%20Analysis%20def%20Palermo%20protocol.pdf>.
- Wylie, G., & MacRedmond, P. (2010). *Human trafficking in Europe : character, causes and consequences*. Basingstoke: Palgrave Macmillan.

Appendix 1

Table 1.

International norm diffusion for victim protection into the Romanian legal system

Stages of the Norm Cycle Model		
Norm emergence	Norm cascade	General acceptance
International legal instruments	European legal instruments	Romanian legal instruments
Causal mechanisms		
International legal frameworks and guidelines for combating human trafficking have included increasingly strong mechanisms and recommendations for a victim-centred and human rights-centred approach to human trafficking. This trend in international legislation led to the creation of an international norm for the importance and appropriateness of victim protection in human trafficking contexts.	<i>Learning and Emulation:</i> European-level international law and guidelines for combating human trafficking responded to this international norm by integrating victim protection requirements in regional legal frameworks. These processes are the result of established diffusion mechanisms of learning and emulation.	<i>Conditionality – prior to EU accession;</i> <i>Learning and Emulation:</i> Romania adhered to the international norm related to the protection of human trafficking victims by: ratifying international legislation, transposing their provisions into national legislation and revising initial normative frameworks as a result of international monitoring. These processes are the result of established diffusion mechanisms of learning and emulation.
Indicators and Sources		
2000	2002	2001
UN Palermo Protocols: establishes a standardised definition of trafficking,	EU Council Framework Decision on Combating Trafficking in Human Beings:	Law no. 678/2001: criminalises human trafficking, provides a legal

<p>guidelines for preventing and prosecuting trafficking, and states' obligation to criminalise the offense</p> <p>2002</p> <p>UNHCR Guidelines on International Protection: application of international refugee law to victims of trafficking who may also be in need of international protection as refugees or asylum seekers</p> <p>OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking: first comprehensive set of principles addressing the human rights dimensions of trafficking</p>	<p>first European instrument translating and supplementing the Palermo Protocol into regional legislation.</p> <p>2004</p> <p>EU Directive 2004/81/EC: establishes conditions for issuing residence permits to victims who cooperate with law enforcement authorities in the investigation and prosecution of traffickers.</p> <p>2005</p> <p>Council of Europe Convention on Action against Trafficking in Human Beings: guarantees gender equality among victims and establishes an effective framework for the protection of victims' rights; established an international monitoring mechanism (GRETA) which periodically assesses the compliance of member states with European standards for combating human trafficking</p> <p>2011</p> <p>EU Directive (2011/36/EU): establishes minimum</p>	<p>definition of the crime and established the legal framework for prosecuting traffickers and protecting victims – does not include a definition of human trafficking <i>victims</i></p> <p>2004</p> <p>Law no. 211/2004: integrates into national legislation the provisions of the European Convention on the Compensation of Victims of Violent Crimes (1983) ahead of EU accession</p> <p>2005</p> <p>Romania established the National Agency against trafficking in Persons (ANITP)</p> <p>2007</p> <p>Common Order no. 335/2007 establishes a definition of the trafficking victim, not included in Law no. 678/2001; criticised for imprecise language; established the National Identification and Referral</p>
--	---	---

standards for preventing and combating human trafficking, protecting victims, and prosecuting traffickers

2012

EU Directive (2012/29/EU): sets out minimum standards for the rights, support, and protection of victims of crime, including victims of human trafficking

Mechanism (NIRM) as a set of standardised principles for the identification and notification of human trafficking victims

2010

The Romanian Anti-Trafficking law (Law no. 678/2001) is complemented with Article 2 (3) defining victims of human trafficking in accordance with the 2005 Council of Europe convention; it also establishes new victim protection measures

2011

Law no. 237/2011 – complemented Law no. 678/2001 to integrate the provision of EU Directive 2011/36/EU

2015

Law No. 130/2015 amended and supplemented Law No. 678/2001 to enhance the protection of victims, including provisions for witness

protection and assistance
during legal proceedings

2020

Law No. 203/2020
amended and supplemented
Law No. 678/2001 to
further enhance the
protection of victims;
provisions on compensation
and assistance for victims
during criminal
proceedings